

# **2014**

# **ZONING ORDINANCE**

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## ARTICLE OF ADOPTION

ORDINANCE NO. SC-O-1-06

**REPLACES ORDINANCE NO. SC-0-1-91 AND AMENDMENTS THERETO  
ZONING ORDINANCE OF THE CITY OF  
SIOUX CENTER, IOWA**

AN ORDINANCE to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards and courts and other open spaces; to establish minimum lot areas; to regulate the density of population and the percentage of lot that may be occupied; to require off-street parking; to regulate the location, size, and number of signs; to divide the City into districts for such purposes; to provide for the administration and enforcement of its provisions; to confirm the Board of Adjustment; to prescribe penalties for the violation of its provisions, all in accordance with Chapter 414, Code of Iowa; and to be known, and cited as "The Zoning Ordinance of the City of Sioux Center, Iowa".

WHEREAS, the City Council of the City of Sioux Center, Iowa deems it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, and panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of buildings, and encourage the most appropriate use of land throughout the City, all in accordance with a Comprehensive Plan,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIOUX CENTER, IOWA:



# ARTICLE I

## Basic Provisions

### Article 1: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Jurisdiction
- Section 1.3. Repeal and Saving Clause
- Section 1.4. Validity and Severability Clause
- Section 1.5. Conflict with Other Laws

#### **Section 1.1. SHORT TITLE.**

This Ordinance shall be known and may be cited and referenced to as: “The City of Sioux Center Zoning Ordinance,” to the same effect as if the full title were stated.

#### **Section 1.2. JURISDICTION.**

In accordance with the provisions of Chapter 414 of the Code of Iowa and amendatory acts thereto, this Ordinance is adopted by the City of Sioux Center, Iowa governing the zoning of all lands within the corporate limits of the City.

#### **Section 1.3. REPEAL AND SAVINGS CLAUSE.**

Effective on the effective date of this ordinance the City of Sioux Center Zoning Ordinance No. SC-0-1-91 and amendments thereto is repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof, and such ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

#### **Section 1.4. VALIDITY AND SEVERABILITY CLAUSE.**

If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not affect any other provisions of this ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

#### **Section 1.5. CONFLICT WITH OTHER LAWS.**

- 1) Where any condition imposed by any provision of this ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this ordinance or by the provision of an ordinance adopted under any other law, or by provision of any Statute, the provision which is more restrictive or which imposes a higher standard or requirement shall apply.
- 2) This ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this ordinance shall govern.



## ARTICLE II

### Zoning Districts Established

#### Article 2: Zoning Districts Established

- Section 2.1. Zoning Districts Map
- Section 2.2. Interpretations of Districts Boundaries
- Section 2.3. Road or Public Right-of-Way Vacation
- Section 2.4. Annexed Territory
- Section 2.5. Application of Regulations

#### **Section 2.1. ZONING DISTRICTS MAP.**

The City Council shall cause to be prepared and approved, an official Zoning Districts Map showing the various districts, which may be changed or corrected from time to time as recommended by the Planning Commission and enacted by the City Council. The map shall be kept up to date by the Zoning Administrator and will be placed in a convenient place in the municipal office of the City of Sioux Center for reference at any time.

- 1) *Districts:* The City Council shall divide the Official Zoning Map of the City into districts or zones, as follows:

- AG – Agricultural Districts
- RS – Suburban Residential
- R-1 – Single Family Residential District
- R-2 – Medium Density Residential District
- R-3 – Multiple Family Residential District
- MH – Mobile Home District
- PO – Professional Office District
- GC – General Commercial District
- HC – Highway Commercial District
- GI – General Industrial District
- IP – Industrial Park District
- BR – Bioscience/Research District
- PUD – Planned Unit Development District

- 2) *Boundaries:* The boundaries of these districts are indicated and established as shown upon maps designated as the Official Zoning Map of Sioux Center, Iowa, which, with all their notations, designations, references, and other matters shown thereon, shall be as much a part of this zoning Ordinance as if fully described and set forth herein.

Amendments, supplements, or changes of the boundaries of districts as shown on the Official Zoning Map shall be made by an Ordinance amending this Zoning Ordinance. The amending Ordinance shall refer to the Official Zoning Map and shall set out the identification of the area affected by legal description, and identify the zoning district as the same exists and the new district designation applicable to said property. Said Ordinance shall, after adoption and publication, be recorded by the City Clerk as other Ordinances and a certified copy thereof be attached to the Official Zoning Map. Such amendatory Ordinance shall, however, not repeal or reenact said map, but only amend it. The Official Zoning Map, together with amending Ordinances, shall be the final authority as to the current zoning status of land areas, buildings, and other structures in the city.

- 3) *Official Map*: The Official Zoning Map shall be on file in a convenient place in the municipal office of the City of Sioux Center and all references hereafter to said official map shall mean the map just referred to, said map by this reference being made a part of this Zoning Title. The Official Zoning Map shall be identified by the Mayor and attested by the City Clerk.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of use or the nature of number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors of omission in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Ordinance or any subsequent amendments thereof.

### **Section 2.2. INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists as to a district's boundaries as shown on the Official Zoning Map, the following rules shall apply.

- 1) Boundaries indicated as approximately following the center lines of streets, highways, alleys or other public right-of-ways shall be construed to follow such center lines;
- 2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 3) Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
- 4) Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- 5) Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed as following such center lines;
- 6) Boundaries indicated as parallel to or extensions of features indicated in subsections 1-5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 7) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsection 1-6 above, the Board of Adjustment shall interpret the district boundaries.

### **Section 2.3. ROAD OR PUBLIC RIGHT-OF-WAY VACATION.**

Whenever any road, street, or other public right-of-way is vacated by the official action of the City Council, the Zoning District(s) adjoining each side of such road or public right-of-way shall automatically extend to the center of such vacation and all area included in such vacation shall then and thenceforth be subject to all appropriate regulations of the extended district.

### **Section 2.4. ANNEXED TERRITORY.**

Upon the annexation of any land into the City of Sioux Center, the City Council, upon recommendation of the Sioux Center Planning and Zoning Commission, shall determine which zoning district shall be applicable to the annexed land.

**Section 2.5. APPLICATION OF REGULATIONS:**

No structures or building or part thereof shall be erected, constructed, reconstructed; remodeled, converted, altered, enlarged, extended, raised, moved or used, and no land shall be used except in conformity with the regulations herein prescribed for the district in which such building or land may be situated and until a zoning compliance permit has been issued by the Zoning Administrator as provided herein.

- 1) The principal building on a lot shall front on a street or a public place.
- 2) No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum required by this ordinance. No yard, off-street parking or loading space, or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard, off-street parking or loading space, or open space for any other building, structure, or use; nor shall the lot area per family be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located.
- 3) The depths of front yards or rear yards and width of side yards shall be measured from the lot line to the nearest point of the adjacent building wall of the building under consideration.
- 4) No lot shall hereafter be so reduced in area that any required yard, court or other open space will be smaller than is prescribed in this Article for the district in which it is located.
- 5) No accessory building in the rear of any principal building on the same interior or corner lot shall be used for residential purposes.
- 6) Any portion of a building that is covered by a roof shall be considered as a part of the building.
- 7) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building on one (1) lot unless otherwise provided in this ordinance.
- 8) No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of this ordinance.

These regulations shall be required in addition to any applicable State and City health and building regulations.



## ARTICLE III

### Definitions/Use Classifications

#### Article 3: Definitions/Use Classifications

Section 3.1. Definitions

Section 3.2. Use Classifications

#### **Section 3.1. DEFINITIONS:**

For the purpose of interpreting this ordinance, certain words, terms and expressions are herein defined. Words used in the present tense include the future; the singular number includes the plural and the plural includes the singular; the word “may” is discretionary and the word “shall” is always mandatory; the word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the words “used” or “occupied” include the words intended, designed or arranged to be used or occupied.

1. **ACCESSORY USE (OR STRUCTURE):** A building or use which:
  - 1) is subordinate to and serves a principal building or use;
  - 2) is subordinate in area, extent, or purpose to the principal building or use served;
  - 3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and
  - 4) is located on the same zoning lot as the principal building or use.
2. **ADDITION:** Any construction which increases the site coverage, height, length, width, or gross floor area of a structure.
3. **ALLEY:** A public or private thoroughfare not more than twenty feet (20') in width, for the use of vehicles, which affords only a secondary means of access to abutting properties.
4. **ALTERATION:** Any change in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders. The enlargement of the size or height of a building shall be construed to be a structural alteration.
5. **APARTMENT:** A single room or set of rooms occupied as a dwelling which is part of a multi-family structure.
6. **ATTACHED:** Having one or more walls common with a principal building, or joined to a principal building by a covered porch or passageway, the roof of which is a part or extension of a principal building.
7. **BASEMENT:** A story partly underground but having at least one-half (1/2) of its height above the curb level, and also one half (1/2) of its height above the highest level of the adjoining ground. A basement shall be counted as a story under the provisions of this Code.
8. **BED & BREAKFAST ESTABLISHMENT:** A Private, owner-occupied housing unit which provides up to five (5) sleeping rooms for rent to the general public. Meals shall only be served to those taking lodging in the facility and the owners and employees of the operation. Individual units which are designed to be rented shall contain no cooking facilities.

9. **BILLBOARD:** A billboard, shall include all structures, regardless of the material used in construction, that are erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure be placed on the wall or freestanding. Billboards include pictures or other pictorial reading material which advertises a business or attraction which is not carried on, manufactured, grown, or sold on the premises where the said signs or billboards are located.
10. **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.
11. **BUILDABLE AREA:** The portion of a lot or parcel remaining after required yard setbacks have been provided.
12. **BUILDING:** A structure that is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete perimeter of the structure, which is permanently affixed to a lot or lots, and used or intended for shelter, support, or enclosure of persons, animals or property of any kind. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building. The word "building" includes the word "structure".
13. **BUILDING, ACCESSORY:** A building which is subordinate to the primary building on the same lot, not attached thereto and used for purposes customarily incidental to those of the primary building. Private detached garages are considered accessory buildings.
14. **BUILDING, HEIGHT OF:** The vertical distance from the average natural grade at the building line to the highest point of the roof. Where a dwelling is situated on a lot with more than one grade or level, the measurements shall be taken from the main entrance elevation.
15. **BUILDING, PRINCIPAL:** The building in which the primary use of the lot or parcel is conducted.
16. **BUILDING LINE:** The setback distance from the front property line, rear lot line, and side lot lines as provided in the Ordinance.
17. **BUILDING WALL:** The wall of the principal building forming a part of the main structure. The foundation walls of enclosed porches or piazzas, steps, walks and retaining wall or similar structures, shall not be considered as building walls under the provisions of this Code.
18. **BULK REGULATIONS:** The combinations of controls that establish the maximum size of a building and its location on the lot. Components of bulk regulations include: size and height of building; location of exterior walls at all levels with respect to lot lines, streets, or other buildings; building coverage; gross floor area of building in relation to the lot area; open space; and amount of lot area provided per dwelling unit.
19. **BUSINESS (OR COMMERCIAL):** The engaging in the purchase, sale, or exchange of goods or services, or the operation for the profit of offices or recreational amusement enterprises.
20. **CARPOR:** Space for the housing or storage of vehicles and enclosed on not more than 2 sides by walls, and is attached to and considered a part of the principal building.

21. **CELLAR:** A story having more than one-half (1/2) of its height below the curb level, or below the highest level of the adjoining ground. A cellar shall not be considered as a story for the purpose of this Code.
22. **CHILD DAY CARE:** The care, supervision, or guidance of a child under eighteen years of age by a person other than the parent, guardian, relative, or custodian for periods of less than twenty-four hours per day, on a regular basis in a place other than the child's home.
23. **CHILD DAY CARE CENTER:** A facility providing child day care for seven (7) or more children for compensation but not defined as a group day care home.
24. **CITY:** The City of Sioux Center, Iowa
25. **CLUB OR LODGE (PRIVATE):** An association of persons for the promotion of some nonprofit object who are bonafide members paying annual dues, which owns, hires, or leases a building, or portion thereof. The use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals to members and their guests on such premises provided adequate dining room space and kitchen facilities are available and are operated in compliance with State and Municipal laws.
26. **COMMISSION (OR PLANNING COMMISSION):** The Sioux Center Planning and Zoning Commission.
27. **CONDOMINIUM:** A building, or group of buildings, in which the dwelling units, offices, or floor area are owned independently, and whereas the structure, common areas, and facilities are owned by all of the owners on a proportional, undivided basis.
28. **COTTAGE:** A small single unit structure used for vacation or vacationers occupancy.
29. **COUNCIL:** The Sioux Center City Council.
30. **DECK:** An unenclosed, roofless structure adjoined to the principal building. Decks higher than twelve (12) inches above the average grade of the ground shall also be subject to required yard setbacks.
31. **DETACHED:** Fully separated from any other building, or joined to another building by structural members not constituting an enclosed or covered space.
32. **DISTRICT:** A part, zone, or geographic area within the city within which certain zoning or development regulations apply.
33. **DRIVEWAY:** A permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.
34. **DUPLEX:** A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. *See DWELLING, TWO FAMILY.*
35. **DWELLING:** Any house, building, or mobile home, or portion thereof intended to be occupied as the place of habitation of human beings, either permanently or transiently.

36. DWELLING, EXISTING RELOCATED RESIDENTIAL: A residence which presently exists and is proposed to be relocated upon a lot within a subdivision of Sioux Center, Iowa.
37. DWELLING, SINGLE FAMILY: A detached building that is arranged, designed for or occupied as the primary residence of one (1) single family, having no party wall in common with an adjacent house or houses and is surrounded by open space or yards.
38. DWELLING, TWO FAMILY: A detached building that is arranged, designed for or occupied as the residences of two (2) families living independently of each other with separate housekeeping and cooking facilities for each. *See also*: DUPLEX.
39. DWELLING, MULTIPLE FAMILY: An apartment house or dwelling used or intended to be used or occupied as the residence of three (3) or more families living independently of each other, with separate housekeeping and cooking facilities for each.
40. EASEMENT: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.
41. ENCROACHMENT: Any obstruction or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land.
42. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or governmental agencies of underground or over-head gas, electrical or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection with and necessary for the furnishing of adequate service by such public utilities, governmental agencies, and/or for the public health, safety or general welfare, but not including buildings.
43. FAÇADE: The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.
44. FAMILY: See Section 18.8 “Maximum Residential Occupancy” part 1(e).
45. 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 premises, as well as the raising thereon of the usual farm poultry and animals. The term "farm" includes the operating of such an area for one (1) or more of the above uses including the necessary accessory uses for treating or storing produce; provided, however, that the operation of accessory uses shall be secondary to the normal farming activities and provided further that farming does not include the commercial feeding of animals or poultry.
46. FENCE: Any artificially constructed barrier of approved fencing material or combination of materials erected to enclose or screen areas of land.
47. FLOODPLAIN: The channel and relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by flood waters.

48. **FLOOR AREA:** The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages, or space in a basement or cellar that is not finished living space or used for storage or other incidental uses.
49. **FRONTAGE:** All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
50. **GARAGE:** An accessory building or portion of a building used only for the enclosed parking of or storage of one or more motor vehicles by the occupants of the premises or the leasing of space as provided herein, including covered parking space or carport; but in which no business services or industry connected with motor vehicles is carried on other than leasing of space.
51. **GRADE:** The lowest horizontal elevation of a finished surface of the ground, paving, or sidewalk at a point where the height is to be measured.
52. **HOME OCCUPATION:** An accessory occupation or profession conducted entirely within a dwelling unit by the inhabitants thereof.
- A Home occupation:
- a. Is carried on in a residential dwelling unit;
  - b. Is carried on by a member of the family residing in the dwelling unit;
  - c. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes;
  - d. Does not employ more than one (1) full time employee (FTE) outside the immediate family;
  - e. Has no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building, other than one (1) exterior sign located on private property, off of the public right-of-way, or fifteen (15') from the curb, whichever is further; in which sign shall not exceed four (4) square feet in area, shall not exceed four (4) feet in height, and shall not have flashing lights or be artificially lighted.
  - f. Shall not occupy more than 30 percent of the area of one (1) floor of the dwelling unit;
  - g. Does not produce offensive or objectionable noise, vibration, smoke, dust, odors, heat, or glare rendering such building or premises objectionable to the residential character of the neighborhood;
  - h. Does not generate traffic in greater volumes that would normally be expected in a residential area.
53. **HOUSE TRAILER:** *See* MOBILE HOME
54. **HOUSEHOLD:** A family living together in a single dwelling unit, with common access to all living and eating areas and all areas and facilities within the dwelling unit.
55. **HOUSING UNIT:** *See* DWELLING
56. **INCIDENTAL:** Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

57. **INDUSTRY:** Those fields of economic activity including forestry, fishing, hunting, and trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; and wholesale trade.
58. **INSTITUTION:** A building or premises occupied by a non-profit corporation or establishment for public use.
59. **JUNK (OR SALVAGE):** Any old scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste appliances, furniture, equipment, building demolition materials or structural steel materials. This definition shall also include junked, dismantled, or wrecked motor vehicles, or parts of motor vehicles, and iron, steel or other old or scrap ferrous or nonferrous material. Junk shall also mean waste, yard waste not stored in an approved manner as determined by the City of Sioux Center, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.
60. **JUNK VEHICLE OR JUNK MACHINERY:** See Title V of Article 12-93 through 12-95 of the Sioux Center Municipal Code.
61. **JUNKYARD (or SALVAGE YARD):** Any open area of any lot or parcel where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles, or other vehicles, or parts thereof.
62. **LAND USE:** A description of how land is occupied or utilized.
63. **LANDSCAPED:** An area devoted to or developed predominantly with plant material or natural landscape features, including lawn, ground cover, gardens, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces or rock, stone, brick, block or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements, provided that the use of brick, stone aggregate, or other inorganic materials shall not predominate over the use of plant material.
64. **LOADING SPACE:** An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.
65. **LOT AREA:** The net horizontal area within bounding front, side and rear lot lines, providing access to a street and excluding any public or private easement or right of way providing access to another lot not to exclude utility easements.
66. **LOT:** A parcel of land as established by plat, subdivision, or as otherwise permitted by law, under one ownership, which may be owned, used, developed, or built upon, having its frontage upon one (1) or more streets or an officially approved public place.
67. **LOT, CORNER:** A lot fronting on two (2) intersecting streets.
68. **LOT, INTERIOR:** A lot other than a corner lot.

69. **LOT, THROUGH:** An interior lot having frontage on two parallel, or approximately parallel streets and also known as a double frontage lot.

70. **LOT (or BUILDING) COVERAGE:**  
The area of a lot covered by buildings or roofed areas, but excluding incidental projecting eaves and gutters, balconies, and similar features and excluding ground level paving, landscaping, and open recreational facilities.

71. **LOT DEPTH:** The distance from the front lot line to the rear lot line. In the case of a lot of irregular shape, the mean depth shall be the lot depth.

72. **LOT OF RECORD:** A lot of which is a part of a subdivision, the plat of which has been recorded in the office of the County of Recorder of Sioux County, Iowa; or a lot or parcel of land, the deed or valid contract of sale of which was recorded in the office of the County Recorder of Sioux County, Iowa prior to the effective date of this Ordinance.

73. **LOT WIDTH:** The distances between the side lot lines. In the case of a lot of irregular shape, the mean width shall be the lot width.

74. **LOT LINES:** The lines bounding a lot.

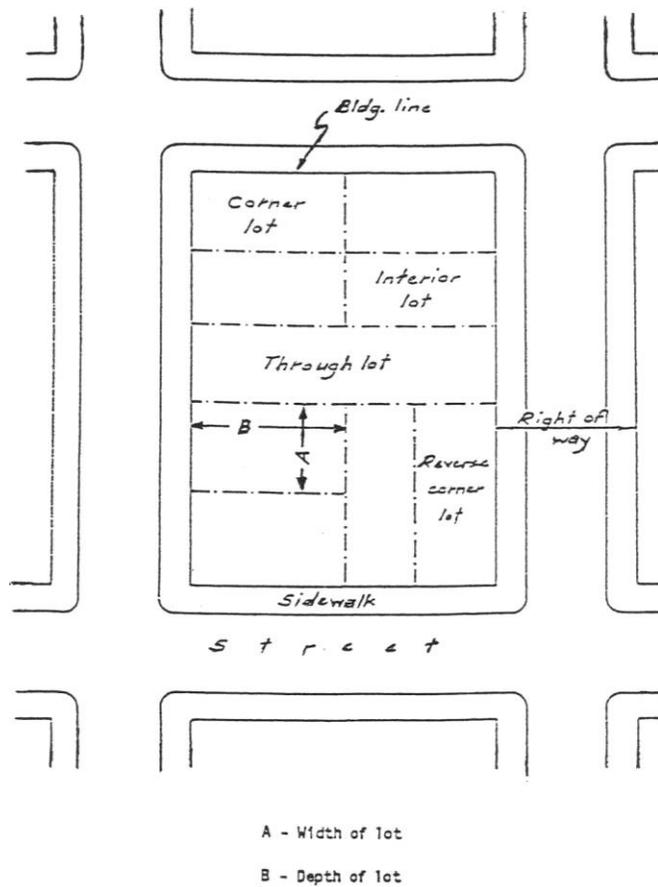
75. **LOT LINE, FRONT:** In the case of an interior lot abutting on only one street, the "front lot line" is the street line of such lot. In the case of any other lot, the front lot line will be such street line as is located in front of the main entrance to the principal structure.

76. **LOT LINE, REAR:** That boundary line that is opposite and most distant from the front lot line.

77. **LOT LINE, SIDE:** Any boundary lines not a front line or a rear line.

78. **MANUFACTURED HOUSING:** A factory-built structure which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body and frame any wheels or axles. For the purpose of these regulations, a manufactured

CHART — LOT



home shall have been built after June 15, 1976 and shall bear a seal certifying that it is in compliance with the Federal Manufactured Housing Construction Act of 1974. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purposes of these regulations, manufactured homes shall be considered the same as any site built single-family detached dwelling.

79. **MANUFACTURED HOUSING CONVERTED TO REAL ESTATE:** An unencumbered manufactured home which has been attached to a permanent foundation on real estate owned by the manufactured home owner, which has had any vehicular or other transportation frame modified or destroyed, rendering it impossible to reconvert it to a manufactured home and which has been inspected by the assessor, the manufactured home title, registration, and license collected from the owner and property entered on the tax rolls of the Sioux County Assessor.
80. **MOBILE HOME:** Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle. *See Also:* RECREATIONAL VEHICLE.
81. **MOBILE HOME PARK:** Any site, lot, field or tract of land under single ownership upon which two (2) or more occupied mobile homes are placed and connected to utilities, either free of charge or for revenue, for nontransient purposes; and shall also include any buildings, structures, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.
82. **MOBILE HOME SPACE:** An area within a designated mobile home park which is designed for and designated as the location for a single mobile home and the exclusive use of its occupants.
83. **MODULAR HOME:** Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.
84. **NONCONFORMING USE:** A lawful use of any land, building, or structure, other than a sign, that does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.
85. **NONCONFORMING STRUCTURE:** A structure or building in size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning Ordinance codified in this title, but which fails to conform to present requirements of the zoning district.
86. **OCCUPANCY (or OCCUPIED):** The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.
87. **OFFICIAL (ZONING) MAP:** An ordinance in map form adopted by the governing body that conclusively shows the location of zoning districts boundaries, proposed streets, public areas, and other data referencing the distinction and separation of zoned land uses.

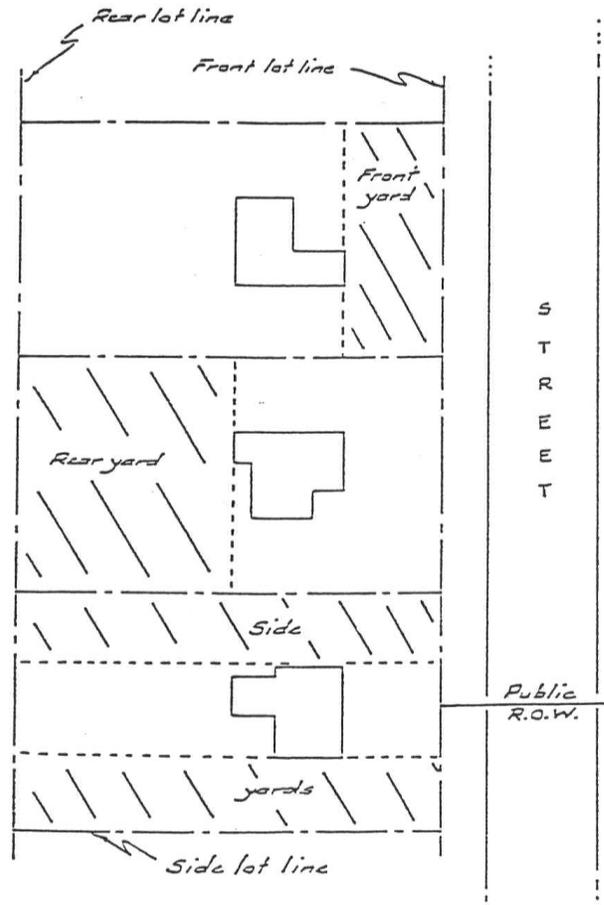
88. **PARKING AREA:** An area on a lot or within a building, or both, including none or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this Ordinance. Parking areas shall include parking lots, garages, and parking structures.
89. **PARKING LOT:** An off-street, ground level open area usually improved for the temporary storage of motor vehicles. *See also:* PARKING AREA.
90. **PARKING SPACE:** An area, enclosed or unenclosed, having dimensions of not less than nine (9) feet by twenty (20) feet (180 sq. ft.) plus necessary maneuvering space for the parking of a motor vehicle, and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. Space required for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way. Driveways for one and two family structures may be considered as parking spaces. When four (4) or more automobile parking spaces are to be grouped as a common facility, meeting a requirement of this definition, the individual car spaces plus the area necessary for driveways shall total not less than 315 square feet per car space.
91. **PLANNED UNIT DEVELOPMENT (PUD):** An area of minimum contiguous size specified in this Ordinance developed according to plan as a single entity and containing one or more structures or land uses with appurtenant or adjacent common areas.
92. **PORCH, OPEN:** A roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building.
93. **PRINCIPAL PERMITTED USE:** *See* USE: 1. Principal Permitted Use.
94. **PROHIBITED USE:** Any use that is not permitted in a zoning district.
95. **PROPERTY:** A lot, parcel, or tract of land together with the buildings and structures located thereon.
96. **PUBLIC NOTICE:** A publication of the time and place of any public hearing typically not less than four (4) or not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the City. In the instances of publications amending or adopting changes to this Ordinance, the public notice notification period is not less than seven (7) or not more than twenty (20) days prior to the date of said public hearing.
97. **RECREATIONAL VEHICLE:** A vehicle or structure so designed and constructed in such a manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation, trade (or use as a selling or advertising device), or for sporting or recreational purposes. A recreational vehicle is so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, except a device used exclusively upon stationary rails or tracks. Such a vehicle shall be customarily or ordinarily used for, but not limited to, vacationing, recreational purposes, travel trailers, pick-up campers, camping trailers, motor coach homes, or converted trucks and/or buses; and not used as a place of human habitation for more than ninety (90) days in any twelve (12) month period, or it shall be classed as a mobile home.

98. **RESIDENTIAL CONVENIENCE SERVICE:** A use or activity of a commercial nature conducted as an accessory use to multiple family residential or mobile home park residential use, and intended solely for the convenience of residents thereof.
99. **ROADSIDE STAND:** A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable or can be readily moved, and which is adjacent to a road and used for the sale of farm products produced or grown on the premises.
100. **ROOMS, HABITABLE:** A room which provides the required area and window area to provide necessary light and ventilation of occupants, and shall be clean and sanitary at all times.
101. **SALVAGE YARD:** *See JUNKYARD.*
102. **SETBACK:** The distance between any lot line and the supporting walls or structures of any building or deck more than 12” above grade.
103. **SETBACK LINE:** A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and defining that minimum distance between the building and property line which buildings and structures may not be placed.
104. **SIGN:** An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business; provided, however the following shall not be included in the application of the sign regulations as described in Article XXI of this ordinance.
- a. Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of the 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, informational or directional signage erected or required by governmental bodies.
  - d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lighting;
  - e. Signs directing and guiding traffic and parking on private property, but bearing not advertising matter.
105. **SIGN AREA:** That area enclosed by one contiguous line, connecting the extreme points or edges of a sign. The area shall be determined by using the largest area or silhouette visible at any one time from any one point. This does not include the main supporting sign structure.
106. **SITE PLAN:** A plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses, and the principal site development features including parking, access, and landscaping and screening, proposed for a specific parcel of land.
107. **SPOT ZONING:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan.
108. **SPRAWL:** Uncontrolled growth, usually of a low-density nature, in previously rural areas and some distance from existing development and infrastructure.

109. **STORY:** That part of any building comprised between any floor and the floor or attic next above; the first story of a building is the lowest story having at least one-half (1/2) of its height above the highest level of adjoining ground.
110. **STREET:** A public or private thoroughfare that affords the primary means of access to abutting property.
111. **STREET, FRONT:** The street or public place upon which a plot abuts. If a plot abuts upon more than one street or public place it shall mean the street in front of the principal or primary entrance to the building.
112. **STREET, PUBLIC:** A public thoroughfare twenty feet (20') or more in width.
113. **STREET (OR ROAD) LINE:** The dividing line between a lot, tract or parcel of land and a contiguous road, street or alley.
114. **STRUCTURAL ALTERATION:** Any replacement or changes in the type of construction or in the supporting members of a building beyond ordinary repairs and maintenance; such as bearing walls or partitions, columns, beams or girders.
115. **STRUCTURE:** A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.
116. **SUBSTANDARD LOT (OR NONCONFORMING LOT):** A lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the zoning district in which it is located, but which complied or was conforming with applicable requirements when it was placed on record prior to the enactment of this zoning Ordinance.
117. **TEMPORARY STRUCTURE:** A structure without any foundation or footings and that is removed when the designated time period, activity, or use has ceased.
118. **TOWNHOUSE:** A one-family dwelling in a row of at least three such units in which each unit has its own front and/or rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
119. **TOWNHOUSE LOT:** That portion of the total development site of a townhouse residential use intended for separate ownership as the location of a single townhouse and associated private yard area.
120. **USE:** The conduct of an activity or the performance of a function or operation, on a site or in a building or facility.
- a. **Principal Permitted Use:** Any use permitted as a matter of right when conducted in accord with the regulations established by this Ordinance; of which fulfills the primary function of a household, establishment, institution, or other entity.
  - b. **Special Exception Use:** A use allowable solely on a discretionary and conditional basis subject to a Special Exception Use Permit, and to all other regulations established by this Ordinance.

- c. Accessory Use: A use or activity that is incidental to and customarily associated with a specific principal use on the same site.
121. **VACANCY**: Any unoccupied land, structure, or part thereof that is available and suitable for occupancy.
  122. **VALUATION**: The estimated cost to replace a building; based on current cost of replacement.
  123. **VARIANCE**: The relaxation of the terms of the zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions and peculiarity of the property and not the results of actions of the applicant, a literal enforcement of the zoning regulations would result in an unnecessary and undue hardship. A variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
  124. **YARD**: A required open space on a lot adjoining a lot line, containing only landscaping and such uses and facilities as may be permitted by this Ordinance. In measuring a yard for the purpose of determining the depth of a front yard or rear yard, the least distance between the lot line and the principle building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.

- a. Front Yard: A required yard extending across the full width of a lot and measured between the front lot line and the building wall or other supporting element thereof, other than the projection of typical steps. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street where the principal building has its main entrance.
- b. Interior Yard: Any required yard, not adjacent to a street, which is determined on the basis of an interior lot line.
- c. Rear Yard: A required yard extending across the full width of a lot and measured between the rear lot line and the building or any projections other than steps or unenclosed balconies, but excluding any area located within the street side yard of a corner lot. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.



- d. **Side Yard:** A required yard extending the depth of a lot from the front yard to the rear yard and measured between the side lot line and the nearest building. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.
125. **ZONING:** The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.
126. **ZONING ADMINISTRATOR:** The administrative officer appointed by the City Council of the City of Sioux Center, Iowa to administer and ensure compliance with the Zoning Ordinance and issue zoning permits.
127. **ZONING COMPLIANCE PERMIT:** A permit issued in conjunction with and as part of the building permit as overseen and enforced by the Sioux Center Code Enforcement Officer as required in this ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building; acknowledging the proposed use, building, or structure complies with the provisions of the zoning Ordinance or authorized variance.

### **Section 3.2. USE CLASSIFICATIONS.**

The purpose of the Use Classifications shall be to provide a consistent set of terms encompassing and defining uses permitted or specially excepted in the various districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification.

In event of any question as to the appropriate use classification of any existing or proposed use or activity, the Zoning Administrator shall have the authority to determine the classification, subject to the right of appeal pursuant to Article XXVI. In making such determinations, the Zoning Administrator shall consider the characteristics of the use in question, and consider any functional, product, service, or physical requirements common with or similar to uses cited as examples of use classifications.

#### **1) General Description of RESIDENTIAL USE TYPES:**

Residential use types include the occupancy of living accommodations on primarily nontransient basis or institutional living arrangements, but excluding those providing forced residence such as asylums and prisons.

- a. *Condominium Residential:* The use of a site for three (3) or more multiple family dwelling units intended for separate ownership, together with common area serving all dwelling units.
- b. *Duplex Residential:* The use of a site for two (2) single family dwelling units on a single lot or parcel.
- c. *Group Residential:* The residential occupancy of living accommodations by groups of more than three (3) persons not defined as a family on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, or boarding houses.
- d. *Kennel, Private:* Any building or land designed or arranged for the care of no more than a combined total of 3 dogs or and cats belonging to the owner of the principal structure, kept for purposes of show, hunting, or pets.

- e. *Mobile Home Residential*: The residential occupancy of mobile homes by families on a weekly or longer basis. Uses only include mobile home parks or mobile home subdivisions.
- f. *Multiple Family Residential*: The use of a site for three (3) or more multiple family dwelling units, within one or more buildings.
- g. *Relocated Residential*: An existing, previously built residential structure, intended for occupancy, which has been moved into the community from a location outside of Sioux Center, or an existing residential structure which has been relocated from another location from within the City of Sioux Center to a new residential site. A relocated residential structure does not include the moving of a new manufactured, modular or mobile home into the city. Relocated residential properties shall submit a route plan, photographs of the building to be moved, and an application for building permit prior to moving a building or structure into Sioux Center.
- h. *Residential Care Services*: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or extended care.
- i. *Single Family Residential*: The use of a site for only one single family dwelling unit.
- j. *Townhouse Residential*: The use of a site for three (3) or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site.

## 2) **General Description of COMMERCIAL USE TYPES:**

Commercial use types include the sale, rental, service, and distribution of goods; and the provision of services other than those classified as industrial or civic uses.

- a. *Administrative and Business Offices*: Office of private firms or organizations, which are primarily used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telemarketing, photocopy and reproduction, and offices of public utilities or associations.
- b. *Agricultural Sales and Services*: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, and tree service firms.
- c. *Automotive and Equipment Services*: Establishments or places of business primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive and equipment use types:
  - i. *Automotive Washing*: Washing and cleaning of automobiles, related light equipment, and trucks. Typical uses include auto laundries, car washes, or truck washes. Does not include large truck cleanouts or wash outs.
  - ii. *Service Station*: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.
  - iii. *Commercial Off-Street Parking*: Parking of motor vehicles on a temporary basis within privately owned off-street parking facility, other than accessory to a principal use.

- Typical uses include commercial parking lots or parking garages.
- iv. **Automotive Rentals:** Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles. Typical uses include auto rental agencies, trailer rental agencies, and taxicab parking and dispatching.
  - v. **Automotive Sales:** Sales or rental of automobiles, noncommercial truck, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.
  - vi. **Equipment Sales:** Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
  - vii. **Automotive Repair Services:** Repair of automobiles, noncommercial truck, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.
  - viii. **Equipment Repair Services:** Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling or salvage.
  - ix. **Vehicle Storage:** Long term storage of operating or non-operating vehicles. Typical uses include storage of private parking tow-a-ways or impound yards, but excludes dismantling or salvage.
- d. ***Building Maintenance Services:*** Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.
  - e. ***Business Support Services:*** Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but exclude automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.
  - f. ***Business or Trade School:*** A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
  - g. ***Cocktail Lounge:*** A use engaged in the preparation and retail sales of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses.
  - h. ***Commercial Recreation:*** Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:
    - i. **Indoor Sports and Recreation:** Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, penny arcades.
    - ii. **Outdoor Sports and Recreation:** Uses conducted in open or partially enclosed or screened

- facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and racquetball courts.
- iii. *Indoor Entertainment*: Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls, and dance halls.
  - iv. *Outdoor Entertainment*: Predominantly spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities, amusement parks.
  - i. *Communications Services*: Establishments primarily engaged in the provision of broadcasting and information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Major Utility Facilities. Typical uses include telecommunication services; radio, television, cellular and other similar receiving antennas, towers, or structures; and fiber optic lines and transmission facilities.
  - j. *Construction Sales and Services*: Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale, from the premises, of materials used in construction of building or other structures other than retail sale of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Services use types. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.
  - k. *Consumer Repair Services*: Establishments primarily engaged in repair services to individuals or households rather than firms, but excluding automotive and equipment uses. Typical uses include appliance repair, watch/jewelry repair, or musical instrument repair.
  - l. *Convenience Storage*: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.
  - m. *Financial Services*: Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities, and similar services.
  - n. *Food Sales*: Establishment or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
  - o. *Funeral Services*: Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
  - p. *General Retail Sales*: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this Section inclusive. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following Products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories (excluding service and installation)
  - q.  *kennel, public*: A commercial establishment in which four (4) or more dogs, cats or

- domesticated animals at least four (4) months of age are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation. Typical uses include boarding kennels, pet motels, or dog training centers.
- r. *Laundry Sales*: Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.
  - s. *Liquor Sales*: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include state liquor stores, bottle shops, or any licensed sales for off-site consumption.
  - t. *Medical Offices*: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts licensed for practice by the State of Iowa.
  - u. *Personal Improvement Services*: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of nonprofessional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
  - v. *Personal Services*: Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, seamstress, tailor, shoe repair shops, and self-service laundry or apparel cleaning services.
  - w. *Pet Services*: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops.
  - x. *Professional Office*: Any building or use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar licensed professions.
  - z. *Restaurant (Convenience)*: A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on premise consumption. Typical uses include soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.
  - aa. *Restaurant (General)*: A use engaged in the preparation and retail sales of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than 50 percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, coffee shops, dinner houses, and similar establishments with incidental alcoholic beverage service.
  - bb. *Scrap and Salvage Services*: Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse. Typical uses include automotive wrecking yards, junkyards or salvage yards.
  - cc. *Stables*: Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include boarding stables or public stables.
  - dd. *Veterinary Services*: Veterinary services for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals.

- ee. *Visitor Habitation*: Establishments primarily engaged in the provision of lodging services on a less-than-weekly basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
  - i. *Campground*: Facilities or an area providing spaces for two (2) or more travel trailers, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public. Typical uses include campgrounds, recreational vehicle parks, and trailer or tourist camps.
  - i. *Hotel, Motel, Motor Court, Motor Lodge*: Any building or group of buildings containing guest rooms primarily intended for temporary occupancy, so laid out as to provide space for parking vehicles. Such building(s) may include quarters for the use of operating personnel. Typical uses may also include transient boarding houses.

### 3) General Description of INDUSTRIAL USE TYPES:

Industrial use types include the on-site extraction or production of goods by methods not agricultural, and storage and distribution of products.

- a. *Basic Industry*: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.
- b. *Biotechnology Production and/or Manufacturing*: Facilities, warehouses, and production or assembly plants engaged in the active production, manufacturing, packaging, and distribution of products generally associated with the fields of animal or human biotechnology.
- c. *Custom Manufacturing*: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involves only the use of hand tool or (domestic) mechanical equipment and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle making shops or custom jewelry.
- d. *Light Manufacturing*: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- e. *Research and Production Services*: Establishments primarily engaged in research of an industrial or scientific nature, including animal or human products testing. Typical uses include animal or human research laboratories, research and development firms, or animal or human pharmaceutical research labs.
- f. *Resource Extraction*: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
- g. *Stockyards*: Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales or auction yards.
- h. *Warehousing and Distribution*: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live

animals and plants. The following are warehousing use types:

- i. **Limited Warehousing and Distribution:** Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses or moving and storage firms.
- ii. **General Warehousing and Distribution:** Open-air storage, distribution and handling of materials and equipment. Typical uses include grain elevators or open storage yards.

#### 4) **General Description of CIVIC USE TYPES:**

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance.

- b. *Aviation Facilities:* Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft.
- c. *Cemetery:* Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- d. *Club or Lodge:* A use providing meeting, recreational, or social facilities for private or non-profit association, primarily for use by member and guests.
- e. *College and University Facilities:* An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree.
- f. *Community Recreation:* A recreational facility for use by residents and guests of a residential development or limited residential neighborhood, including indoor and outdoor facilities.
- g. *Convalescent Services:* A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services, or treatment of alcoholism, drug addiction, or mental disease.
- h. *Cultural Services:* A library, museum, art gallery, or similar nonprofit use affording display, preservation and exhibition of objects of permanent interest in the arts and sciences.
- i. *Day Care Services (Limited):* A facility, or use of a dwelling unit or portions thereof, for full-time care of six (6) or fewer individuals at one time.
- j. *Day Care Center:* A facility, or use of a building or portion thereof, for daytime care of seven (7) or more individuals. This term may include nursery schools, pre-schools, day care centers or children or adults, and similar uses.
- k. *Detention Facilities:* A publicly operated use providing housing and care for individuals confined by law.
- l. *Government/Public Services:* Offices, administrative, clerical, governmental, or public services that deal directly with the citizen. Typical uses include federal, state, county, and city offices, postal facilities, or other public or non-profit organizations directly benefiting the general public.
- m. *Guidance Services:* A use providing counseling, guidance, recuperative, vocational, or similar services to persons requiring rehabilitation assistance as a result of mental illness

alcoholism, detention, drug addiction, or similar condition on a residential or daytime basis.

- n. *Hospital Services*: A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
- o. *Local Utility Services*: Essential services which are necessary to support principal development and involve only minor structures such as lines and poles.
- p. *Maintenance and Service Facilities*: A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage, and similar activities, including equipment service centers and similar uses having characteristics of commercial services or contracting or industrial activities.
- q. *Major Utility Facilities*: Communication towers, antennas, generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants and similar facilities of public use, and firms having potentially significant impact upon surrounding uses.
- r. *Military Installations*: Military facilities of federal or state governments.
- s. *Park and Recreation Services*: Publicly owned and operated parks, playgrounds, recreation facilities, open spaces, camping grounds, golf courses, country clubs, golf driving ranges, archery ranges and swimming pools.
- t. *Primary/Secondary Educational Facilities*: A public, private, or parochial school offering instruction at the elementary, junior and senior high school levels.
- u. *Public Assembly*: Publicly owned or operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.
- v. *Railroads Facilities*: Railroad yards, equipment servicing facilities, and terminal facilities.
- w. *Religious Assembly*: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, excluding primary or secondary educational facilities.
- x. *Safety Services*: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
- z. *Transportation Terminal*: A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package between modes of transportation, including bus terminals, railroad stations, airport terminals, and public transit facilities.

##### 5) **General Description of AGRICULTURAL USE TYPES:**

Agricultural use types include the on-site production of plant and animal products by agricultural methods.

- a. *Commercial Farm Operation*: An area that is used for the growing of the usual farm products as well as the raising of farm animals including cattle, swine and sheep. This definition shall include the raising of animals or production of animal products such as eggs or dairy products, on an agricultural or commercial basis. Typical uses include grazing, ranching, dairy farming, poultry farming, and the raising of fur bearing animals.

- b. *Crop Production*: The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including incidental packing and processing.
- c. *Horticulture*: The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales.
- d. *Residential Animal Raising (Recreational)*: Limit the keeping of animals on a non-commercial, non-profit basis. Restrictions on this type of use include three (3) large animals per acre (e.g. horses, sheep and cattle, etc); twenty-five (25) small fowl or animals per acre (e.g. chickens, rabbits, ducks, ferrets, etc.); five (5) large fowl per acre (e.g. turkeys, geese, peacocks, etc.).
- e. *Support Housing*: The occupancy of any living accommodations by one (1) agricultural employee and their family, without regard to duration, which occurs exclusively in association with the performance of agricultural labor, on the same property as the support housing.



## ARTICLE IV AG - Agriculture District

**Article 4: Agriculture District**

- Section 4.1. Intent
- Section 4.2. Principal Permitted Uses
- Section 4.3. Special Exception Uses
- Section 4.4. Permitted Accessory Uses and Structures
- Section 4.5. Site Development Regulations
- Section 4.6. Off-Street Parking and Loading Space
- Section 4.7. Sign Regulations
- Section 4.8. Zoning Permits Required

**Section 4.1. Intent.**

The intent of the Agricultural District is to preserve land best suited for agriculture from the encroachment of incompatible uses and to preserve in agricultural use land suited to eventual development in other uses until such time as streets, utilities and other community facilities may be provided or programmed as to ensure the orderly and beneficial conversion of these lands to non-agricultural use.

**Section 4.2. PRINCIPAL PERMITTED USES.**

Within the Agricultural District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

<b>Agriculture Uses</b>	<b>Residential Uses</b>	<b>Civic Uses</b>
Farms Horticulture Crop production Residential Animal Raising (recreational)	Single Family Residential - when it is the owner or renter of a farm or associated with agricultural purposes. - A maximum of two (2) single family residential properties per agricultural property.	Cemetery Local Utility Services Railroad Facilities Publicly Owned Facilities Irrigation and Flood Control Religious Assembly Safety Services

**Section 4.3. SPECIAL EXCEPTION USES:**

The following uses may be permitted in the Agricultural District subject to provisions of Articles XXV and XXIX of this ordinance, and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Agriculture Uses</b>	<b>Residential Uses</b>	<b>Industrial Uses</b>
Commercial Farm Operation Agricultural support housing	Existing Relocated Residential <ul style="list-style-type: none"> <li>- when it is the owner or renter of a farm or associated with agricultural purposes.</li> <li>- A maximum of two (2) single family residential properties per agricultural property.</li> </ul>	Resource Extraction Scrap and Salvage Services
<b>Commercial Uses</b>		<b>Civic Uses</b>
Agricultural Sales and Services Commercial Recreation <ul style="list-style-type: none"> <li>- Outdoor Sports and Recreation</li> <li>- Outdoor Entertainment</li> </ul> Veterinary Services Visitor Habitation <ul style="list-style-type: none"> <li>- Campground</li> </ul> Stables Kennel, public Communication Services		Aviation Facilities Major Utility Facilities Park and Recreation Services Primary/Secondary Educational Facilities Public Assembly

**Section 4.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted.

1. Private garage or carport
2. Private parking lots
3. One (1) family residence including one mobile home if used by; the farm owner or operator; member of the immediate family; or an employee working on the premises
4. Private utility sheds or garden buildings not used for commercial purposes
5. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction.
6. Roadside stands for the sale of agricultural produce grown on the premises.
7. Kennel, private
8. Home occupations
9. Accessory uses and structures normally incidental and subordinate to the principal permitted uses and structures.

In any case, permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use.

**Section 4.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the Agricultural District, and subject to modifications contained in Article XVII -“Additional Yard, Area, and Height Requirements.”

Lot Area -	5 acres - minimum lot area
Lot Width -	300 feet - minimum lot width
Residential Density -	Not more than (2) two principal dwelling units per lot, including agricultural support housing
Height -	35 feet maximum height for dwellings and non-farming buildings and structures  No limitation for agricultural buildings provided that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any public airport.
Front Yard -	50 feet - minimum required setback
Side Yard -	25 feet - minimum required setback
Rear Yard -	50 feet - minimum required setback

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the “Minimum Requirements for Residential Structures” regulations outlined in Section 18.6.

**Section 4.6. Off-Street Parking and Loading Space.**

Off-street parking and loading requirements shall be required for activities in the Agricultural District in accordance with the provisions of Article XX of this ordinance.

**Section 4.7. Sign Regulations.**

Sign regulations shall be required for activities in the Agricultural District in accordance with the provisions of Article XXI of the ordinance.

**Section 4.8. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 26.3.



## ARTICLE V RS Residential Suburban District

**Section 5: Residential Suburban District**

- Section 5.1. Intent
- Section 5.2. Principal Permitted Uses
- Section 5.3. Special Exception Uses
- Section 5.4. Permitted Accessory Uses and Structures
- Section 5.5. Site Development Regulations
- Section 5.6. Off-Street Parking and Loading Space
- Section 5.7. Sign Regulations
- Section 5.8. Zoning Permits Required

**Section 5.1. Intent.**

The intent of the Residential Suburban District is to provide for a transitional area between agricultural and urban land uses to be applied in areas contiguous to or in close proximity to developed areas.

**Section 5.2. PRINCIPAL PERMITTED USES.**

Within the Residential Suburban District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

<b>Residential Uses</b>	<b>Civic Uses</b>	<b>Agricultural Uses</b>
Single Family Residential	Park and Recreation Services Local Utility Services Publicly Owned Facilities Religious Assembly	Horticulture Residential Animal Raising (recreational)

**Section 5.3. SPECIAL EXCEPTION USES.**

These uses may be permitted in the Residential Suburban District subject to provisions of Articles XXV and XXIX of this ordinance, and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Residential Uses</b>	<b>Civic Uses</b>	<b>Commercial Uses</b>
Existing Relocated Residential Structure Residential Care Services Two Family Residential	Hospital Services Primary/Secondary Education Daycare Services (limited) Safety Services Aviation Facilities Major Utility Facilities Cemetery	Riding stables Communication Services

**Section 5.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted.

1. Private garages or carports
2. Private recreational facilities for use by residents (*swimming pools, trampolines, play equipment*).
3. Patios, cabanas, porches, gazebos, and incidental household storage buildings
4. Private greenhouses, not operated for commercial purposes
5. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
6. Solar collectors
7. Home occupations
8. Private Parking Lots
9. Kennel, private
10. Roadside stands for the sale of agricultural produce grown on the premises
11. Temporary buildings or uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction work, and in compliance with Section 18.3
12. Other necessary and customary accessory buildings or uses in compliance with Section 18.2, and as determined by the Zoning Administrator to be appropriate, incidental, and subordinate to a principal permitted and special exception uses and structures.

**Section 5.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the Suburban Residential District, and subject to modifications contained in Article XVII -“Additional Yard, Area, and Height Requirements.”

Lot Area -	20,000 square feet - minimum lot area
Lot Width -	100 feet - minimum lot width except at entry points off cul-de-sacs.
Residential Density -	Not more than one (1) dwelling unit per lot.
Height -	35 feet - maximum height
Front Yard -	40 feet - minimum required setback
Side Yard -	25 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the “Minimum Requirements for Residential Structures” regulations outlined in Section 18.6. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa

**Section 5.6. Off-Street Parking and Loading Space.**

Off-street parking and loading requirements shall be required for activities in the Suburban Residential District in accordance with the provisions of Article XX of this ordinance.

**Section 5.7. Sign Regulations.**

Sign regulations shall be required for activities in the Suburban Residential District in accordance with the provisions of Article XXI of the ordinance.

**Section 5.8. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 26.3.



## ARTICLE VI

### R-1 Single Family Residential District

**Section 6: Single Family Residential District**

- Section 6.1. Intent
- Section 6.2. Principal Permitted Uses
- Section 6.4. Special Exception Uses
- Section 6.4. Permitted Accessory Uses and Structures
- Section 6.5. Site Development Regulations
- Section 6.6. Off-Street Parking and Loading Space
- Section 6.7. Sign Regulations
- Section 6.8. Zoning Permits Required

**Section 6.1. Intent.**

The intent of the Single Family Residential District is to provide for low to medium density residential development with a limited number of institutional or civic and recreational facilities permitted.

**Section 6.2. PRINCIPAL PERMITTED USES.**

Within the (R-1) Single Family Residential District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Residential Uses	Civic Uses
Single Family Residential	Park and Recreation Services Local Utility Services Religious Assembly

**Section 6.3. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the (R-1) Single Family Residential District subject to provisions of Articles XXV and XXIX of this Ordinance, and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Residential Uses	Civic Uses	Commercial Uses
Existing Relocated Residential Structure Two Family Residential Private Parking Lots Residential Care Services	College & University Facilities Cultural Facilities Day Care Services (Limited) Government/Public Services Hospital Services Major Utility Facilities Primary/Secondary Educational Facilities Safety Services	Communication Services Funeral Services

**Section 6.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted.

1. Private garages or carports
2. Private recreational facilities for use by residents (*swimming pools, trampolines, play equipment*)
3. Patios, cabanas, porches, gazebos, and incidental household storage buildings
4. Private greenhouses, not operated for commercial purposes
5. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
6. Solar collectors
7. Home occupations
8. Kennel, private
9. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction work, and in compliance with Section 18.3.
10. Other necessary and customary accessory uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate to a principal and special exception uses and structures

**Section 6.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the (R-1) Single Family Residential District, and subject to modifications contained in Article XVII “Additional Yard, Area, and Height Requirements” of the Ordinance.

Lot Area -	Single Family 8,000 square feet - minimum lot area Two Family 12,000 square feet – minimum lot area
Lot Width -	80 feet - minimum lot width, except at entry points off cul-de-sacs.
Residential Density -	Not more than one (1) dwelling unit per lot.
Height -	35 feet - maximum height
Front Yard -	35 feet - minimum required setback
Side Yard -	10 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the “Minimum Requirements for Residential Structures” regulations outlined in Section 18.6.

Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa

**Section 6.6. Off-Street Parking and Loading Space.**

Off-street parking and loading requirements shall be required for activities in the (R-1) Single Family Residential District in accordance with the provisions of Article XX of this Ordinance.

**Section 6.7. Sign Regulations.**

Sign regulations shall be required for activities in the (R-1) Single Family Residential District in accordance with the provisions of Article XXI of the Ordinance.

**Section 6.8. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 26.3 of this Ordinance.



## ARTICLE VII

### R-2 Medium Density Residential District

**Section 7: Medium Density Residential District**

- Section 7.1. Intent
- Section 7.2. Principal Permitted Uses
- Section 7.3. Special Exception Uses
- Section 7.4. Permitted Accessory Uses and Structures
- Section 7.5. Site Development Regulations
- Section 7.6. Off-Street Parking and Loading Space
- Section 7.7. Sign Regulations
- Section 7.8. Zoning Permits Required

**Section 7.1. Intent.**

The intent of the Medium Density Residential District is to provide for living areas within the City for development of townhouse and condominium dwellings, residential care services, and group residential facilities, along with single family dwellings which are compatible in character and density.

**Section 7.2. PRINCIPAL PERMITTED USES.**

Within the (R-2) Medium Density Residential District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Residential Uses	Civic Uses
Condominium Residential Single Family Residential Townhouse Residential Two Family Residential	Day Care Services (Limited) Governmental/Public Services Local Utility Services Park and Recreation Services Primary/Secondary Educational Facilities Religious Assembly

**Section 7.3. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the (R-2) Medium Density Residential District subject to provisions of Articles XXV and XXIX of this ordinance, and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Residential Uses	Commercial Uses
Existing Relocated Residential Structure Group Residential Private Parking Lots Residential Care Services	Communication Services Funeral Services Medical Offices Professional Office Visitor Habitation - Bed & Breakfast Inn

<b>Civic Uses</b>	
Cemetery	Hospital Services
College and University Facilities	Major Utility Facilities
Convalescent Services	Public Assembly
Cultural Services	Safety Services
Day Care Center	

**Section 7.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted.

1. Private garages or carports
2. Private recreational facilities for use by residents (*swimming pools, trampolines, play equipment*)
3. Patios, cabanas, porches, gazebos, and incidental household storage buildings
4. Private greenhouses, not operated for commercial purposes
5. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
6. Solar collectors
7. Home occupations
8. Kennel, private
9. Temporary buildings for uses incidental to construction, and in compliance with Section 18.3.
10. Other necessary and customary accessory uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate to a principal and special exception uses and structures

**Section 7.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the (R-2) Medium Density Residential District, and subject to modifications contained in Article XVII “Additional Yard, Area, and Height Requirements” of the ordinance.

Minimum Lot Area -	8,000 square feet + 2,500 square feet for each additional dwelling unit
Minimum Lot Width -	80 feet, except at entry points off cul-de-sacs.
Height -	35 feet
Front Yard -	35 feet - minimum required setback
Side Yard -	10 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the “Minimum Requirements for Residential Structures” regulations outlined in Section 18.6.

Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa

**Section 7.6. Off-Street Parking and Loading Space.**

Off-street parking and loading requirements shall be required for activities in the Medium Density Residential District in accordance with the provisions of Article XX of this ordinance.

**Section 7.7. Sign Regulations.**

Sign regulations shall be required for activities in the Medium Density Residential District in accordance with the provisions of Article XXI of the ordinance.

**Section 7.8. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 26.3 of this ordinance.



## ARTICLE VIII

### R-3 Multi-Family Residential District

**Section 8: Multi-Family Residential District**

- Section 8.1. Intent
- Section 8.2. Principal Permitted Uses
- Section 8.3. Special Exception Uses
- Section 8.4. Permitted Accessory Uses and Structures
- Section 8.5. Site Development Regulations
- Section 8.6. Off-Street Parking and Loading Space
- Section 8.7. Sign Regulations
- Section 8.8. Zoning Permits Required

**Section 8.1. Intent.**

The intent of the Multi-Family Residential District is to provide for living areas within the City for development of multiple family dwellings and single family dwellings which are compatible in character and density with the multiple family residential environment.

**Section 8.2. PRINCIPAL PERMITTED USES.**

Within the (R-3) Multi-Family Residential District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Residential Uses	Civic Uses	Commercial Uses
Condominium Residential Group Residential Multiple Family Residential Residential Care Services Townhouse Residential Two Family Residential	Governmental/Public Services Local Utility Services Park and Recreation Services Religious Assembly	Day Care Center Day Care Services (limited) Visitor Habitation - Bed & Breakfast Inn

**Section 8.3. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the (R-3) Multi-Family Residential District subject to provisions of Articles XXV and XXIX of this Ordinance, and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Residential Uses	Commercial Uses
Existing Relocated Residential Structure  New Single Family Dwellings Private Parking Lots	Communication Services Funeral Services Medical Offices Personal Services Professional Office

<b>Civic Uses</b>	
Cultural Services	Cemeteries
Hospital Services	College & University Facilities
Major Utility Facilities	Hospital Services
Postal Facilities	Primary/Secondary Educational Facilities
Safety Services	

**Section 8.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted.

1. Private detached garages or carports
2. Private recreational facilities for use by residents (*swimming pools, trampolines, play equipment*)
3. Patios, cabanas, porches, gazebos, and incidental household storage buildings
4. Private greenhouses not operated for commercial purposes
5. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
6. Solar collectors
7. Home occupations
8. Kennel, private
9. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction work, and in compliance with Section 18.3.
10. Other necessary and customary accessory uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate to a principal and special exception uses and structures.

**Section 8.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and air around permitted and special exception uses and structures in the (R-3) Multi-Family Residential District, and subject to modifications contained in Article XVII “Additional Yard, Area, and Height Requirements” of the ordinance.

Minimum Lot Area -	10,000 square feet + 1,500 square feet for each additional dwelling unit
Minimum Lot Width -	100 feet, except at entry points off cul-de-sacs.
Height -	35 feet
Front Yard -	35 feet - minimum required setback
Side Yard -	10 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the “Minimum Requirements for Residential Structures” regulations outlined in Section 18.6.

Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa

**Section 8.6. Off-Street Parking and Loading Space.**

Off-street parking and loading requirements shall be required for activities in the (R-3) Multi Family Residential District in accordance with the provisions of Article XX of this ordinance.

**Section 8.7. Sign Regulations.**

Sign regulations shall be required for activities in the (R-3) Multi Family Residential District in accordance with the provisions of Article XXI of the ordinance.

**Section 8.8. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 26.3 of this ordinance.



## ARTICLE IX MH - Mobile Home District

**Section 9: Mobile Home District**

- Section 9.1. Intent
- Section 9.2. Principal Permitted Uses
- Section 9.3. Special Exception Uses
- Section 9.4. Permitted Accessory Uses and Structures
- Section 9.5. Site Development Regulations
- Section 9.6. Mobile Home Park Requirements
- Section 9.7. Zoning Permits Required

**Section 9.1. Intent.**

The intent of the Mobile Home District is to regulate the location and placement of mobile homes and mobile home parks within the City of Sioux Center.

**Section 9.2. PRINCIPAL PERMITTED USES.**

Within the Mobile Home District, unless otherwise provided in this Article, no building or land shall be used for other than one or more of the following principal permitted uses:

<b>Residential Uses</b>	<b>Civic Uses</b>
Mobile Home Residential	Local Utility Services Park and Recreation Services

**Section 9.3. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the Mobile Home District subject to provisions of Articles XXV and XXIX of this ordinance, and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Civic Uses</b>	<b>Commercial Uses</b>
Religious Assembly Primary/Secondary Educational Facilities Safety Services	Communication Services

**Section 9.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted.

1. Private detached garage or carport
2. Private recreational facilities for use by residents (*swimming pools, trampolines, play equipment*)
3. Patios, cabanas, porches, gazebos, and incidental household storage buildings
4. Private greenhouses, not operated for commercial purposes
5. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
6. Solar collectors
7. Home occupations

8. Kennel, private
9. Temporary buildings for uses incidental to construction, and in compliance with Section 18.3.
10. Other necessary and customary accessory uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate to a principal and special exception uses and structures

**Section 9.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and air around permitted and special exception uses and structures in the Mobile Home District, and subject to modifications contained in Article XVII “Additional Yard, Area, and Height Requirements” of the ordinance.

Mobile Home Park Area -	Two (2) acres – minimum park area
Mobile Home Lot Area -	5,000 square feet - minimum lot area
Mobile Home Lot Width -	40 feet – minimum lot width
Residential Density -	Not more than one (1) dwelling unit per mobile home lot
Height -	35 feet
Front Yard -	35 feet - minimum required setback
Side Yard -	5 feet and 10 feet alternating minimum required setback, one distance on each side of the lot
Rear Yard -	15 feet - minimum required setback if the rear yard is buffered according to Article XXII, otherwise the rear yard setback is 25 feet.
Mobile Home Park boundary -	35 feet – minimum required setback for mobile homes
Public Street or Highway Right-of-way -	75 feet – minimum required setback for mobile homes

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Furthermore, Mobile Home lots and parks shall be developed in conformance with the following Mobile Home Park Requirements outlined in Section 9.6 below.

**Section 9.6. MOBILE HOME PARK REQUIREMENTS.**

Each Mobile Home Park shall be developed in conformance with the regulations listed below.

- 1) *Development Plan:* The following information shall be shown on the development plan or submitted in writing with it:
  - a. The name of the proposed mobile home park;
  - b. Names, addresses and telephone numbers of the developer or his/her representative;
  - c. Location of the mobile home park, giving the subdivision and lot numbers;
  - d. A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding intended for subsequent development;
  - e. Location map showing the relationship of the proposed development and the adjacent tracts;

- f. Present land use and existing zoning of the proposed development and adjacent tracts;
- g. Interior streets, streets, street names, right-of-way and roadway widths;
- h. All lot lines and open spaces with dimensions shown;
- i. Topographic contours shall be shown on the plan at five (5) foot intervals where slope is greater than 10% and two (2) foot intervals where slope is 10% or less;
- j. Delineation of all improvements required in this section.
- k. Location, dimensions, capacity, and FEMA approved design for the mobile home park's tornado/storm shelter.

2) *Permitted accessory uses and requirements thereof:*

- a. Accessory buildings or structures under park management supervision shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary service for park residents' use only. No accessory building or structure shall exceed twenty-five (25) feet in height; and shall meet the requirements of other applicable codes and Ordinances;
- b. A mobile home may be displayed and offered for sale, provided that the mobile home is situated on a permanent pad within the mobile home park;
- c. One (1) identification sign approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than sixty (60) square feet in surface area nor have any moving parts nor stand higher than ten (10) feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than thirty (30) feet
- d. No more than one (1) entry and/or one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than two (2) square feet in surface area, nor have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign
- e. Not more than one (1) local street sign at a local intersection of such park, which identifies the local street by name, the sign approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than one (1) square foot in surface area per local street name, nor stand higher than seven (7) feet from the ground to the top of the sign.

3) *Required development standards:*

- a. Each mobile home site shall have front, side and rear yards, and a double front yard setback will be required on corner lots;
- b. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for attachment to appropriate external systems and so attached;
- c. For the purpose of this section, yard width shall be determined by measurement from the mobile home face (side) to its site boundary from which every point shall not be less than the minimum width herein provided. Open patios shall be disregarded in determining yard widths. Enclosed all weather patios and carports shall be included in determining yard widths. The front yard is that yard which runs from the hitch end of the mobile home to the nearest lot line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the front and rear ends;

- d. A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy the space required by yard setback dimensions;
- e. Each mobile home shall be supported by a permanent foundation, constructed as a permanent continuous perimeter, pier, or post foundation, as approved by the City Building Department. Foundation piers or posts will be so constructed, graded, and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.
- f. Alternative pad and support mechanisms (in lieu of item e) may be approved upon request if accompanied by sketches or other documentation;
- g. Storage of goods and articles underneath any mobile home shall be prohibited;
- h. Accessory structures shall be defined as in Article 3.1 number 1 and must adhere to the guidelines set forth in Article 18 unless otherwise modified by this article.
  - 1. May be no closer than 5 feet to any lot line
  - 2. May not be larger than 120 sq. ft.
  - 3. Must be free standing and may not be attached to the principal building in any fashion.
- i. If a temporary foundation or permanent pier or post foundation is provided, uniform skirting of each mobile home base shall be required, within thirty (30) days after initial placement, such skirting shall be of twenty (20) gauge noncorrosive metal or aluminum or material of equal strength and so constructed and attached to the mobile home so as to deter and prevent entry of rodents and insects;
- j. On-site outdoor laundry space of adequate area and suitable location shall be provided if park is not furnished with indoor dryers. Where outdoor drying space is required or desired, individual clothes drying facilities on each site of the collapsible umbrella type of hanging apparatus shall be allowed;
- k. All mobile homes within such parks shall be suitably connected to sewer and water services provided at each site. All sanitary sewer facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing, from bumping or from creating any type of nuisance or health hazard. Sewage facilities shall be of such capacity to adequately serve all users of park at peak periods. Running water from a tested and approved supply, designed for a minimum flow of two hundred (200) gallons per day per site shall be piped to each unit. All sanitary sewer and water facilities shall conform to minimum state and county health regulations. Storm drainage facilities shall be so constructed as to protect those who reside in the mobile home park as well as property owners adjacent to the park. Such facilities shall be of such capacity to insure rapid drainage and prevent accumulation of stagnant pools of water;
- l. Community disposal of garbage and trash containers shall be placed in a conveniently located similarly designed enclosed structure(s) or dumpster. The removal of trash shall take place not less than once a week. Individual incinerators shall be prohibited;
- m. Every mobile home shall be equipped at all times with fire extinguishing equipment and a smoke detector in good working order of such type and size so as to satisfy regulations of the State Fire Marshall and the local Fire District;
- n. All electric, telephone, and other lines from supply poles outside the park or other sources to each mobile home site shall be underground;
- o. Any common fuel oil storage shall be centrally located in underground tanks, at a distance away from any mobile home sites as it is found to be safe. All fuel lines leading to park and

to mobile home sites shall be underground and so designed as to conform to any County or State Code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner. The use of fuel oil or propane gas storage tanks to supply each unit separately is prohibited;

- p. A recreation space of at least three hundred (300) square feet of land per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any site served. Streets, sidewalks, parking areas and accessory buildings are not included as recreation space in computing the necessary area;
- q. All roads, driveways and motor vehicle parking spaces shall be paved and constructed as to handle all anticipated peak loads, and adequately drained and lighted for safety and ease of movement of pedestrians and vehicles. All road and driveways shall have curbs and gutters;
- r. Two automobile parking spaces shall be provided within one hundred and fifty (150) feet of each mobile home site. In such park there shall be provided additional parking spaces in number not less than the number of sites within such park for central storage of all recreational type vehicles including trucks rated not more than one (1) ton. Said parking area shall be properly screened as not to be a nuisance, and such central storage shall not be closer than fifty (50) feet to any mobile home when such storage is allowed in the park. Each parking space shall have a minimum width of eight (8) feet and nineteen (19) feet in length.
- s. One (1) visitor parking space shall be provided for every two (2) mobile home sites and said parking shall be located within three hundred (300) feet of the site it is intended to serve;
- t. Required standards for roadways, parking and traffic:

<u>MOTOR VEHICLE PARKING</u>	<u>TRAFFIC USE</u>	<u>MIN. PAVEMENT WIDTH.</u>
		<i>(curb face to curb face)</i>
Parking prohibited	2-way road	22 feet
Parallel parking (1 side only)	1-way road	22 feet
Parking prohibited	1-way road	22 feet
Parallel parking (2 sides)	1-way road	31 feet
Parallel parking (2 sides)	2-way road	36 feet

- u. When a cul-de-sac is provided, the radius of such roadway loop shall be a minimum of one hundred (100) feet, curb face to curb face, with the drive length a maximum of three hundred (300) feet;
- v. Walkways shall not be less than four (4) feet in width excepting that walkways designed for common use of not more than three mobile home sites shall be not less than three (3) feet in width. Walkways shall be constructed with materials approved by the Board of Adjustment;
- w. Park owners and management are required to maintain the physical and natural facilities and features of the park in neat, orderly, and safe manner.
- x. A FEMA approved storm/tornado shelter, adequate in size to accommodate all residents of the park, shall be provided in each mobile home park.

**Section 9.7. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 26.3 of this ordinance.



## ARTICLE X PO – Professional Office District

**Section 10: Professional Office District**

- Section 10.1. Intent
- Section 10.2. Principal Permitted Uses
- Section 10.3. Special Exception Uses
- Section 10.4. Permitted Accessory Uses and Structures
- Section 10.5. Site Development Regulations
- Section 10.6. Off-Street Parking and Loading Space
- Section 10.7. Sign Regulations
- Section 10.8. Zoning Permits Required

**Section 10.1. Intent.**

The intent of the Professional Office District is to provide for areas to attract desirable and stable professional/office development to be developed in harmony with adjacent properties and land uses.

**Section 10.2. PRINCIPAL PERMITTED USES.**

Within the Professional Office District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

<b>Commercial Uses</b>	<b>Civic Uses</b>
Personal Improvement Services Personal Services Professional Office	Administrative Services Local Utility Services
<b>Residential Uses</b>	
Additions to or reconstruction of single family dwellings (no new single family dwellings)	

**Section 10.3. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the Professional Office District subject to provisions of Articles XXV and XXIX of this ordinance, and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Commercial Uses</b>	<b>Civic Uses</b>
Funeral Services Restaurants (Convenience) Restaurants (General) Visitor Habitation - Hotel/Motel	Cemetery Daycare (Limited) Daycare Center Major Utility Facilities Private Parking Lots Religious Assembly

**Section 10.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the work, and in compliance with Section 18.3.
3. Accessory buildings and structures normally incidental and subordinate to the permitted uses or special exceptions, as permitted in Section 18.2.
4. Other necessary and customary uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate in size, use, and nature.

**Section 10.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the Professional Office District, and subject to modifications contained in Article XVII “Additional Yard, Area, and Height Requirements” of the Ordinance.

Minimum Lot Area -	14,000 square feet
Minimum Lot Width -	100 feet
Maximum Height -	35 feet
Front Yard -	50 feet - minimum required setback
Side Yard -	10 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

**Section 10.6. Off-Street Parking and Loading Space.**

Off-street parking and loading requirements shall be required for activities in the Professional Office District in accordance with the provisions of Article XX of this ordinance.

**Section 10.7. Sign Regulations.**

Sign regulations shall be required for activities in the Professional Office District in accordance with the provisions of Article XXI of the ordinance.

**Section 10.8. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 26.3 of this ordinance.

## ARTICLE XI GC - General Commercial District

**Section 11: General Commercial District**

- Section 11.1. Intent
- Section 11.2. Principal Permitted Uses
- Section 11.3. Special Exception Uses
- Section 11.4. Permitted Accessory Uses and Structures
- Section 11.5. Site Development Regulations
- Section 11.6. Open-air Sales, Display and Storage
- Section 11.7. Off-Street Parking and Loading Space
- Section 11.8. Sign Regulations
- Section 11.9. Zoning Permits Required

**Section 11.1. PRINCIPAL PERMITTED USES.**

The intent of the General Commercial District is to provide for a commercial area to serve the general shopping needs of the retail trade area and to permit uses which will strengthen the Central Business District as the center of trade, commerce, services, government, and cultural activity.

**Section 11.2. PRINCIPAL PERMITTED USES.**

Within the General Commercial District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Commercial Uses	Civic Uses
Administrative and Business Offices	Administrative Services
Automotive Rentals	Club or Lodge
Automotive Repair Services	Day Care Services (limited)
Automotive Washing	Local Utility Services
Building Maintenance Services	Maintenance and Service Facilities
Business Support Services	Park and Recreation Services
Communication Services	Postal Facilities
Consumer Repair Services	Safety Services
Convenience Store	Transportation Terminal
Equipment Sales	
Equipment Repair Services	
Financial Services	
Food Sales	
Funeral Services	
General Retail Sales	
Commercial Recreation	
- Indoor Sports and Recreation	
- Indoor Entertainment	
Laundry Services	
Medical Offices	
Personal Services	
Personal Improvement Services	
Professional Offices	
Research Services	
Restaurant (Convenience)	
Restaurant (General)	
Service Station	
Visitor Habitation	
- Hotel/Motel	

**Section 11.3. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the General Commercial District subject to provisions of Articles XXV and XXIX of this ordinance, and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Commercial Uses	Civic Uses
Agricultural Sales and Services Automotive Sales Business or Trade School Cocktail Lounge Construction Sales and Services Convenience Storage Kennel, public Liquor Sales Pet Services Vehicle Storage Veterinary Services	Religious Assembly Private Parking Lots Cultural Services Day Care Center Detention Facilities Guidance Services Hospital Services Primary/Secondary Educational Facilities Public Assembly Convalescent Services Major Utility Facilities
<b>Industrial Uses</b>	
Custom Manufacturing Limited Warehousing and Distribution	

**Section 11.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the work, and in compliance with Section 18.3.
3. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
  - a. Operated primarily for the convenience of employees, clients, or customers of the principal use.
  - b. Occupies less than 10 percent of the total floor area of the principal use.
  - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
4. Accessory buildings and structures normally incidental and subordinate to the permitted uses or special exceptions, as permitted in Section 18.2.
5. Other necessary and customary uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate in size, use, and nature.

**Section 11.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the General Commercial District, and subject to modifications contained in Article XVII “Additional Yard, Area, and Height Requirements” of the ordinance.

Minimum Lot Area -	4,000 square feet
Minimum Lot Width -	50 feet
Maximum Height -	40 feet
Front Yard -	No minimum required setback
Side Yard -	None, except 5 feet minimum setback only if abutting a residential district
Rear Yard -	None, except 20 feet minimum setback only if abutting a dedicated alley or public street

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

**Section 11.6. Open-air Sales, Display and Storage.**

All open-air sales display and storage for used auto sales and storage, new auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, or equipment sales and storage, shall comply with the following minimum requirements:

1. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty (50) percent solid and at least seven (7) feet in height. The fence shall not be required to extend beyond the front yard set back line;
2. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard;
3. No lighted flashing signs, or revolving beacon lights shall be permitted;
4. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

**Section 11.7. Off-Street Parking and Loading Space.**

Off-street parking and loading requirements shall be required for activities in the General Commercial District in accordance with the provisions of Article XX of this ordinance.

**Section 11.8. Sign Regulations.**

Sign regulations shall be required for activities in the General Commercial District in accordance with the provisions of Article XXI of the ordinance.

**Section 11.9. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 26.3 of this ordinance.



## ARTICLE XII HC - Highway Commercial District

**Article 12: Highway Commercial District**

- Section 12.1. Intent
- Section 12.2. Principal Permitted Uses
- Section 12.3. Special Exception Uses
- Section 12.4. Permitted Accessory Uses and Structures
- Section 12.5. Site Development Regulations
- Section 12.6. Additional Regulations
- Section 12.7. Open-air Sales, Display and Storage
- Section 12.8. Off-Street Parking and Loading Space
- Section 12.9. Sign Regulations
- Section 12.10. Zoning Permits Required

**Section 12.1. Intent.**

The intent of the Highway Commercial District is predominately for commercial and selected industrial activities of a service nature which typically have operating and traffic generation characteristics requiring location on a major trafficway. Site development regulations and performance standards are intended to ensure adequate access to and from all uses.

**Section 12.2. PRINCIPAL PERMITTED USES.**

Within the Highway Commercial District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses

<b>Commercial Uses</b>		<b>Agricultural Uses</b>
Agricultural Sales and Services Automotive Rentals Automotive Sales Automotive Repair Services Automotive Washing Building Maintenance Services Business Support Services Business or Trade School Commercial Recreation - Indoor Sports & Recreation - Indoor Entertainment Communications Services Construction Sales and Services Consumer Repair Services Convenience Storage Convenience Store Equipment Sales Equipment Repair Services Financial Services Food Sales	Funeral Services General Retail Sales Visitor Habitation - Hotel/Motel Indoor Sports and Recreation Indoor Entertainment Laundry Services Medical Offices Personal Improvement Services Personal Services Pet Services Professional Offices Research Services Restaurant (Convenience) Restaurant (General) Service Station Vehicle Storage Commercial Nursery, Landscaping or Greenhouse Factory Built Housing Sales	Horticulture Crop Production
		<b>Civic Uses</b>
		Administrative Services Ambulance Services Club or Lodge Day Care Center Local Utility Services Maintenance and Service Facilities Park and Recreation Services Postal Facilities Public Assembly

**Section 12.3. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the Highway Commercial District subject to provisions of Articles XXV and XXIX of this ordinance, and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Commercial Uses</b>	<b>Civic Uses</b>
Cocktail Lounge Commercial Off-Street Parking Lots Commercial Recreation - Outdoor Sports and Recreation - Outdoor Entertainment Kennel, public Liquor Sales Veterinary Services	Cemetery Cultural Services Detention Facilities Guidance Services Hospital Services Primary/Secondary Educational Facilities Private Parking Lots Public Assembly Religious Assembly Safety Services Transportation Terminals
<b>Industrial Uses</b>	
Custom Manufacturing General Warehousing and Distribution Limited Warehousing and Distribution	

**Section 12.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the work, and in compliance with Section 18.3.
3. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
  - a. Operated primarily for the convenience of employees, clients, or customers of the principal use.
  - b. Occupies less than 10 percent of the total floor area of the principal use.
  - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
4. Accessory buildings and structures normally incidental and subordinate to the permitted uses or special exceptions, as permitted in Section 18.2.
5. Other necessary and customary uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate in size, use, and nature.

**Section 12.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the General Commercial District, and subject to modifications contained in Article XVII “Additional Yard, Area, and Height Requirements” of the ordinance, except as provided by Section 12.6.

Minimum Lot Area -	14,000 square feet
Minimum Lot Width -	100 feet
Maximum Height -	35 feet - No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any public airport.
Front Yard -	50 feet - minimum required setback
Side Yard -	10 feet – minimum required setback
Rear Yard -	25 feet – minimum required setback
Buffer/Open Space Requirements -	See Articles XXII and XXIII.

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

**Section 12.6. Additional Regulations**

Any residential use properties in the (HC) Commercial District shall be subject to the site development regulations identified in Section 8.5. in lieu of any corresponding regulation identified above in Section 12.5.

**Section 12.7. Open-air Sales, Display and Storage.**

All open-air sales display and storage for used auto sales and storage, new auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, or equipment sales and storage, shall comply with the following minimum requirements:

5. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty (50) percent solid and at least seven (7) feet in height. The fence shall not be required to extend beyond the front yard set back line;
6. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard;
7. No lighted flashing signs, or revolving beacon lights shall be permitted;
8. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

**Section 12.8. Off-Street Parking and Loading Space.**

Off-street parking and loading requirements shall be required for activities in the General Commercial District in accordance with the provisions of Article XX of this ordinance.

**Section 12.9. Sign Regulations.**

Sign regulations shall be required for activities in the General Commercial District in accordance with the provisions of Article XXI of the ordinance.

**Section 12.10. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 26.3 of this ordinance.

## ARTICLE XIII GI – General Industrial District

**Article 13: Light Industrial District**

- Section 13.1. Intent
- Section 13.2. Principal Permitted Uses
- Section 13.3. Special Exception Uses
- Section 13.4. Permitted Accessory Uses and Structures
- Section 13.5. Site Development Regulations
- Section 13.6. Open-air Sales, Display and Storage
- Section 13.7. Off-Street Parking and Loading Space
- Section 13.8. Sign Regulations
- Section 13.9. Zoning Permits Required

**Section 13.1. Intent.**

The intent of the General Industrial District is to provide for a wide range of industrial uses and structures.

**Section 13.2. PRINCIPAL PERMITTED USES.**

Only the following principal uses and structures shall be permitted in the General Industrial District except those uses which by reason of the emission of odor, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public health, safety, and general welfare of the community.

<b>Industrial Uses</b>	<b>Commercial Uses</b>
Basic Industry Custom Manufacturing General Warehousing and Distribution Light Manufacturing Limited Warehousing and Distribution	Administrative and Business Offices Agricultural Sales and Services Automotive Rentals Automotive Repair Services Automotive Sales Automotive Washing Building Maintenance Services Business Support Services Business or Trade School Communications Services Construction Sales and Service Convenience Storage Convenience Store Equipment Sales Equipment Repair Services Laundry Services Research Services Vehicle Storage
<b>Civic Uses</b>	
Administrative Services Aviation Facilities Local Utility Services Maintenance and Service Facilities Park and Recreation Services	

**Section 13.3. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the General Industrial District subject to provisions of Articles XXV and XXIX of this ordinance, and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Industrial Uses</b>	<b>Commercial Uses</b>
Resource Extraction	Adult-oriented Establishments <i>(See Section 18.4. for regulations)</i>
<b>Civic Uses</b>	Commercial Recreation
Railroad Facilities Major Utility Service Public Assembly Safety Services Transportation Terminals Private Parking Lots	- Outdoor Sports and Recreation - Outdoor Entertainment Kennels, public Scrap and Salvage Services Veterinary Services

**Section 13.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the construction work, and in compliance with Section 18.3.
3. Any commercial use type or any other industrial use type that is not a permitted use in the same district, and complies with all the following criteria:
  - a. Operated primarily for the convenience of employees, clients, or customers of the principal use.
  - b. Occupies less than 25 percent of the total floor area of the principal use.
  - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
4. Accessory buildings and structures normally incidental and subordinate to the permitted uses or special exceptions, as permitted in Section 18.2.
5. Other necessary and customary uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate in size, use, and nature.

**Section 13.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the General Commercial District, and subject to modifications contained in Article XVII “Additional Yard, Area, and Height Requirements” of the ordinance.

Minimum Lot Area -	14,000 square feet
Minimum Lot Width -	100 feet
Maximum Height -	None, except 35 feet if property abuts a residential district
	No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any public airport.
Front Yard -	50 feet - minimum required setback
Side Yard -	10 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback
Buffer/Open Space Requirements -	See Articles XXII and XXIII.

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

**Section 13.6. Open-air Sales, Display and Storage.**

All open-air sales display and storage for used auto sales and storage, new auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, or equipment sales and storage, shall comply with the following minimum requirements:

9. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty (50) percent solid and at least seven (7) feet in height. The fence shall not be required to extend beyond the front yard set back line;
10. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard;
11. No lighted flashing signs, or revolving beacon lights shall be permitted;
12. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

**Section 13.7. Off-Street Parking and Loading Space.**

Off-street parking and loading requirements shall be required for activities in the General Commercial District in accordance with the provisions of Article XX of this ordinance.

**Section 13.8. Sign Regulations.**

Sign regulations shall be required for activities in the General Commercial District in accordance with the provisions of Article XXI of the ordinance.

**Section 13.9. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 26.3 of this ordinance.



## ARTICLE XIV IP – Industrial Park District

Article 14: Heavy Industrial District

- Section 14.1. Intent
- Section 14.2. Principal Permitted Uses
- Section 14.3. Special Exception Uses
- Section 14.4. Permitted Accessory Uses and Structures
- Section 14.5. Site Development Regulations
- Section 14.6. Open-air Sales, Display and Storage
- Section 14.7. Off-Street Parking and Loading Space
- Section 14.8. Sign Regulations
- Section 14.9. Zoning Permits Required

**Section 14.1. Intent.**

The intent of the Industrial Park District is to provide for industrial uses in a planned industrial development.

**Section 14.2. PRINCIPAL PERMITTED USES.**

Only the following principal uses and structures shall be permitted in the Industrial Park District, except those uses which by reason of the emission of odor, dust, fumes, smoke, noise, and other obnoxious characteristics would be injurious to the public health, safety and general welfare of the community;

Industrial Uses	Commercial Uses
Basic Industry Custom Manufacturing Light Manufacturing Limited Warehousing and Distribution	Administrative and Business Offices Agricultural Sales and Services Automotive Washing Building Maintenance Services Business Support Services Communications Services Construction Sales and Services Convenience Storage Equipment Sales Equipment Repair Services Vehicle Storage
Civic Uses	
Aviation Facilities Local Utility Services Major Utility Services Maintenance and Service Facilities Park and Recreation Services Railroad Facilities	

**Section 14.3. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the Industrial Park District subject to provisions of Articles XXV and XXIX of this ordinance, and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Industrial Uses</b>
General Warehousing and Distribution
<b>Civic Uses</b>
Administrative Services Public Assembly Safety Services Transportation Terminals

Limited commercial/retail uses may be permitted by special exception use within the Industrial Park District when intended to serve the needs of a business’ tenants/employees only. Such special exception commercial/retail uses would include: eatery, café, health club, convenience store, bakery shop, gift shop, post office substation, photo studio, barbershop/stylist, or other appropriate use as determined by the Board of Adjustment.

**Section 14.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the construction work, and in compliance with Section 18.3.
3. Any commercial use type or any other industrial use type that is not a permitted use in the same district, and complies with all the following criteria:
  - a. Operated primarily for the convenience of employees, clients, or customers of the principal use.
  - b. Occupies less than 25 percent of the total floor area of the principal use.
  - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
4. Accessory buildings and structures normally incidental and subordinate to the permitted uses or special exceptions, as permitted in Section 18.2.
5. Other necessary and customary uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate in size, use, and nature.

**Section 14.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the General Commercial District, and subject to modifications contained in Article XVII “Additional Yard, Area, and Height Requirements” of the ordinance.

Minimum Lot Area -	43,560 square feet (1 acre)
Minimum Lot Width -	150 feet
Maximum Height -	None, except 35 feet if property abuts a residential or mobile home district No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any public airport.
Front Yard -	50 feet - minimum required setback
Side Yard -	10 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback
Buffer/Open Space Requirements -	See Articles XXII and XXIII.

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

**Section 14.6. Open-air Sales, Display and Storage.**

All open-air sales display and storage for used auto sales and storage, new auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, or equipment sales and storage, shall comply with the following minimum requirements:

- 13. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty (50) percent solid and at least seven (7) feet in height. The fence shall not be required to extend beyond the front yard set back line;
- 14. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard;
- 15. No lighted flashing signs, or revolving beacon lights shall be permitted;
- 16. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

**Section 14.7. Off-Street Parking and Loading Space.**

Off-street parking and loading requirements shall be required for activities in the General Commercial District in accordance with the provisions of Article XX of this ordinance.

**Section 14.8. Sign Regulations.**

Sign regulations shall be required for activities in the General Commercial District in accordance with the provisions of Article XXI of the ordinance.

**Section 14.9. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 26.3 of this ordinance.



## ARTICLE XV BR – Bioscience/Research District

**Article 15: Bioscience/Research District**

- Section 15.1. Intent
- Section 15.2. Locational Criteria
- Section 15.3. Principal Permitted Uses
- Section 15.4. Special Exception Uses
- Section 15.5. Permitted Accessory Uses and Structures
- Section 15.6. Site Development Regulations
- Section 15.7. Screening Requirements
- Section 15.8. Off-Street Parking and Loading Space
- Section 15.9. Sign Regulations
- Section 15.10. Zoning Permits Required

**Section 15.1. Intent.**

The intent of the Bioscience/Research District is to provide for scientific research, development, and testing which are customarily located on large, landscaped sites and the operation of which does not produce objectionable noise, odor, visual or other negative environmental effects. The Bioscience/Research District shall encourage planned development business parks and/or research facility parks to encourage the establishment of large scale bioscience or other research centers promoting employment in clean, light industries, research facilities, and professional office centers that meet high aesthetic standards.

**Section 15.2. Locational Criteria.**

The Bioscience/Research Districts may be established adjacent to existing Industrial Park Districts or General Industrial Districts, as well as in undeveloped areas of the city that are indicated on the city’s comprehensive land use plan as appropriate for bioscience or research facilities.

**Section 15.3. PRINCIPAL PERMITTED USES.**

Only the following principal uses and structures shall be permitted in the Bioscience/Research District.

<b>Industrial Uses</b>	<b>Commercial Uses</b>
Agricultural Research Enclosed Animal Research/Laboratory Scientific Research, Testing or Development Facilities Limited Warehousing and Distribution Research and Production Services	Administrative and Business Offices Professional Office
	<b>Civic Uses</b>
	College and University Facilities Government/Public Services Local Utility Services

**Section 15.4. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the Bioscience/Research District subject to provisions of Articles XXV and XXIX of this ordinance, and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Industrial Uses</b>	<b>Commercial Uses</b>
Animal Confinement or Containment Facilities for research purposes only Biotechnology Production and/or Manufacturing General Warehousing and Distribution	Communication Services Stables

Limited commercial/retail uses may be permitted by special exception use within the Bioscience/Research District when intended to serve the needs of a business’ tenants/employees only. Such special exception commercial/retail uses would include: eatery, café, health club, convenience store, bakery shop, gift shop, post office substation, photo studio, barbershop/stylist, or other appropriate use as determined by the Board of Adjustment.

**Section 15.5. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the construction work, and in compliance with Section 18.3.
3. Accessory buildings and structures normally incidental and subordinate to the permitted uses or special exceptions, as permitted in Section 18.2.
4. Other necessary and customary uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate in size, use, and nature.

**Section 15.6. Site Development Regulations.**

The following requirements shall be provided for light and air circulation around permitted and special exception uses in the Bioscience District, and subject to modifications contained in Article XVII “Additional Yard, Area, and Height Requirements” of the ordinance.

Minimum Lot Area -	2 acres
Minimum Lot Width -	200 feet
Maximum Height -	None, except 35 feet if property abuts a residential district No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any public airport.
Front Yard -	50 feet - minimum required setback
Side Yard -	10% of the lot width, not to exceed 50 feet - minimum required setback
Rear Yard -	50 feet - minimum required setback

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

**Section 15.7. Screening Requirements.**

For the purpose of maintaining a compatible relationship between incompatible land use and for the purpose of protecting the public investment in streets, highways, and thoroughfares and to promote the safety and recreational value of public travel and to preserve natural beauty, a screening requirement is hereby established for the initiation and continuance of all uses included within the Bioscience/Research District.

A screening wall or fence meeting the requirements outlined in Article XXII-Buffers, of this ordinance, shall be utilized on all properties including the use of agricultural livestock, animal confinements, open storage yards, stockyards, or any other open use incorporating the usage, storage, testing, or holding of live animals.

The screening wall or fence shall be maintained by the owner of the lot containing the use requiring the screening. Failure to maintain the screening after notice by city staff shall be subject to a zoning violation as identified in Article XXVII.

Modifying or removing the screening requirement may only be approved by the Board of Adjustment where existing physical features such as trees or other plant materials, buildings, earthen berms or hills provide substantial visual separation between Bioscience/Research uses and other lesser intense uses or the general public traveling along streets, trails, and other public thoroughfares.

**Section 15.8. Off-Street Parking and Loading Space.**

Off-street parking and loading requirements shall be required for activities in the Bioscience/Research District in accordance with the provisions of Article XX of this ordinance.

**Section 15.9. Sign Regulations.**

Sign regulations shall be required for activities in the Bioscience/Research District in accordance with the provisions of Article XXI of the ordinance.

**Section 15.10. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 26.3 of this ordinance.

## ARTICLE XVI

### PUD - Planned Unit Development District

#### Article 16: Planned Unit Development District

- Section 16.1. Purpose
- Section 16.2. Authorized Uses
- Section 16.3. General Regulations

#### **Section 16.1. Purpose.**

The PUD, Planned Unit Development District, is intended to accommodate a wide variety of use types in accordance with the City's Comprehensive Plan. It is the intent of the PUD District to provide flexibility from use and site development regulations in order to encourage innovative, well-designed projects that achieve a high level of environmental sensitivity, energy efficiency, safety, aesthetics and other community goals. Each application for a PUD shall contain a statement by the applicant describing how the proposed development departs from the City's standard development regulations, and how the proposed development, on balance, is an improvement over what otherwise would be required under the community's standard zoning and land development regulations.

Purposes of this Section are:

- 1) To encourage a more creative and efficient development of land and its improvements than is possible under the more restrictive application of zoning requirements.
- 2) To allow for a mixture of residential units in an integrated and well-planned area.
- 3) To ensure concentration of open space into more usable areas, and the preservation of the natural resources of the site including wetlands, woodlands, steep slopes, and scenic areas.
- 4) Facilitate the economical provision of streets and public utilities.
- 5) To decrease side yard requirements using zero-lot-line zoning.

#### **Section 16.2. Authorized Uses.**

No use shall be established and no development shall be permitted in the PUD District unless approved pursuant to the procedures and standards of Section 18.8. No use shall be approved within a PUD if it is found by the Planning Commission to be contrary to the Comprehensive Plan or contrary to the health, safety and general welfare of the present and future residents of the City. The overall land use makeup of PUDs shall be consistent with the underlying land use designation and the following standards:

1. **Residential PUDs:** PUDs to be established on lands designated for residential land uses on the Comprehensive Plan's Future Land Use Map shall be considered "Residential PUDs". The following land-use standards shall apply to residential PUDs:
  - a. *Residential and Public/Civic Uses:* The Planning Commission may approve any residential and public/civic uses within residential PUDs. Permitted dwelling units shall include detached, clustered, semi-detached, attached, or multi-storied structures or combinations thereof. Customary accessory uses are also permitted.
  - b. *Commercial Uses:* In addition to residential and public/civic uses, the Planning Commission may approve commercial uses within residential PUDs; provided, that:
    - 1) Such uses are supported by a sufficient population within the PUD;

- 2) Such uses are designed and located in such a manner as to protect the character of the affected project and surrounding land uses and natural assets; and
  - 3) Such uses do not occupy in total more than 25 percent of the total land area in the PUD.
  - 4) The limitation on commercial uses may be adjusted by the Planning Commission up to a maximum of 50 percent of the land area based upon an acceptable demonstration by the applicant that a larger nonresidential allocation is a necessary convenience for a larger market area. The Planning Commission shall decide whether a demonstrated need exists for additional nonresidential area after reviewing the applicant's report. Such report shall analyze the impact of the proposed nonresidential development on the quality and character of existing and anticipated future residential development within the neighborhood, including traffic impacts.
2. **Commercial PUDs:** PUDs to be established on lands designated for commercial, professional office, biotechnology, business park, or industrial park land uses on the Comprehensive Plan's Future Land Use Map shall be considered "Commercial PUDs". The following land-use standards shall apply to Commercial PUDs:
- a. *Residential and Public/Civic Uses:* The Planning Commission may approve any residential and public/civic uses within commercial PUDs; provided, that the overall density of residential uses shall not exceed 16 units per acre.
  - b. *Commercial Uses:* The Planning Commission may approve any commercial uses within commercial PUDs.
  - c. *Industrial Uses:* The Planning Commission may approve any industrial uses within commercial PUDs.
3. **Mixed-Use PUDs:** PUDs to be established on lands designated for both residential and nonresidential (commercial, professional office, biotechnology, business park or industrial park) land uses on the Comprehensive Plan's Future Land Use Map shall be considered "mixed-use PUDs." Those portions of a mixed-use PUD that have an underlying residential land-use designation shall be regulated in accordance with the residential PUD standards of subsection 1 of this Section. Those portions of a mixed-use PUD that have another primary non-residential underlying land-use designation shall be regulated in accordance with the commercial PUD standards of subsection 2 of this Section.

### **Section 16.3. General Regulations.**

A conditional use permit shall be required of all planned unit developments. The City may approve the planned unit development only if it is found that the development satisfies all of the following regulations:

1. *Review and Approval Procedure:* The plan and review procedure for a PUD shall be as outlined in Section 18.8 of the "Additional Use Regulations" Article.
2. *Conformance with the Comprehensive Plan:* The proposed planned unit development is in conformance with the Comprehensive Plan for Sioux Center. At a minimum, the Planning Commission shall find that the planned unit development does not conflict with the Comprehensive Plan with regard to the following:
  - a. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.

- b. The use is reasonably related to the overall needs of the city and is compatible with the surrounding land use.
  - c. The planned unit development is an effective and unified treatment of the development possibilities on the project site and the development plans provide for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.
  - d. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property, and will not be detrimental to surrounding uses.
3. *Coordination with Subdivision Regulations:* It is the intent of this ordinance that subdivision review of the city's subdivision regulations be carried out simultaneously with the review of a planned development under this Article of the Zoning Ordinance. The plans required under this section must be submitted in a form which will satisfy the requirements of the subdivision regulations for the preliminary and final plats required under those regulations.
4. *Ownership and Financing:* No application for a PUD shall be accepted or approved unless:
- a. One (1) individual has been designated by the property owner(s) to be in control of the development.
  - b. Financing is available to the applicant on conditions and in an amount which is sufficient to assure completion of the planned unit development. To evidence this finding, the applicant shall submit a written statement of financial feasibility which is accepted by the city.
5. *Minimum Site Area:* The minimum contiguous site area included in a PUD shall be 10 acres. Property shall be deemed to be contiguous so long as all parts are under unified control of the applicant, and all parts abut or are separated by only a road, easement or right of way. A minimum of two (2) or more principal structures is proposed.
6. *Preservation of Natural Features:* Mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. Abrupt changes in natural slope shall be avoided. Preservation shall be directed toward:
- a. Enhancing the quality of new development;
  - b. Protecting the natural environment;
  - c. Providing buffering between new development and surrounding properties;
  - d. Preserving the character of existing neighborhoods;
  - e. Handling of storm water flows in natural channels;
  - f. Maintaining existing vegetation along stream corridors as water quality filters; and
  - g. Maintaining upland forest areas.
7. *Common Open Space:* A minimum of 4 percent of the gross area of every residential PUD containing 10 or more dwelling units shall be devoted to common open space for the use and enjoyment of the residents. A minimum of 8 percent of the gross area of every commercial PUD shall be devoted to common open space for the use and enjoyment of residents. In the case of a mixed-use PUD, the greater requirement of minimum open space shall apply.

The following areas shall qualify wholly or partially as common open space:

- a. *Major Recreation Areas:* The total area included within an improved recreation area may be counted as common open space; provided, that it is at least 15,000 square feet in size and is linked to all dwelling units within the PUD by a continuous pedestrian circulation system of sidewalks or trails. A golf course may be used to satisfy a maximum of 50 percent of the common open space requirement.
  - b. *Mini-Parks:* The total area contained in mini-parks that have a minimum size of 5,000 square feet and that include benches, playground apparatus, barbecue pits, fire rings or other approved recreational amenities may be counted as common open space.
  - c. *Buffers:* Natural or man-made buffers, detention basins, or other open spaces.
  - d. *Recreational Buildings:* The area occupied by multiple-use recreation buildings or outdoor recreation facilities, including a golf course, may be counted as common open space.
  - e. *Pedestrian Open Space System:* The total area contained in a continuous open space pedestrian system, not less than 8 feet wide, consisting of permanently maintained walks and trails leading to a natural amenity, recreation facility or commercial use, offering circulation that is separate and apart from roads and streets may be counted as common open space.
  - f. *Environmental Features:* If natural habitats of significant value or environmentally sensitive areas are determined to exist, the Planning Commission may require the area so defined to be left in an undisturbed state and adequately protected or incorporated into the design of the PUD as a passive recreation area with a minimum of improvements permitted.
8. *Maintenance of Common Open Space:* Any common open space established by an adopted final development plan for a PUD shall be subject to the following requirements.
- a. *Responsibility:* The landowner shall establish an organization for ownership and maintenance of common open space, and that organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space). The conditions of any transfer shall conform to the adopted final development plan.
  - b. *Failure to Maintain:* In the event that the organization established to own and maintain common open space shall fail to maintain the common open space in reasonable condition, the Zoning Administrator shall serve written notice upon such organization defining the maintenance deficiencies. If such deficiencies of maintenance are not corrected after 30 days, the Zoning Administrator shall call upon any public or private agency to maintain the common open space. In such cases, the city shall annually notify Sioux County of the costs of such maintenance, and the Tax Assessor shall assess the costs proportionally against all properties within the PUD that have the right of use of the common open space.
9. *Arrangement of Structures and Common Area:* Structures and common areas shall be arranged in such a way as to best serve the needs of occupants and/or other users of the proposed development and minimize adverse effects on surrounding land uses and minimize site grading.
10. *Site Design and Buffering:* The PUD development site as a whole shall, at a minimum, comply with the site design and buffer standards of Articles XIX and XXII of this ordinance:
- a. *Perimeter Screening:* Additional buffering beyond minimum requirements shall be provided at the perimeter of the proposed development where appropriate to reduce noise, glare or other influences having an adverse impact either on the proposed development or on adjacent land.

- b. *Interior Screening:* Additional landscaping and screening beyond minimum requirements shall also be provided where appropriate to mitigate adverse impacts; to provide additional shade, screening and open space in parking areas and roadways and to provide additional shade and screening around structures and in open space areas.
11. *Integrated Architectural Design:* The plan for development shall integrate the architectural design for buildings, structures, landscaping and common open areas.
12. *Residential Density:* Residential density shall be controlled by the underlying Comprehensive Plan land use designation. In the case of PUDs with underlying commercial, office or business park land use designations, a maximum density of 16 units per acre shall apply. Residential dwelling units permitted by the maximum density standards of this Section may be allocated among different parcels within the PUD.
13. *Neighborhood Relationship and Land Use Compatibility:* A PUD shall be harmonious and not conflict with surrounding neighborhoods and existing natural features. It shall be planned, designed and constructed so as to avoid undue traffic congestion in the surrounding area and provide a compatible land use relationship with the surrounding area, making use of landscaping, screening, natural streamways as storm water management, open space and the placement of buildings where appropriate in accordance with accepted land use planning and design principles.
14. *Development Phasing:* The timely construction of any PUD authorized under this Article shall be undertaken to assure full completion of the development in accordance with the adopted preliminary and final development plan. Each phase of the proposed development must be of sufficient size, composition, and arrangement so that its construction, marketing, and operation are feasible as a complete unit, and that provision for and construction of dwelling units and common open space are balanced and coordinated. In addition, the total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.
- a. *Staging of Development:* At the time of preliminary development plan approval, the City Council or Planning Commission may require that a phasing plan be submitted, in which case, each phase shall be related to surrounding areas and available public facilities in such a manner that failure to proceed to subsequent phases will not adversely affect those areas or facilities. Each completed phase shall comply with all applicable standards. The infrastructure, as installed, shall be sufficient to accommodate each phase of the development.
- b. *Change of Conditions:* The City Council or Zoning Administrator may review approved development plans to determine if conditions have changed sufficiently to merit their cancellation. If the Zoning Administrator finds sufficient grounds for reconsideration, the City Council may revoke the approved development plan.
15. *Lighting:* All lighting from proposed developments shall be arranged to prevent direct glare or hazardous interference to adjoining streets or lands.
16. *Off-Street Parking and Loading:* Off-street parking and loading requirements shall be required for activities in the Planned Unit Development (PUD) District in accordance with the provisions of Article XX of this ordinance, unless a deviation from those standards is specifically approved during the PUD approval process.

17. *On-Site Utilities:* Underground utilities shall be encouraged and provided wherever possible.

18. *Streets:*

- a. *Access onto Adequate Streets:* Principal vehicular access to PUDs shall be from primary arterial or collector streets. Any PUD containing over 50 dwelling units and/or 30,000 square feet of nonresidential floor space shall provide at least 2 access points, where feasible.
- b. *Access Point Design:* Access points shall be designed to provide smooth flow, controlled turning movements and minimum hazard to vehicular or pedestrian traffic. Jog-type or non-right angle intersections shall be avoided to the greatest extent possible.
- c. *Neighborhood Circulation:* Internal roads and external access points should be designed to encourage neighborhood circulation within the development and with adjacent parcels and to provide multiple entry points onto primary streets.

19. *Other Conditions:* The Zoning Administrator and the Planning Commission shall have the authority to recommend, and the City Council shall have the authority to impose such other conditions as are necessary to accomplish the purposes of this Ordinance and the Sioux Center Comprehensive Plan.

## ARTICLE XVI.I

### MU-PUD – Mixed-Use Planned Unit Development District

South Ridge Estates and Lots 1 & 2 of the Vermeer Subdivision

**Section 16.1: Mixed-Use Planned Unit Development**

- Section 16.1.1. Intent
- Section 16.1.2. Authorized Uses
- Section 16.1.3. Principal Permitted Uses
- Section 16.1.4. Special Exception Uses
- Section 16.1.5. Permitted Accessory Uses and Structures
- Section 16.1.6. Site Development Regulations
- Section 16.1.7. Off-Street Parking and Loading Space
- Section 16.1.8. Sign Regulations
- Section 16.1.9. Zoning Permits Required
- Section 16.1.10. Common Open Space

**Section 16.1.1. Intent.**

The intent of the Mixed-Use Planned Unit Development District (MU-PUD) is to accommodate a wide variety of use types in accordance with the City’s Comprehensive Plan. It is the intent of the MU-PUD District to provide flexibility from use and site development regulations in order to encourage innovative, well-designed projects that achieve a high level of environmental sensitivity, energy efficiency, safety, aesthetics and other community goals.

**Section 16.1.2. Authorized Uses.**

South Ridge Estates and the Vermeer Subdivision are a MU-PUD and are therefore regulated by Section 16.2(3) of the Sioux Center Zoning Ordinance. This subdivision will be made up of residential and commercial uses of which will be described in this article. Residential Uses will be allowed in Blocks 1-9, 12, and 13 of South Ridge Estates and Lots 1 & 2 of the Vermeer Subdivision. Commercial Uses will be allowed in Blocks 14 and 15 of South Ridge Estates. It is also recognized that covenants and design standards apply to South Ridge Estates, which may be more restrictive than the requirements stated herein.

**Section 16.1.3. PRINCIPAL PERMITTED USES.**

Within the (MU-PUD) Mixed-Use Planned Unit Development District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses.

1. *Permitted Principal Uses for Residential Use Areas:*

<b>Residential Uses</b>	<b>Civic Uses</b>
Single Family Residential Multi-Family Residential – Blocks 1 and 7 only; in accordance with Article VIII of this Ordinance	Park and Recreation Services Local Utility Services Religious Assembly

2. Permitted Principal Uses for Commercial Use Areas:

<b>Commercial Uses</b>		<i>Agricultural Uses</i>
Agricultural Sales and Services	Funeral Services	Horticulture
Automotive Rentals	General Retail Sales	Crop Production
Automotive Sales	Visitor Habitation - Hotel/Motel	<i>Civic Uses</i>
Automotive Repair Services	Indoor Sports and Recreation	Administrative Services
Automotive Washing	Indoor Entertainment	Ambulance Services
Building Maintenance Services	Laundry Services	Club or Lodge
Business Support Services	Medical Offices	Day Care Center
Business or Trade School	Personal Improvement Services	Local Utility Services
Commercial Recreation - Indoor Sports & Recreation - Indoor Entertainment	Personal Services	Maintenance and Service Facilities
Communications Services	Pet Services	Park and Recreation Services
Construction Sales and Services	Professional Offices	Postal Facilities
Consumer Repair Services	Research Services	Public Assembly
Convenience Storage	Restaurant (Convenience)	
Convenience Store	Restaurant (General)	
Equipment Sales	Service Station	
Equipment Repair Services	Vehicle Storage	
Financial Services	Commercial Nursery, Landscaping or Greenhouse	
Food Sales	Factory Built Housing Sales	

**Section 16.1.4. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the (MU-PUD) Mixed-Use Planned Unit Development District subject to provisions of Articles XXV and XXIX of this Ordinance, and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

1. Special Exception Uses for Residential Use Areas:

<b>Residential Uses</b>	<b>Civic Uses</b>	<b>Commercial Uses</b>
Existing Relocated Residential Structure Two Family Residential (Blocks 2, 8, and 9 only) Private Parking Lots Residential Care Services Multi-Family Residential (Blocks 2, 8, and 9 only)	College & University Facilities Cultural Facilities Day Care Services (Limited) Government/Public Services Hospital Services Major Utility Facilities Primary/Secondary Educational Facilities Safety Services	Communication Services Funeral Services

2. Special Exception Uses for Commercial Use Areas:

<b>Commercial Uses</b>	<b>Civic Uses</b>
Cocktail Lounge Commercial Off-Street Parking Lots Commercial Recreation - Outdoor Sports and Recreation - Outdoor Entertainment Kennel, public Liquor Sales Veterinary Services	Cemetery Cultural Services Detention Facilities Guidance Services Hospital Services Primary/Secondary Educational Facilities Private Parking Lots Public Assembly Religious Assembly Safety Services Transportation Terminals
<i>Industrial Uses</i>	
Custom Manufacturing General Warehousing and Distribution Limited Warehousing and Distribution	

**Section 16.1.5. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted.

1. Residential Use Areas
  11. Private garages or carports
  12. Private recreational facilities for use by residents (*swimming pools, trampolines, play equipment*)
  13. Patios, cabanas, porches, gazebos, and incidental household storage buildings
  14. Private greenhouses, not operated for commercial purposes
  15. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
  16. Solar collectors

17. Home occupations
  18. Kennel, private
  19. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction work, and in compliance with Section 18.3.
  20. Other necessary and customary accessory uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate to a principal and special exception uses and structures
2. Commercial Use Areas
    - a. Essential Services
    - b. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the work, and in compliance with Section 18.3.
    - c. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
      - d. Operated primarily for the convenience of employees, clients, or customers of the principal use.
      - e. Occupies less than 10 percent of the total floor area of the principal use.
      - f. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
    - d. Accessory buildings and structures normally incidental and subordinate to the permitted uses or special exceptions, as permitted in Section 18.2.
    - e. Other necessary and customary uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate in size, use, and nature.

**Section 16.1.6. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the (MU-PUD) Mixed-Use Planned Unit Development District, and subject to modifications contained in Article XVII “Additional Yard, Area, and Height Requirements” of the Ordinance.

1. Residential Use Areas
 

Lot Area -	Single Family    8,000 square feet – minimum lot area
	Two Family      12,000 square feet – minimum lot area
Lot Width -	80 feet - minimum lot width, except at entry points off cul-de-sacs.
Residential Density -	Not more than one (1) dwelling unit per lot, except Blocks 1 and 7.
Height -	35 feet - maximum height
Front Yard -	35 feet - minimum required setback
Side Yard -	8 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback

All residential dwelling units must be constructed in compliance with the “Minimum Requirements for Residential Structures” regulations outlined in Section 18.6.

Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa.

2. Commercial Use Areas

Lot Area -	14,000 square feet – minimum lot area
Lot Width -	100 feet – minimum lot width
Height -	55 feet – maximum height, no structure shall be permitted to extend into approach zones, clear zones or restricted air required for the protection of any public airport.
Front Yard -	50 feet - minimum required setback, no minimum for Lot 2, Block 14
Side Yard -	10 feet – minimum required setback, no minimum for Lot 2, Block 14
Rear Yard -	25 feet – minimum required setback, no minimum for Lot 2, Block 14

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

**Section 16.1.7. Off-Street Parking and Loading Space.**

Off-street parking and loading requirements shall be required for activities in the (MU-PUD) Mixed-Use Planned Unit Development District in accordance with the provisions of Article XX of this Ordinance.

**Section 16.1.8. Sign Regulations.**

Sign regulations shall be required for activities in the (MU-PUD) Mixed-Use Planned Unit Development District in accordance with the provisions of Article XXI of the Ordinance.

**Section 16.1.9. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 26.3 of this Ordinance.

**Section 16.1.10. Common Open Space Required.**

Common Open Space shall be required in accordance with the provisions of Section 16.3 of this Ordinance.

*Definitions:*

Common Open Space and/or Areas: Area devoted to the use and enjoyment of residents.

Ownership and Maintenance: Common Open Space and/or Areas will be owned and maintained by the South Ridge Home Owner's Association.



## ARTICLE XVI.II

### R-PUD – Residential Planned Unit Development District

Sunrise Trails First Addition

**Section 16.2: Residential Planned Unit Development**

- Section 16.2.1. Intent
- Section 16.2.2. Principal Permitted Uses
- Section 16.2.3. Permitted Accessory Uses and Structures
- Section 16.2.4. Site Development Regulations
- Section 16.2.5. Off-Street Parking and Loading Space
- Section 16.2.6. Sign Regulations
- Section 16.2.7. Zoning Permits Required
- Section 16.2.8. Common Open Space Required

**Section 16.2.1. Intent.**

The intent of the Residential Planned Unit Development District is to provide for a transitional area between agricultural and urban land uses to be applied in areas contiguous to or in close proximity to developed areas.

**Section 16.2.2. PRINCIPAL PERMITTED USES.**

Within the Residential Planned Unit Development District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Residential Uses	Civic Uses	Agricultural Uses
Single Family Residential	Park and Recreation Services Local Utility Services Publicly Owned Facilities Religious Assembly Daycare Services (limited)	Horticulture

**Section 16.2.3. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted.

13. Private garages or carports
14. Private recreational facilities for use by residents (*swimming pools, trampolines, play equipment*).
15. Patios, cabanas, porches, gazebos, and incidental household storage buildings
16. Private greenhouses, not operated for commercial purposes
17. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
18. Solar collectors
19. Home occupations
  - a. Shall be subject to Section 18.5 Home Occupations except subsection 2.
    - (1) Only two (2) unrelated persons living outside the residence and members of the immediate family may be employed on the premises of the home occupation.
    - b. One hundred percent (100%) of an accessory building may be used for a home occupation.
20. Private Parking Lots

21. Kennel, private
22. Maximum of two (2) horses may be kept in Block 1, Lots 4-10.
23. Temporary buildings or uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction work, and in compliance with Section 18.3
24. Other necessary and customary accessory buildings or uses
  - a. Shall comply with Section 18.2 except subsection 4(a) and 6, these sections will be replaced as follows:
    - (1) Residential accessory buildings shall be limited to a maximum of two (2) total buildings, not including attached garage. Maximum total square footage for an accessory building(s) in Block 1 is 2800 square feet. Maximum total square footage for an accessory building(s) in Block 2 is 2000 square feet.
    - (2) Detached accessory buildings shall not exceed a height of 30 feet.

**Section 16.2.4. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted uses and structures in the Residential Planned Unit Development District, and subject to modifications contained in Article XVII -“Additional Yard, Area, and Height Requirements.”

Lot Area -	20,000 square feet - minimum lot area
Lot Width -	100 feet - minimum lot width except at entry points off cul-de-sacs.
Residential Density -	Not more than one (1) dwelling unit per lot.
Height -	35 feet - maximum height
Front Yard -	40 feet - minimum required setback
Side Yard -	10 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the “Minimum Requirements for Residential Structures” regulations outlined in Section 18.6. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa

**Section 16.2.5. Off-Street Parking and Loading Space.**

Off-street parking and loading requirements shall be required for activities in the Residential Planned Unit Development District in accordance with the provisions of Article XX of this ordinance.

**Section 16.2.6. Sign Regulations.**

Sign regulations shall be required for activities in the Residential Planned Unit Development District in accordance with the provisions of Article XXI of the ordinance.

**Section 16.2.7. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 26.3.

**Section 16.2.8. Common Open Space Required.**

Common Open Space shall be required in accordance with the provisions of Section 16.3. Common Open Space will be designated on the final plat as “*Common Access Easement*”.

*Definitions:*

Common Open Space: Area devoted to the use and enjoyment of residents.

Ownership and Maintenance: Common Open Space areas will be owned and maintained by the adjacent property owners.



**ARTICLE XVI.III**  
**R-PUD – Residential Planned Unit Development District**  
 Sunrise Trails Second Addition

**Section 16.3: Residential Planned Unit Development**

- Section 16.3.1. Intent
- Section 16.3.2. Principal Permitted Uses
- Section 16.3.3. Permitted Accessory Uses and Structures
- Section 16.3.4. Site Development Regulations
- Section 16.3.5. Off-Street Parking and Loading Space
- Section 16.3.6. Sign Regulations
- Section 16.3.7. Zoning Permits Required
- Section 16.3.8. Common Open Space Required

**Section 16.3.1. Intent.**

The intent of the Residential Planned Unit Development District is to provide for a transitional area between agricultural and urban land uses to be applied in areas contiguous to or in close proximity to developed areas.

**Section 16.3.2. PRINCIPAL PERMITTED USES.**

Within the Residential Planned Unit Development District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

<b>Residential Uses</b>	<b>Civic Uses</b>	<b>Agricultural Uses</b>
Single Family Residential	Park and Recreation Services Local Utility Services Publicly Owned Facilities Daycare Services (limited)	Horticulture

**Section 16.3.3. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted.

- 25. Private garages or carports
- 26. Private recreational facilities for use by residents (*swimming pools, trampolines, play equipment*).
- 27. Patios, cabanas, porches, gazebos, and incidental household storage buildings
- 28. Private greenhouses, not operated for commercial purposes
- 29. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
- 30. Solar collectors
- 31. Home occupations
  - c. Shall be subject to Section 18.5 Home Occupations except subsection 2.
    - (1) Only two (2) unrelated persons living outside the residence and members of the immediate family may be employed on the premises of the home occupation.
  - d. One hundred percent (100%) of an accessory building may be used for a home occupation.
- 32. Private Parking Lots

33. Kennel, private
34. Temporary buildings or uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction work, and in compliance with Section 18.3
35. Other necessary and customary accessory buildings or uses
  - b. Shall comply with Section 18.2 except subsection 4(a) and 6, these sections will be replaced as follows:
    - (1) Residential accessory buildings shall be limited to a maximum of two (2) total buildings, not including attached garage. Maximum total square footage for an accessory building(s) in Block 1 and Lots 8-18 of Block 2 is 2000 square feet. Maximum total square footage for an accessory building(s) in Lots 1-7 & 19-31 Block 2 is 2800 square feet.
    - (2) Detached accessory buildings shall not exceed a height of 25 feet.

**Section 16.3.4. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted uses and structures in the Residential Planned Unit Development District, and subject to modifications contained in Article XVII -“Additional Yard, Area, and Height Requirements.”

Lot Area -	20,000 square feet - minimum lot area
Lot Width -	100 feet - minimum lot width except at entry points off cul-de-sacs.
Residential Density -	Not more than one (1) dwelling unit per lot.
Height -	35 feet - maximum height
Front Yard -	40 feet - minimum required setback
Side Yard -	10 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the “Minimum Requirements for Residential Structures” regulations outlined in Section 18.6. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa

**Section 16.3.5. Off-Street Parking and Loading Space.**

Off-street parking and loading requirements shall be required for activities in the Residential Planned Unit Development District in accordance with the provisions of Article XX of this ordinance.

**Section 16.3.6. Sign Regulations.**

Sign regulations shall be required for activities in the Residential Planned Unit Development District in accordance with the provisions of Article XXI of the ordinance.

**Section 16.3.7. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 26.3.

**Section 16.3.8. Common Open Space Required.**

Common Open Space shall be required in accordance with the provisions of Section 16.3. Common Open Space will be designated on the final plat as “*Common Access Easement*”.

*Definitions:*

Common Open Space: Area devoted to the use and enjoyment of residents.

Ownership and Maintenance: Common Open Space areas will be owned and maintained by the adjacent property owners.



## ARTICLE XVII

### Additional Area, Yard and Height Regulations

#### Article 17: Additional Area, Yard and Height Regulations

- Section 17.1. Intent
- Section 17.2. Lot of Record
- Section 17.3. Multiple Principal Structures Per Lot
- Section 17.4. Yard Regulations
- Section 17.5. Fences and Hedges
- Section 17.6. Buildings to Have Access
- Section 17.7. Use of Public Right-of-Way
- Section 17.8. Block Frontage Continuity
- Section 17.9. Height Requirements

#### **17.1. INTENT.**

The regulations set forth in this Article qualify, supplement or modify the area, yard and height regulations set forth elsewhere in this Ordinance.

#### **17.2. LOT OF RECORD.**

Any lot of record at the time of passage of this ordinance having less area or width than herein required may be used for a dwelling where such uses are permitted as provided in this ordinance subject to the required setbacks and further provisions of Article XXIV "Nonconformities."

#### **17.3. MULTIPLE PRINCIPAL STRUCTURES PER LOT.**

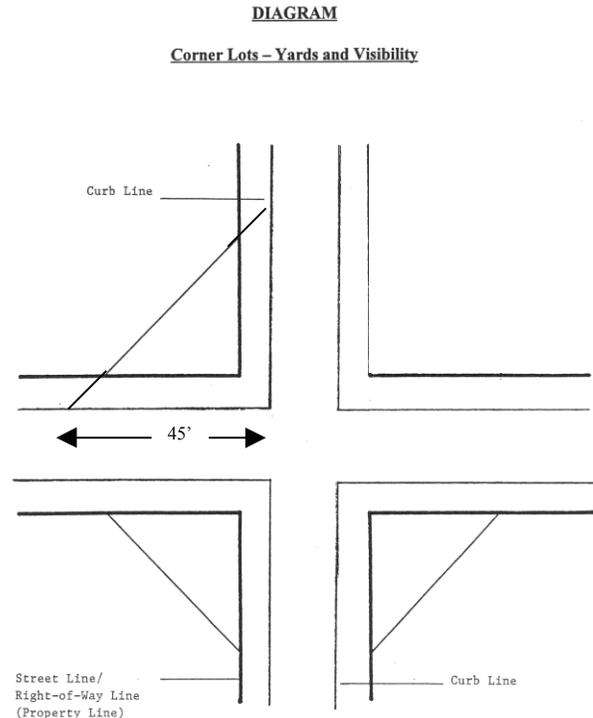
Except in the RS, R-1, and MH residential districts, more than one principal structure, not intended to be a single family residential structure, may be erected on a lot subject to the following conditions.

- 1) No principal building shall be located in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire;
- 2) All principal buildings on the lot shall be served by access ways suitable for police, fire, and emergency vehicles.
- 3) All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking and emergency accesses for the premises, and to each principal building.

#### **17.4. YARD REGULATIONS.**

- 1) *Projecting Overhang or Structure.* The ordinary horizontal projection from buildings including eaves, sills, fascia, parapets, cornices, or other similar architectural features, except for gutters, may not project or extend more than three (3) feet into a required yard.
- 2) *Yard Encroachments.* Air conditioning compressor(s), L.P. tanks, heat pumps, or other such similar devices may not encroach into the required side yard. Carports, bay windows, cantilevered projections, chimneys and structures may not project into any required yard.
- 3) *Through Lots.* Buildings on through lots, extending from street to street shall provide the required front yard on both streets.

- 4) *Corner Lots.* For buildings on corner lots with frontage on two (2) or more public streets, each yard abutting a public street shall be the same as the required front yard on such street and no accessory building shall project beyond the required front yard on either street.
- 5) *Line of Site Visibility (at Intersections).* On a corner lot in any district, except the General Commercial District, no fence, wall, hedge, tree or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the centerline grade of the intersecting streets shall be erected, placed or maintained within the triangular area formed, by connecting a point at the center of the curb radius with two points that are forty-five (45) feet from the center of the curb radius as measured along the curb.



- 6) *Steps, Decks and Patios.*

Steps providing access to the ground level of a dwelling may encroach no more than three (3) feet into any required side yard. Steps may encroach no more than six (6) feet into any required front or rear yard.

Deck floors higher than twelve (12) inches above the average grade of the ground shall conform to required yard setbacks. An open unenclosed deck may project into a front yard for a distance not exceeding ten feet (10'), however, no deck may extend to within ten feet (10') of the lot line.

Uncovered patios, uncovered carports, or other concrete slab structures constructed on the ground, or less than 12 inches above the average grade of the ground, shall be allowed to be constructed within the required front, side, or rear yards. However, no concrete slab structure built on the ground or uncovered patio or uncovered carport shall encroach closer than two (2) feet of the property line. Furthermore, uncovered patios, uncovered carports or other concrete slab structures shall not extend more than ten feet (10') beyond either side of a driveway.

### **17.5. FENCES AND HEDGES.**

- 1) No fence constructed more than thirty (30) percent solid or more than four (4) feet in height may be located in any front yard. Fences less than four (4) feet in height may be located on any part of a lot. Please reference Section 17.4.5. when considering fences in front or side yards.
- 2) Except as provided above, fences less than seven (7) feet in height may be erected in any required side or rear yards on those parts of a lot that are setback from the street as far as the main building is from the street. Fences in excess of seven (7) feet will be allowed in the cases of tennis courts and swimming pools.
- 3) Fences shall not be closer than six inches (6") to any property line and perennial plantings shall not be planted closer than two and one-half feet (2½') to any property line. Except that perennial plantings may be placed up to the property line by written mutual agreement of both adjacent property owners.

- 4) Fences shall not be constructed of non-treated or natural wood products; corrugated tin, metal, or fiberglass; or sheet metal or fiberglass. Fences may be constructed from chain link, non-decomposing wood products, molded plastic or wrought iron. The Planning and Zoning Commission may approve other materials. Fences should be constructed in an orderly and neat manner as to accent and compliment the natural landscape of the property.

#### **17.6. BUILDINGS TO HAVE ACCESS.**

Every building or principal use hereafter erected or structurally altered, shall be on a lot or parcel having frontage on a public street, or on a lot or parcel having deeded access to a public street.

#### **17.7. USE OF PUBLIC RIGHT-OF-WAYS.**

No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structure for storage or display purposes, or to provide any parking or loading space.

#### **17.8. BLOCK FRONTAGE CONTINUITY.**

In the case where the front yards in a given block improved with buildings amount to more than 30% of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, then the required minimum setbacks will be based on a line joining the two front corners of the buildings on either side thereof, or where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard setback greater than thirty-five (35) feet, in any event. Where an official line has been established for future widening or opening of a street upon which a lot abuts, than the depth of a front or side yard shall be measured from such official line.

In the case where the block front improved with buildings amounts to less than 30% of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, the required minimum yards of the district shall be enforced.

#### **17.9. HEIGHT MODIFICATIONS.**

The building height limitations of this Ordinance shall be modified as follows:

- 1) No building shall exceed a height of two and one-half (2½) stories or thirty-five (35) feet, unless otherwise provided, except non-dwelling agricultural buildings.
- 2) Height regulations shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatus which may be erected to any height not in conflict with any other applicable regulations. These additional structures or accessories may be erected to a height approved by the Board of Adjustment, provided however, all towers or structures exceeding height requirements shall conform to the City of Sioux Center's Tower Ordinance No. SC-0-06-97; and shall not be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of the flying public.
- 3) Public, semi-public, or public service buildings, hospitals, sanitariums, or schools when permitted in a district may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one foot in addition to the minimum yard requirements, for each two feet of additional building height above the height limit otherwise provided in the district in which the building is constructed.



## ARTICLE XVIII

### Additional Use Regulations

#### Article 18: Additional Use Regulations

- Section 18.1. Intent
- Section 18.2. Accessory Buildings
- Section 18.3. Temporary Uses
- Section 18.4. Adult-Oriented Establishment Regulations
- Section 18.5. Home Occupations
- Section 18.6. Recreational Vehicles
- Section 18.7. Minimum Requirements for Residential Structures
- Section 18.8. Residential Occupancy Standards
- Section 18.9. Design (Architectural) Standards
- Section 18.10. Planned Unit Development (PUD) – Application and Approval

#### **18.1. INTENT.**

These provisions apply to additional use regulations in addition to those guidelines set forth in the Zoning District Regulations. In event of any conflict in provisions, the more restrictive provision shall apply unless specifically indicated to the contrary.

#### **18.2. ACCESSORY BUILDINGS.**

The purpose of these provisions is to establish the relationship among principal and accessory uses and to establish provisions governing the conduct of accessory uses.

Principal uses specified as permitted uses or special exception uses for a district shall be deemed to include accessory buildings and uses identified by these regulations and such other accessory uses that are necessary and customarily associated with and are appropriate, incidental, and subordinate to such principal or special exception uses. Accessory buildings and uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.

Accessory buildings and uses customarily incidental to that of the principal building may be erected or established as permitted, provided they comply with the following limitations:

- 1) Accessory buildings that are structurally part of or attached to the principal building shall conform to the site development regulations of the principal building.
- 2) Accessory buildings shall not be erected in any required front or side yard and such accessory building shall not be nearer to the front or side yard lot lines than would be required for the building wall of a main building on the same lot;
- 3) Accessory buildings located in the R-2, R-3, commercial, professional office, industrial, and bioscience/research zoning districts may be allowed as the only principal structure on a separate platted lot so long as the accessory building and property is located no more than 300 feet from the lot of the principal structure it is associated with.
- 4) Site development regulations for detached accessory buildings in residential districts are:
  - a. Residential accessory buildings shall be limited to a maximum of two (2) total buildings, including a garage, of which all total accessory buildings in any required yard area shall not occupy more than thirty (30) percent of the required rear yard area. However, this regulation shall not prohibit the construction of at least one garage not to exceed six hundred (600) square feet gross building area and at least one accessory storage building not to exceed one

- hundred twenty (120) square feet gross building area.
- b. No detached accessory building on a corner lot may be placed in any rear or side yard nearer to a public street right-of-way than the principal building on the same lot.
  - c. No detached accessory building is permitted within the limits of a front yard
  - d. Accessory buildings with a permanent foundation shall not be erected within ten (10) feet of any main (principal) building, required lot line, other utility or permanent easement.
  - e. If a garage door directly faces an alley, there must be a fifteen (15) foot minimum setback.
- 5) No accessory building shall be constructed, including siding and roofing materials, from galvanized metal, but not to exclude the use of standing seam metal roofs or other fabricated or painted metal roof shingles.
  - 6) Detached accessory buildings shall not exceed a height of 18 feet.
  - 7) No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.
  - 8) Accessory buildings shall not be used for dwelling purposes.
  - 9) An open unenclosed porch or deck may not encroach or project into a front yard, except as permitted in Section 17.4.6.
  - 10) For the purposes of this ordinance, a gasoline dispensing pump shall not be classified as an accessory structure.

### **18.3. TEMPORARY USES.**

Provisions authorizing temporary uses are intended to permit occasional, temporary uses when consistent with the purposes of this Zoning Regulations and when compatible with other nearby uses.

- 1) *Temporary Use Types:* The following types of temporary use may be authorized, subject to specific limitations herein and such additional conditions as may be established by the Zoning Administrator.
  - a. Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project may be permitted in any district during the period that the construction work is in progress, but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of the construction work.
  - b. Religious, patriotic, or historic assemblies, displays, or exhibits.
  - c. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities not closer than 200 feet to an existing dwelling.
  - d. Outdoor art and craft shows and exhibits.
  - e. Christmas tree sale lots.
  - f. Temporary signs relating to temporary uses.
  - g. Outdoor special sales, including swap meets, flea markets, parking lot sales, or similar

activities, limited to locations in commercial or industrial districts, and when operated not more than 3 days in the same week or more than 5 days in the same month.

- h. Temporary use of trailer units or similar portable structures for nonresidential uses, and limited to a maximum period of 6 months per calendar year.
- i. Additional similar uses determined to be temporary by the Zoning Administrator.

2) *Required Conditions of Temporary Use:*

- a. Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use.
- b. The Zoning Administrator may establish such additional conditions as deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses, including but not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following temporary use.

3) *Determination:* The Zoning Administrator may authorize a temporary use only when, in his judgement, the following determination can be made:

- a. The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.
- b. The temporary use will be compatible with nearby uses in the general vicinity.
- c. The temporary use will not impact public health, safety, or convenience, or create traffic hazards or congestion or otherwise interrupt or interfere with the normal conduct of uses and activities in the vicinity.

4) *Application and Authorization:*

- a. Application to conduct a temporary use shall be made to the Zoning Administrator, and shall include a site plan and description of the use and such additional information as the Zoning Administrator may require to evaluate the use and to make the determination.
- b. Application shall be made at least 20 days prior to the requested date for commencement of the temporary use, and the Zoning Administrator shall make a determination within 10 days after the date of application.
- c. Authorization of a temporary use shall be by issuance of a zoning permit.
- d. A temporary use authorized pursuant to these provisions shall not be exempted or relieved from compliance with any other ordinance, law, permit, or license applicable to such use.

#### **18.4. ADULT-ORIENTED ESTABLISHMENT REGULATIONS.**

1) Purpose. The City of Sioux Center finds:

- a. Adult-oriented establishments require special consideration in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of Sioux Center;
- b. Adult-oriented establishments, because of their very nature, have a detrimental effect on both existing establishments around them and surrounding residential areas adjacent to them;

- c. The concern over sexually-transmitted diseases is a legitimate health concern of the City that demands reasonable regulation of adult-oriented establishments in order to protect the health and well-being of the community;
- d. Adult-oriented establishments, due to their very nature, have serious objectionable operational characteristics, thereby contributing to blight and downgrading the quality of life in the adjacent area;
- e. The City of Sioux Center wants to prevent these adverse effects and thereby protect the health, safety, and welfare of its residents; protect residents from increased crime; preserve the quality of life; preserve the property values and character of the surrounding neighborhoods; and deter the spread of blight;
- f. It is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact content neutral regulations that address the secondary effects of adult-oriented establishments as well as the health problems associated with such establishments.

2) *Definitions Related to Adult-Oriented Establishments.*

- a. **ADULT BOOKSTORE:** An establishment that has a facility or facilities, including but not limited to, booths, cubicles, rooms or stalls for the presentation of "adult entertainment," including adult-oriented films, movies, or live performances for observation by patrons therein; or an establishment having a substantial or significant portion of its stock-in-trade for sale, rent, trade, lease, inspection, or viewing of books, films, video cassettes, magazines, or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified anatomical areas or specified sexual activities as defined below.
- b. **ADULT ENTERTAINMENT:** Any exhibition of any motion picture, live performance, display, or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as defined below.
- c. **ADULT MOTION PICTURE THEATER:** An enclosed building used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons of the building.
- d. **ADULT-ORIENTED ESTABLISHMENT:** Any premises including, without limitation, "adult bookstores," or "adult motion picture theaters." It further means any premises to which public patrons or members are invited or admitted and which are physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, where such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect. "Adult-Oriented Establishment" further includes, without limitation, any premises physically arranged and used as such whether advertised or represented as an adult entertainment studio, exotic dance studio, encounter studio, sensitivity studio, or any other term of like import.
- e. **OPERATORS:** Any person, partnership, or corporation operating, conducting, maintaining or owning any adult-oriented establishment.

- f. *SPECIFIED ANATOMICAL AREAS*: Less than completely and opaquely covered human genitals, buttocks, female breasts below the areola; or, male genitalia.
- g. *SPECIFIED SEXUAL ACTIVITIES*: Simulated or actual (a) showing of human genitals in a state of sexual stimulation or arousal; (b) acts of sexual activity, sodomy, or sado-masochism; or (c) fondling or erotic touching of human genitals, buttocks, or female breasts.

3) *Location Restrictions.*

An adult-oriented establishment shall be permitted within the City of Sioux Center only in the General Industrial (GI) District upon receipt of a site plan (Article XIX) and special exception use permit in accordance with the procedures set forth in Articles XXV, and only if it meets all of the location requirements set forth below. Distances provided hereafter shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed adult entertainment business is to be located, to the nearest point of the parcel of property or zoning district boundary line from which the proposed adult entertainment business is to be separated.

- a. Adult-oriented establishments shall be prohibited in or within one thousand (1,000) feet of the borders of a residential district.
- b. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any church, synagogue, mosque, temple, or other place of religious worship.
- c. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any public or private school offering general education for students between the years of Kindergarten and Twelfth grade.
- d. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any daycare home or daycare business.
- e. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any public park or playground. For purposes of this section, bike paths, trails, waterways, and boat launches shall not be deemed a public park.
- f. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any other adult entertainment business.
- g. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any existing establishment selling alcoholic beverages for consumption on premises.

4) *Development Design Standards.*

- a. *Exterior.* It shall be unlawful for an owner of an adult-oriented establishment:
  - i. to allow the merchandise or activities of the establishment to be visible from a point outside the establishment
  - ii. to allow the exterior portion of the adult-oriented establishment to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any manner depicting specified anatomical areas or specified sexual activities.
  - iii. to allow exterior portions of the establishment to be painted other than a single color.
- b. *Signage.* The operator shall comply with Article XXI of this ordinance. Additionally, the

display surfaces of the sign shall not contain any flashing lights or photographs, silhouettes, drawings, or pictorial representations of any manner, except for the name of the enterprise.

- 5) *Responsibilities of the Operator.* Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- 6) *Minors.* It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult-oriented establishment at any time that the establishment is open for business. The operator must ensure that an attendant is stationed at each public entrance at all times during regular business hours. The attendant shall prohibit any person under the age of eighteen (18) from entering the establishment. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished a valid drivers license issued by a state reflecting that person's age.
- 7) *Hours of Operation.* An adult-oriented establishment may remain open for business no longer than the hours from between 10:00 a.m. to 2:00 a.m., seven days a week.

#### **18.5. HOME OCCUPATIONS.**

Home occupations as an accessory to residential uses shall be subject to the following limitations.

- 1) The use must be conducted as a secondary use and in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term. The home occupation shall be conducted entirely within a dwelling unit that is the bona fide residence of the practitioner(s), or entirely within an attached or detached garage (not to include a carport, driveway, yard or outside area).
- 2) Only one (1) unrelated person living outside the residence and members of the immediate family may be employed in the home occupation.
- 3) The residential character of the lot and dwelling shall be maintained. The exterior of the dwelling shall not be structurally altered so as to require compliance with nonresidential construction codes to accommodate the home occupation.
- 4) The home occupation shall not generate customer related vehicular traffic substantially in excess of the normal anticipated residential neighborhood traffic.
- 5) No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the premises.
- 6) May have no more than one, flush mounted, non-illuminated sign not exceeding four (4) square feet and four feet (4') in height.
- 7) In addition to one flush mounted sign allowed in subsection 6 above, home occupations shall be permitted to have one yard sign, of the same size and height above, no closer to the street than fifteen feet (15') from the curb.
- 8) No more than thirty percent (30%) of the main floor area of the principal building may be utilized by the home occupation. However, this regulation shall not apply to day care services.

- 9) The occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste run off outside the dwelling unit or on the property surrounding the dwelling unit.
- 10) The use must not infringe upon the right of neighbors to enjoy peaceful and healthy occupancy of their home for which purpose the residential district was created and primarily intended.
- 11) Music lessons, when operated as a home occupation shall be limited to two (2) students at any one time. Dance lessons, when operated as a home occupation, shall be limited to no more than four (4) students at any one time.
- 12) Nothing herein shall be construed to allow the following businesses or occupations as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, junk yards, restaurants, rental outlets, automotive repair, vehicle repair shops or massage parlors.
- 13) Day care, for home occupation, shall be permitted according to state regulations.
- 14) When located in any residential district, administrative services shall be limited to activities and services of direct benefit to residents of the neighborhood, and shall be conducted in a manner compatible with permitted residential uses.

#### **18.6. RECREATIONAL VEHICLES.**

- 1) Recreational vehicles may be parked for seasonal use (short term use) on a driveway within a front yard, but not upon the right-of-way, in residential districts provided the view of the street is not obstructed as to vehicular ingress and egress. Recreational vehicles, including campers, boats, personal watercraft, snowmobiles, trailers, and other recreational based vehicles not intended for permanent occupancy, may be parked or stored (long term use) within the side yard or rear yard of a residential lot, or within an enclosed garage.
- 2) For purposes of long term storage, all year long, or a period of time exceeding 30 consecutive days, recreational vehicles parked within side yards of a property shall not be located in front of a line parallel to the front of the principal structure on the lot.
- 3) Recreational vehicles shall be customarily or ordinarily used for vacation or recreation purposes and not used as a place of human habitation for more than fourteen (14) consecutive days in any three (3) month period.
- 4) Recreational vehicles shall not be used for permanent human occupancy in any district.
- 5) Recreational vehicles shall not be used for business purposes.

#### **18.7. MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURES**

All structures intended for residential occupancy placed, erected, assembled or constructed in the City after the effective date of this Section shall meet and comply with the following minimum requirements:

- 1) *Structure Size:* Each such structure shall have a main body with a minimum exterior dimension of at least twenty-two feet (22') measured from outside of the exterior walls, exclusive of attached garages, porches, or other attached accessory structures. A structure may include porches, sunrooms, garages and wings of lesser dimensions and area, so long as the main body meets the minimum requirements.

- 2) *Minimum Floor Area*: A minimum floor area of not less than eight hundred (800) square feet.
- 3) *Foundation*: All residential structures shall have a continuous and complete frost protected perimeter foundation. Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line or be an approved frost-free permanent foundation. The structure must be permanently attached to the foundation.
- 4) *Exterior Wall and Roof Material*:
  - a. Exterior wall covering shall be wood or masonry finish, vertical or horizontal grooved siding, lap siding, log siding, wood shingles, or another approved material of similar appearance.
  - b. Roofing material shall be shingles (asphalt, fiberglass, or wood), slate, ceramic, concrete, or metal of a type customarily used as local residential roofing material, such as “standing seam”, “Horizon-Loc”, and “Snap-Lok” or embossed or textured metal providing that the fasteners remain hidden, concealed, or unexposed to weathering
  - c. Smooth, unfinished or corrugated sheet metal or sheet fiberglass shall not be used for exterior wall or roof covering.
  - d. Soffits and/or eaves, window and door trim, roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl or wood or unfinished metal, such as copper, customarily used for residential structure trim.
  - e. All dwelling units shall have a minimum roof pitch of 3:12. This requirement shall not apply to mobile home housing if the structure complies with 42 U.S.C., Section 5403.
  - f. This subsection shall not prevent the repair or replacement of existing rolled roofing on flat roof
- 5) *Wheels, Axles or Towing Device*: No residential structure shall have attached wheels, axles, or a towing device.
- 6) *Exemption*: The provisions of Article 18.7 Subsections 1-3, shall not apply to “mobile” or “manufactured” homes placed in a mobile home park or a mobile home subdivision in compliance with the remaining regulations in this Zoning Ordinance.

#### **18.8. RESIDENTIAL OCCUPANCY STANDARDS**

- 1) *Definitions*:
  - a. *Apartment*: A single room or set of rooms occupied as a dwelling which is part of a multi-family structure. (See Section 3.1 “Definitions”)
  - b. *Dwelling*: Any house, building, or mobile home, or portion thereof intended to be occupied as the place of habitation of human beings, either permanently or transiently. (See Section 3.1 “Definitions”)
  - c. *Dwelling unit*: One or more rooms intended to be occupied by one family for living purposes.
  - d. *Owner-Occupied Single Family Dwelling*: Any townhouse, condominium, or detached dwelling that is occupied as a dwelling by the owner or owner’s relative and may include a nanny, live-in nurse or live-in exchange student. It is still a single-family dwelling unit, even if rooms are rented as part of the building.
  - e. *Family*: A person living alone, or any one of the following groups living together as a single

housekeeping unit and sharing common living, sleeping, cooking, and eating facilities.

- (1) Two or more persons related to the second degree of collateral consanguinity by blood, marriage, adoption, guardianship, or otherwise duly authorized custodial relationship as verified by official public records such as drivers licenses, birth of marriage certificates, living and cooking together as a single housekeeping unit exclusive of not more than one additional unrelated person.
- (2) Not more than eight (8) people who are:
  - i) Residents of a “Family Home” as defined in Section 414.22 of the Iowa Code; or
  - ii) “Handicapped” as defined in the Fair Housing Act, 42 U.S.C. Section 3602 (h).
- (3) Exceptions – The definition of a “Family” does not include:
  - i) Any society, fraternity, sorority, association, lodges, federation, or like organization.
  - ii) A maximum of four (4) unrelated persons whose association is temporary or seasonal in nature
  - iii) Any group of individuals in a living arrangement resulting from criminal offenses.

## 2) Permitted Occupancy:

- a. *Owner Occupied Single Family and Two Family Dwellings in the RS (Suburban) and R-1 (Single Family Residential) zoning districts.* Notwithstanding excess floor space over the required minimum occupant requirements in all single family and two-family dwellings in the RS and R-1 zoning districts, maximum occupancy of a dwelling unit shall be one (1) family.
- b. *Owner Occupied Single Family and Two Family Dwellings in the R-2 (Medium Density Residential), R-3 (Multiple Family Residential), MH (Mobile Home Residential), and AG (Agriculture) zoning districts.* Notwithstanding excess floor space over the required minimum occupant requirements in all single family and two-family dwellings in the R-2, R-3, MH and AG zoning districts, maximum occupancy of a dwelling unit shall be:
  - i. one family; or
  - ii. up to four (4) unrelated people residing in the same dwelling unit.
- c. *Multiple Family Dwellings and Apartments in all zoning districts.* Notwithstanding excess floor space over the required minimum occupant requirements in all multiple family dwellings and apartments (more than 3 units) in all zoning districts, maximum occupancy of a dwelling unit shall be:
  - i. one family; or
  - ii. up to four (4) unrelated people residing in the same dwelling unit.
  - iii. provisions of at least one parking space per bedroom for units with two bedrooms or more; one bedroom units shall have 2 parking spaces.

## 3) Maximum Occupancy Requirements:

- a. In all cases, each dwelling unit shall provide habitable floor space totaling at least eighty (80) square feet for the first occupant and sixty (60) square feet for each additional occupant.
- b. Every person occupying an apartment, multiple family dwelling, or tenant-occupied apartment in a one or two family dwelling shall have a livable area of not less than 80 square feet. The maximum number of persons who may occupy any such rental space shall be determined by dividing the total livable floor area of the rental space by 80 square feet and

rounding to the nearest whole number.

- 4) Single Room Occupancy (SRO) and efficiency unit requirements:
  - a. A single room occupancy unit provides living and sleeping space for the exclusive use of the occupant, but requires the occupant to share sanitary and or food preparation facilities (i.e. dormitories, fraternities, sororities, lodging or boarding houses, halfway house, etc.)
  - b. An SRO unit must contain at least 110 square feet of floor space and at least four square feet of closet space for use by the occupant.
  - c. An efficiency dwelling unit (all rooms, including habitable and non-habitable are included in one open space) shall contain at least 220 square feet of floor space for the first occupant and at least 100 additional square feet of floor space for every additional occupant.
  - d. In both SRO's and efficiency units, when determining the permissible occupancy, the floor area of that part of a room where the ceiling height is less than five (5) feet shall not be considered when computing the total floor area.
- 5) In all existing dwelling units with a current occupancy limit greater than permitted in the aforesaid sections 2-4, such occupancy limit shall be allowed to continue until such time as negated by a change in use or occupancy of the dwelling unit; at which time the dwelling unit will become compliant with the occupancy limits set forth in this ordinance.

#### **18.9. DESIGN (ARCHITECTURAL) STANDARDS**

As part of the submittal of a site plan for development within any of the zoning districts and for any of the uses except one and two family dwellings, architectural plans for buildings shall be submitted for review and approval by the City staff as part of the permitting process. Documentation to be submitted shall include drawings showing the building's design and a description of structural and exterior materials to be used, on all sides. The following standards shall be used by the city staff to review architectural plans:

- 1) *Non-Residential uses in any RESIDENTIAL District:* Any building used for a permitted or special exception non-residential use in any residential district, shall be designed and constructed with architecture and use of materials compatible with the residential uses within the neighborhood.
- 2) *All uses within the COMMERCIAL District:* Buildings within commercial districts shall be designed, having as a primary element of the building exterior: fascia glass, wood siding, stucco, vinyl, brick, concrete panels, finished or painted metal or aluminum siding, ribbed metal panels, textured concrete block or stone with all sides of any building consistent in design and use of materials. These materials shall make up at least a majority of the building walls of each side of the structure. No masonite, asphaltic wall material, non-architectural galvanized sheet metal, non-textured concrete block, or other similar materials shall constitute a major portion of any building except as a trim material, unless city staff shall determine said material when used as a primary element, does not distract from the physical appearance of the building. The architectural design and use of materials for the construction shall be reviewed as part of any site plan.
- 3) *All uses within the INDUSTRIAL District:* The exterior material of the building's front elevation shall be comprised of one or a combination of the building materials permitted in commercial

districts. These materials shall be present on at least a majority of the building's front facade. The use of galvanized metal shall not be considered acceptable for any facade. The architectural design and use of construction materials shall be reviewed as part of any site plan.

Buildings proposed in commercial or industrial areas that are adjacent to less intense uses (e.g. residential or civic uses) should be designed with an articulated roofline, giving emphasis to architectural elements that help divide the mass of a large building into smaller, identifiable parts. Commercial and industrial buildings shall incorporate facade modulation in all building elevations visible to the public or adjacent to other less intense uses in order to preserve building scale and reduce the effect of long, large or expansive wall surfaces. Variation of these surfaces can be accomplished by physical offsets or the use of color, pattern or texture. Buildings shall incorporate architectural design elements, materials, and colors into the side and rear building elevations similar to those used in the front building elevation.

#### **18.10. PLANNED UNIT DEVELOPMENT (PUD) – APPLICATION AND APPROVAL.**

A planned unit development to be eligible for application and approval, must meet all of the requirements of Article XVI and meet the following requirements:

*Application Procedures:* Planned Unit Developments shall be subject to the approval of the City Council based upon review and recommendations by the Planning Commission.

- 1) *Pre-Application Meeting.* Prior to the submission of any plan to the Planning Commission, the applicant shall meet with the Zoning Administrator to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps and exhibits required. This includes the procedural steps for a special exception use permit and subdivision process. The applicant may submit a simple sketch plan at this stage for informal review and discussion.
- 2) *Development Plan.*
  - a. An applicant shall make an application for a special exception use permit following the procedural steps as established by the Zoning Administrator.
  - b. In order to grant approval to a special exception use permit, the City Council shall find that the planned unit development complies with the "General Regulations" criteria outlined in Section 16.3 and with the requirements as established in this section of this ordinance.
  - c. Development Plan Documentation - the following information shall be submitted by the developer as part of the application for a special exception use permit.
    - i. An explanation of the character and need for the planned development and the manner in which it has been planned to take advantage of the planned development regulations.
    - ii. A statement of proposed financing of the Planned Unit Development (PUD).
    - iii. A statement of the ownership of all of the land included within the planned development and a list of property owners and addresses within two hundred (200) feet of the property.
    - iv. A general indication of the expected schedule of development including phasing schedules.
    - v. A map giving the legal description of the property including approximate total acreage and also indicating existing property lines and dimensions, ownership of all parcels, platting, easement, street rights-of-way, utilities, and buildings.

- vi. Natural features map of the property showing contour lines, drainage patterns, wetlands, vegetation, soil and subsoil conditions.
  - vii. A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.
  - viii. Full description as to how all necessary infrastructure and municipal services will be provided, including sanitary sewer, storm sewer, water, streets and other public utilities.
  - ix. Any additional information requested by the Zoning Administrator or Planning Commission.
- 3) *Preliminary Plat.* The applicant shall also submit a preliminary subdivision plat and all the necessary documentation as required under the City's Subdivision Ordinance. For purposes of administrative simplification, the public hearings required for the special exception use permit and preliminary subdivision plat may be combined into one hearing.
- 4) *Development Plan Procedures.*
- a. The applicant shall file a completed application together with required exhibits with the Zoning Administrator.
  - b. The Zoning Administrator shall review for conformity and transmit the application and required exhibits to the Planning Commission, and notify all property owners within the affected zone and within one hundred (100) feet of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
  - c. The Zoning Administrator shall set a date for a public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than seven (7) days and not more than thirty (20) days prior to said hearing.
  - d. The Planning Commission shall hold the public hearing and recommend and transmit to the City Council within thirty (30) days after the close of the public hearing, one of three actions - approval, denial, or conditional approval.
  - e. The City Council shall act upon the application within thirty (30) days after receiving the recommendation of the Planning Commission.
  - f. Upon approval by the City Council, the Zoning Administrator shall issue a conditional use permit to the applicant. The final subdivision plat shall be submitted to the County Recorder's Office within ninety (90) days. This shall include posting a performance bond or certified check with the City of Sioux Center, Iowa, guaranteeing those required improvements will be constructed according to the approved implementation schedule.
  - g. Once the development plan and final subdivision plat have been approved, the city may issue the building permit for the area complying with the plan and other laws of the city.
- 5) *Enforcing Development Schedule.* The provision of all of common open spaces and public or recreational facilities shown on the development plan must proceed at the same rate as the construction of the principal buildings. If city staff finds that the rate of construction of principal buildings is faster than the rate of public or recreational facilities, the city may revoke the special exception use permit.
- 6) *Review and Amendments.* If the Zoning Administrator finds that development has not occurred within one year after the original approval, the Planning Commission may recommend that the City Council revoke the conditional use permit.

Revisions or amendments to the Planned Unit Development (PUD) may include:

- a. Changes in location, placement, and heights of buildings may be authorized by the Zoning Administrator.
- b. Approval by the Planning Commission and City Council shall be required for other changes such as rearrangement of lots, blocks and building tracts.
- c. Amendments to the Planned Unit Development (PUD) shall require the same procedures as for the application for a conditional use permit.



## ARTICLE XIX

### Site Plans

#### Article 19: Site Plans

- Section 19.1. Scale
- Section 19.2. Legal Information
- Section 19.3. Site Plan

Site plans are required for review and approval for any use in any district or elsewhere by this ordinance shall comply with and illustrate the following.

#### **19.1. SCALE.**

All site plans shall be drawn at a scale not smaller than 1" = 100' and two (2) copies of the site plan shall be submitted with zoning permit application.

#### **19.2. LEGAL INFORMATION.**

The final site plan required shall include the following legal information:

- a. Legal property owners name and description of property.
- b. Appellant's name, requested land use and zoning.
- c. If the appellant is other than the legal owner, the appellant's interest shall be indicated and the legal owners' authority to appeal shall be certified legal form.

#### **19.3. SITE PLAN.**

The final site plan shall clearly illustrate and enumerate the following information:

- a. Property boundary lines, dimensions and total area.
- b. Contour lines at intervals of not more than five (5) feet, if requested by city staff. If substantial topographic change is proposed, the existing topography shall be illustrated on a separate map and the finished topography shown on the final site plan.
- c. The availability and location of existing utilities, if requested by city staff.
- d. The proposed location, size, shape and type of all buildings or structures.
- e. The total square feet of building floor area, both individually and collectively.
- f. The number of dwelling units, bedrooms, offices, etc.
- g. A vicinity sketch showing adjacent existing land uses within five hundred (500) feet of the property, if requested by city staff.
- h. Existing buildings, rights-of-way, street improvements, utilities, easements, or drainage ways, if requested by city staff.
- i. Parking areas, number of parking spaces proposed, number of parking spaces required by this ordinance, type of surfacing to be used, etc.
- j. Walkways, driveways, outside lighting, walls, fences, signs, monuments, statues and other man-made features to be used in the landscape.
- k. Location and type of landscaping to be used for screening purposes shall be illustrated in elevation as well as in the plan, if required.
- l. Walls, fences or other artificial screens to be used as buffers shall be shown in elevation as well as plan with proposed height and structural material to be used indicated, if required.
- m. Traffic considerations, architectural themes, and all other considerations pertinent to the proposed use may be requested for illustration or statistical purposes.



## ARTICLE XX

### Off Street Parking and Loading Space

#### Article 20: Off Street Parking and Loading Space

- Section 20.1. Intent
- Section 20.2. General Parking Area and Surface Requirements
- Section 20.3. Off Street Parking Requirements
- Section 20.4. Computation of Parking Spaces
- Section 20.5. Location and Type of Parking
- Section 20.6. Off Street Loading Requirements

#### **20.1. INTENT.**

It is the intent of this article to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic.

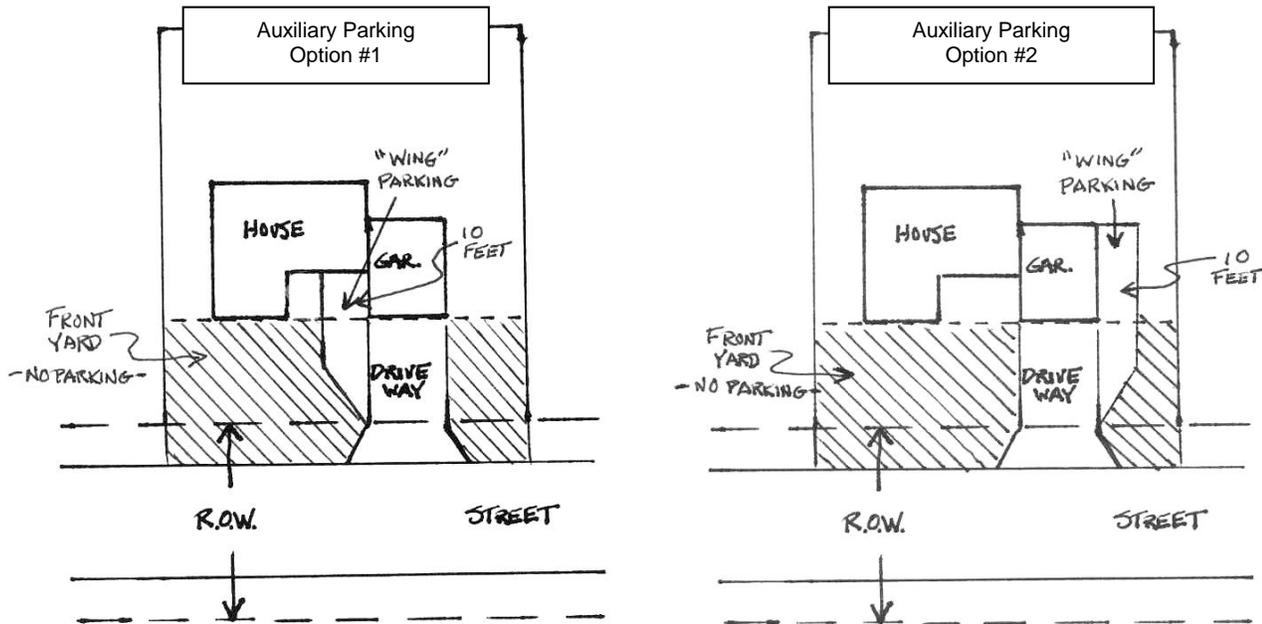
Therefore, after the effective date of this ordinance, in all districts, there shall be provided at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements set forth herein. The requirements of this Article are minimum standards, and in certain uses these requirements may be inadequate. Where review of the site plans and intended land use indicate through the application of proven standards or experienced statistics that the requirements herein are inadequate for the specific land use adaptation, a greater requirement for off-street parking may be required to preserve the intent of this ordinance.

#### **20.2. GENERAL PARKING AREA AND SURFACE REQUIREMENTS.**

All off-street parking areas as required in this Section shall comply with the following minimum area and surface requirements.

- 1) Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, leases, or contract documents to establish such a joint area of use;
- 2) A "parking space" shall be not less than nine feet (9') in width and nineteen feet (19') in length.
- 3) Parking spaces shall be surfaced with Portland Cement, concrete, asphaltic concrete, or equivalent hard surface; or two inch (2") thickness pit run one inch (1") screened gravel with fifteen percent (15%) binder.
- 4) Enclosed parking areas or garages shall qualify to meet the minimum parking space requirements under this section.
- 5) Requirements as to number and size of parking space in this section are minimum requirements only and shall not be construed as limitations.
- 6) Willful failure to permanently maintain and provide parking spaces as required under this section shall be deemed in violation of this ordinance and subject to the penalty listed in Article XVII "Violation and Penalty."
- 7) General parking requirements within all Residential Districts shall include"
  - a. No parking in front yards, except on a surfaced driveway or auxiliary parking area.
  - b. A driveway is considered the surfaced portion of the yard no wider than the width of the garage.

- c. Additional parking of vehicles is permitted on a surfaced area or “wing” off to the side of a driveway. An auxiliary surfaced parking or driveway “wing” is permitted on one side of the driveway, but not both sides.
- d. Auxiliary “wing” parking areas shall be no more than 10 feet (10’) in width and shall not encroach into the right-of-way.



**20.3. OFF STREET PARKING REQUIREMENTS.**

At the time of construction, alteration, or enlargement of a structure or building, or change in the use of the land; off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows.

- |   |   |
|---|---|
| A. Single Family Residential:                 | 2 space   |
| B. Multi- Family Residential:                 | 1.5 spaces per dwelling unit  |
| C. Mobile Home Residential:                   | 2 spaces per mobile home  |
| D. Hotel / Motel:                             | 1 space per room  |
| E. Hospital:                                  | 1 space for each four hospital beds, plus 1 space for each two employees on the major shift |
| F. Public Assembly:                           | 1 space for each six (6) seats of seating capacity provided                                 |
| - Churches, Auditoriums, Stadiums, Etc.       |   |
| - Schools (see requirements below)            |   |
| G. Bowling Alley                              | 3 spaces per alley  |
| H. Skating rinks or dance halls:              | 1 space for each 300 sq.ft. of gross floor area.  |
| I. General Retail Sales/ Professional Office: | 1 space per 300 feet of gross floor area  |

J. Restaurants:	1 space for each four seats, plus 1 space for each two employees
K. Lounges/Bars/Taverns:	1 space for each two seats
L. Primary Educational Facility:	1 space per regularly employee and 1 space for every ten seats in the largest facility for public assembly.
M. Secondary Education/College Facilities:	1 space per regular employee or 1 space for every six (6) seats in the largest facility for public assembly, whichever is greater.
N. Convalescent/Nursing Home:	1 Space for each eight beds, plus 1 space for each 3 employees on the largest shift.
O. Industry/Bioscience/Research:	1 Space for every two employees on the largest shift.
P. All Other Uses:	All other buildings having a gross floor area of more than two thousand (2,000) square feet shall provide one (1) off-street parking space for each one thousand (1,000) square feet of floor space on the same lot as the principal building.

#### **20.4. COMPUTATION OF PARKING SPACES.**

- 1) In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply, as determined by the Zoning Administrator.
- 2) Where fractional spaces occur, the parking spaces required shall be construed to be the nearest whole number.
- 3) Whenever a building or use constructed or established after the effective date of this ordinance is changed, altered, or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- 4) In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses if computed separately.

#### **20.5. LOCATION AND TYPE OF PARKING.**

All parking spaces required herein shall be located on the same lot as the building or use served, except that where an increase in the number of spaces is required due to a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained no more than three hundred feet (300') from an institutional or other non-residential building being served.

- 1) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution, and shall be filed with the application for a building permit.
- 2) Off-street parking spaces may be located within the required front yard of any commercial, industrial, Bioscience (B), Professional Office (PO), or multiple family residential (R-2 and R-3) districts. However, no off-street parking shall be permitted in the required front yard except upon a driveway providing access to a garage, carport or parking area within the Agriculture (A) and remaining residential (SR, R-1, MH) districts.
- 3) All required off-street parking areas of more than five (5) spaces shall be surfaced with either asphalt, concrete, or other such surface as shall be approved by the Zoning Administrator so as to provide a durable surface. They shall be graded and drained to dispose of all surface water accumulation within the lot, and shall be arranged and marked to provide for orderly and safe loading or unloading.
- 4) Any lighting used to illuminate any off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land.
- 5) In case commercial or other non-residential parking lots adjoin a residential district, it shall be at least five feet from the property line and effectively screened by the use of a fence, hedge, or other similar methods.
- 6) Parking in any district is not permitted on right-of-ways.

#### **20.6. OFF STREET LOADING REQUIREMENTS.**

At the time of construction, alteration, or enlargement of every building hereafter erected, every hospital, hotel, institution, manufacturing, storage, warehouse, retail store, wholesale store, or other similar commercial or industrial building having secondary access from an alley, side street or otherwise shall have one permanently maintained loading space for buildings in excess of ten thousand (10,000) square feet.

- 1) Each loading space shall be no less than ten feet (10') in width, forty feet (40') in length and fifteen feet (15') in height.
- 2) No truck or trailer, for purposes of loading, unloading or parking will be permitted to be located on any street or other public right-of-way.
- 3) Such space may occupy all or any part of any required side or rear yard or open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10') from said district and be effectively screened from view.

## ARTICLE XXI

### Sign Regulations

#### Article 21: Sign Regulations

Section 21.1	Intent
Section 21.2	Definitions
Section 21.3	Requirements
Section 21.4	Special Exceptions
Section 21.5	Additional Regulations
Section 21.6	General Sign Provisions
Section 21.7	Permits Required
Section 21.8	Permitted Signs
Section 21.9	Unsafe and Unlawful Signs
Section 21.10	Exemptions
Section 21.11	Removal of Signs

#### **21.1. INTENT.**

This article is established to protect and promote health, safety, general welfare and order within the City of Sioux Center through the establishment of comprehensive and uniform standards, regulations and procedures governing the type, number, size, structure, location, height, lighting, erection, use or display of devices, signs, or symbols serving as a visual communications media to persons situated within or upon public rights-of-way or private properties. The provisions of this article are intended to encourage opportunity for effective, aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or indiscriminate use of communications facilities. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this article.

#### **21.2. DEFINITIONS.**

For use in this article, the following terms are defined.

- 21.2.1 **AWNING:** A device made of cloth, metal, or other material affixed to and projecting from a building in such a manner that the device is either permanently fixed or so erected as to allow it to be raised or retracted and return to a flat position against the building when not in use.
- 21.2.2 **ERECT:** To build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
- 21.2.3 **FACING (or SURFACE):** The surface of the sign upon; against or through which the message is displayed or illustrated on the sign.
- 21.2.4 **INCOMBUSTIBLE MATERIAL:** Any material that will not ignite at or below a temperature of 120 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- 21.2.5 **PERSON:** Any one being, firm, partnership, association, corporation, company or organization of any kind.
- 21.2.6 **SIGN:** The use of any words, numerals, pictures, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession or business, and are visible to the general public.

- a. **ABANDONED SIGN:** A sign which no longer correctly directs any person, advertises a bona fide business, lessor, owner, product, or activity conducted on the premises where such sign is displayed.
- b. **ADDRESS SIGN:** A sign communicating street address only, whether written or in numerical form.
- c. **AWNING SIGN:** A sign consisting of either an operating or permanently affixed awning containing letters, graphics, pictures, or other images which portray the business or other advertising of the establishment in which it is attached to. Awning signs shall not encroach more than four (4) feet out in front of a building, but shall meet all other size requirements addressed in this chapter. Permanent awnings may be lighted (from the backside); however, awning signs shall not have any flashing, strobe, or otherwise intermittent light emitting from the awning sign.
- d. **CAMPAIGN SIGN:** A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted upon at a governmental election.
- e. **CONSTRUCTION SIGN:** A sign placed at construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
- f. **DIRECTIONAL SIGN:** A sign erected on public or private property which bears the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.
- g. **FLASHING SIGN:** Any illuminated sign that has artificial light or color which is not maintained at a constant intensity or color when such sign is in use. A sign providing public service information, such as time, weather, date, temperature or similar information, shall not be considered a flashing sign.
- h. **FREE STANDING SIGN:** Any sign or sign structure, not securely attached to the ground or to any other structure. This shall not include trailer signs as defined in this section
- i. **GOVERNMENTAL SIGN:** A sign which is erected by a governmental unit.
- j. **ILLUMINATED SIGN:** Any sign which has character, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
- k. **INFORMATION SIGN:** Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.
- l. **JOINT IDENTIFICATION SIGN:** A free-standing sign which identifies a subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center consisting of three (3) or more separate business concerns, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above.
- m. **NON-CONFORMING SIGN:** A sign which lawfully existed at the time of the passage of this Ordinance or amendments thereto but which does not conform to the regulation of this ordinance.
- n. **POLE SIGN:** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- o. **PORTABLE SIGN:** Any sign not permanently attached to a building, structure, or the ground, capable of being moved at periodic intervals.

- p. **PROJECTING SIGN:** A sign, other than a wall sign, which projects perpendicular to the wall surface of a building or structure, and is supported by a wall of the building or structure.
  - q. **REAL ESTATE SIGN:** A business sign placed upon a property advertising that particular property for sale, for lease or for rent.
  - r. **ROOF SIGN:** A sign erected upon or above a roof or parapet of a building or structure.
  - s. **SWINGING SIGN:** A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
  - t. **TRAILER SIGN:** Any sign mounted on a vehicle normally licensed by the State of Iowa as a trailer and used for advertising or promotional purposes.
  - u. **WALL SIGN:** All flat signs of solid face construction placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure. Such signs may extend no more than twelve (12) inches from the surface of the building or structure to which they are attached. Wall signs are also known as "flush mounted signs".
- 21.2.7 **SIGN AREA:** That area within the marginal lines of the surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building; that area which is included in the smallest connecting geometric figures which can be made to circumscribe the message, figure or symbol displayed thereon. Only changeable copy areas of marquee or canopies shall be considered in determining the total sign area.
- 21.2.8 **SIGN STRUCTURE:** The supports, uprights, bracing and framework for a sign including the sign area.
- 21.2.9 **STREET LINE (or PROPERTY LINE):** The place where the street right of way line begins and the private property line ends.
- 21.2.10 **STRUCTURAL TRIM:** The molding, battens, cappings, nailing strips, latticing and platforms that are attached to the sign structure.
- 21.2.11 **TEMPORARY SIGN:** Any sign which is erected or displayed for a specified period of time.

### **21.3. REQUIREMENTS.**

- 1) *All Residential Districts (SR, R-1, R-2, R-3, & MH).*  
Signs pertaining to principal permitted uses are allowed in residential districts subject to the following regulations.
  - a. Signs, for residential businesses and home occupations, shall be limited to no more than four (4) square feet in area appurtenant to a permitted use of the property on which displayed.
  - b. Signs, for non-residential businesses located in residential areas, shall be limited to no more than forty (40) square feet on one (1) free standing sign not to exceed a height of five (5) feet from the ground to the top of the sign structure. One (1) additional wall mounted sign not to exceed four (4) square feet is also permitted for non-residential businesses.
  - c. One (1) on-site sign pertaining only to the sale or lease of the land or building upon which displayed shall be allowed.

## d. Prohibited Signs:

1. Flashing type signs are prohibited.

## e. Permitted Signs:

- |                      |                               |
|----------------------|-------------------------------|
| 1. Address signs     | 5. Joint Identification signs |
| 2. Real Estate signs | 6. Wall signs                 |
| 3. Government signs  | 7. Ground signs               |
| 4. Campaign signs    | 8. Awning signs               |

2) *General Commercial Districts*. Signs and billboards in conjunction with principal permitted uses are allowed subject to the following regulations.

- a. Signs shall be limited to those (i) identifying uses conducted within the building; or (ii) necessary for directional purposes; or (iii) used to advertise the sale or lease of real property on buildings on which displayed; or (iv) identifying the commercial enterprise by name or symbol.
- b. The total aggregate area of all signs shall not exceed 200 square feet.
- c. For the purposes of this section, the sign area allowed by section b above shall:
  - i. For freestanding letters, be computed by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign.
  - ii. For signs other than freestanding letters, be computed by taking the total area of the facing or the total area within the outer edge of any existing border of the sign.
- d. All signs shall be fixed and shall not be audible. No illumination shall be intermittent, flashing, or scintillating, nor shall any sign or illumination be revolving or animated. No signs shall have moving parts including devices set in motion by movement of air.
- e. Wall-mounted signs are permitted, but shall not project out from a wall or face of a building more than twelve inches (12") nor project above the roofline more than four (4) feet.
- f. Service stations located in the General Commercial (C) District shall be limited to one hundred fifty (250) square feet of sign area. Where a service station has frontage on more than one street, both street frontages may be used to compute the allowable sign area. In no case however, shall the total of all signs for any one service station exceed 150 sq. feet per each street frontage.
- g. Advertising signs and billboards shall be set back from the right-of-way line of any state, federal, county, or local thoroughfare at least as far as the required front yard depth for a principal building.
- h. Only one permanent type sign intended to be read from off the premises will be allowed for each principal use, except for corner lots or double frontage lots in which case one permanent sign shall be permitted per each street frontage; (*See Section 21.6.13*)
- i. Permitted signs:
 

1. Real Estate signs	5. Informational signs	9. Pole signs
2. Government signs	6. Directional signs	10. Temporary or Portable signs
3. Address signs	7. Joint Identification signs	11. Swinging signs
4. Campaign signs	8. Wall signs	(located behind the R.O.W.)
		12. Awning signs

- 3) *Highway Commercial (HC), General Industrial (GI), Industrial Park (IP), Professional Office (PO), Bioscience/Research (BR), and Agriculture (A) Districts.* Signs and billboards in conjunction with principal permitted uses are allowed subject to the following regulations.
- a. Signs shall be limited to those identifying uses conducted on the property.
  - b. The total aggregate area of an independent structure sign shall not exceed 200 square feet.  
All signs located within the Professional Office (PO) District shall not exceed a height of 5' from the ground to top of sign structure. The sign area shall not exceed forty (40) square feet on one (1) free standing sign. A wall mounted sign is also permitted within the PO District.
  - c. For the purposes of this section, the sign area allowed for the signs described above shall:
    - i. For freestanding letters be computed by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign.
    - ii. For signs other than freestanding letters, be computed by taking the total area of the facing or the total area within the outer edge of any existent border of the sign.
  - d. All signs shall be fixed and shall not be audible. No illumination shall be intermittent, flashing, or scintillating, nor shall any sign or illumination be revolving or animated. No sign shall have moving parts including devices set in motion by movement of the atmosphere.
  - e. Wall-mounted sign are permitted, but shall not project out from a wall or face of a building or structure more than twelve inches (12") nor project more than four (4) feet above the roof of a building or structure.
  - g. Billboard type signs will be limited to one hundred (100) square feet, and must not impair sight distance or create a traffic hazard;
  - h. Only two permanent type signs will be permitted; one must be a wall sign, and one may be an independent structure located not more than 150 feet from the principal building and having a sign area of not more than 200 square feet;
  - i. Permitted signs:
 

1. Address signs	5. Directional signs	9. Pole signs
2. Real Estate signs	6. Informational signs	10. Roof signs
3. Government signs	7. Joint Identification signs	11. Free standing signs
4. Campaign signs	8. Wall signs	12. Awning signs

#### **21.4 SPECIAL EXCEPTIONS.**

Any sign type may be granted special exception status after review by the Board of Adjustment and subject to any conditions deemed by the board to be appropriate.

#### **21.5 ADDITIONAL REGULATIONS.**

In all districts, signs and billboards shall adhere to pertinent state regulations and other local ordinances.

#### **21.6 GENERAL SIGN PROVISIONS.**

- 1) *Safety*
  - a. *Obstructions to doors, windows or fire escapes.* No sign shall be erected, located or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

- b. *Face of sign shall be smooth.* All signs or other advertising structures which are constructed on street lines, or within five (5) feet thereof, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude therefrom, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.
  - c. *Signs not to constitute a traffic hazard.* No sign or other advertising structure as permitted by this ordinance shall, by reason of its location, lighting, size, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No signs shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision. No private sign shall contain words which might be construed as traffic controls, or be confused with any authorized traffic sign, signal or device; or which makes use of the words “STOP”, “LOOK”, “WARNING”, “CAUTION”, “DANGER”, or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. No sign or other advertising structure as regulated by this ordinance shall have posts, guides or supports located within any street or alley.
  - d. *Goose neck reflectors.* Goose neck reflectors and lights shall be permitted on ground signs, roof signs and wall signs, provided, however, the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign as to prevent glare upon the street and adjacent property.
- 2) *Sign Maintenance:* All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. In addition, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the property owner or agent of the owner of the property upon which the sign is located, within thirty (30) days after written notice by the City of Sioux Center.
  - 3) *Interference:* No sign, nor any guys, stay or attachment thereto shall be erected, placed or maintained by any person on rocks, fences, or trees; nor in such a manner as to interfere with the effective use of fire fighting equipment or personnel, or any electric light, power, telephone, fiber optic, or cable wires or supports thereof.
  - 4) *Signs in Right-of Way:* No signs other than government signs shall be erected or temporarily placed within any public rights-of-way except as may be specifically provided herein.
  - 5) *Temporary Signs:* The temporary use of portable or moveable signs, search lights, banners, pendants, and similar devices shall be allowed in excess of and in addition to the sign limitations of this Article for continuous periods of ten (10) consecutive days. No business proprietor shall be allowed more than three such periods in any calendar year.
  - 6) *Clearance:* All signs located over public rights-of-way or any public or private access route (sidewalk, mall, etc.) shall be located a minimum of fourteen (14) feet above grade.
  - 7) *Safe Ingress and Egress:* No sign or part thereof shall be erected or maintained so as to prevent or deter free ingress and egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
  - 8) *Signs Required by Law:* All signs required by law shall be permitted in all districts.
  - 9) *Back to Back Signs:* If a free-standing sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed thirty (30) degrees. If the angle is greater than thirty

degrees, the total area of both sides added together shall be the calculated sign area. Back to back signs (when less than thirty degrees) shall be considered as one sign when debited against the total number of signs permitted on one zoning lot.

- 10) *Roof Signs:* Roof signs shall not be permitted except for a business sign that is attached to the parapet wall and extending above the building height except where no alternative is available as determined by the Board of Adjustment.
- 11) *Illumination:* All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets.
- 12) *Animated Signs:* Animated signs may be allowed as a special exception requiring a hearing before the Board of Adjustment.
- 13) *Double Frontage:* Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each of the opposite ends of said lot, provided however, that not more than the maximum number of square feet of signs per frontage may be viewed simultaneously.

#### **21.7 PERMITS REQUIRED.**

It shall be unlawful for any person to erect, alter, or relocate within the city any sign or other advertising structure as defined in this ordinance, without first obtaining a sign permit and making payment of the fee required by this section.

- 1) *Application for Sign Permit.* Application for sign permits shall be made available upon request by the Zoning Administrator and contain or have attached thereto the following information:
  - Name, address and telephone number of the applicant.
  - Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
  - Position of the sign or other advertising structure in relation to nearby buildings or structures.
  - One sketch of the plan, method of construction, and attachment to the building or ground.
  - Name of person, firm, corporation or association erecting structure.
  - Written consent of the owner of the building, structure or land on which the sign is placed.
  - Such other information as the Zoning Administrator shall require showing full compliance with this ordinance and all other ordinances of the city.
  - Inscription of what the sign will say.
  - For signs located along a state primary highway, a state sign permit will also need to be included with the application.
- 2) *Permit Issued.* It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit to examine such plans and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear the proposed structure is in compliance with all the requirements of this ordinance and all other ordinances of city, the sign permit shall then be issued. If the work authorized under a sign permit has not been completed within six (6) months after date of issuance, the permit shall become null and void.
- 3) *Permit Fees.* Every applicant, before being granted a sign permit, and to defray administrative costs of processing requests for sign permits, shall pay to the City Clerk, a fee in the amount established by the City Council.

- 4) *Permit Revocation.* Any permit holder who fails to comply with a valid order of the Zoning Administrator within the allotted time period, or who fails to pay reasonable removal or repair expenses shall have the permit as to such sign or signs revoked, and another permit for the erection or maintenance of such sign or signs shall not be issued to said permit holder for a period of one (1) year from the date of revocation.

#### **21.8 ADDITIONAL SIGN REGULATIONS – PERMITTED SIGNS.**

The following signs are allowed with a permit and shall comply with all other applicable provisions of this ordinance.

- 1) *Ground Signs and/or Pole Signs.*
  - a. *Letters, etc. to be secured.* All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
  - n. *Premises to be kept free of weeds, etc.* All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.
- 2) *Wall Signs:* No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends of the wall to which it is attached.
- 3) *Bulletin Boards and Announcement Signs:* These shall be permitted on the premises of charitable, religious and public institutions but may not exceed thirty-two square feet (32 sq. ft.) in size, and must be a minimum of fifteen feet (15 ft.) from all right-of-way lines. The height of such signs shall not exceed five feet (5 ft.).
- 4) *Free Standing Signs:* Free standing signs will be permitted if they do not block the view of oncoming traffic, conform to the Iowa Department of Transportation regulations, and are not located within any public right-of-way.

#### **21.9 UNSAFE AND UNLAWFUL SIGNS.**

All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. Signs shall also maintain a neat and orderly appearance in which the sign is legible and can be easily read. Additionally, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the property owner or agent of the owner of the property upon which the sign is located, within thirty (30) days after written notice by the City of Sioux Center. Such notice shall include a statement explaining the alleged violations and deficiencies, an order to repair or remove said sign, and an explanation of the consequences of failure to comply with said order. If the permit holder fails to remove or alter said sign so as to comply with the order, said sign or other advertising structure may be removed or altered to comply by the Zoning Administrator at the expense of the permit holder, or owner of the property on which it is located. The permit holder may appeal the order of the Zoning Administrator to the board of adjustment and, if such an appeal is on file, the compliance period shall be extended until following the board of adjustment's decision on the matter. If, however, the Zoning Administrator finds that any sign or other advertising structure poses a serious and immediate threat to the health or safety of any person, he/she may order the removal of such sign summarily and without notice to the permit holder.

### **21.10 EXEMPTIONS.**

The following signs are allowed without a permit but shall comply with all other applicable provisions of this ordinance.

- 1) **Real estate signs (on-site)** Announcing the owner, manager, realtor or other person directly involved in the sale or rental of the property on which the sign is located. At the date of closing, signs shall be removed within twenty-four (24) hours. Signs shall not measure more than two (2) square feet in the residential districts or twenty (20) square feet in the other districts. Only one (1) real estate sign may be allowed per zoning lot. All real estate signs placed in the front yard shall be located within a distance of not more than five (5) feet out from the principal structure on the lot. An open house sign of the same size will be allowed for a three (3) day period of time before the date of the open house.
- 2) **Integral signs, Memorial signs or Professional name plates** not exceeding two (2) square foot in area, and attached to the building, including names on buildings, date of construction, commemorative tablets and the like, which are a part of the building or structure.
- 3) **Address Signs** identifying street address only, whether in written or numerical form.
- 4) **Construction Signs** as a non-illuminated sign announcing the names of architects, engineers, contractors, future use, and other individuals or firms involved with the construction, alteration, or repair of such building (but not including any advertisement of any product). Such signs shall be confined to the site of the construction, alteration or repair and shall be removed within one (1) year of the date of issuance of the first building permit or when the particular project is completed, whichever is later. One (1) sign, not to exceed 32 sq. ft. shall be permitted on the project site.
- 5) **Traffic or municipal signs**, legal notices, railroad crossing signs, danger signs, and other such temporary, emergency or non-advertising signs may be approved by the Board of Adjustment.
- 6) **Temporary signs** are signs that are temporary in nature and allowed for a consecutive ten (10) day period and no more than three (3) periods per calendar year. A temporary sign shall be self supporting and shall not exceed two (2) square feet in all zoning districts, except for a portable sign that is advertising a specific event will be allowed up to a maximum thirty-two (32) square feet placed on owned property or with owner's consent, to be removed within 24 hours following the advertised event. No sign will be allowed to be placed in the road right-of-way. Only one (1) sign will be allowed per platted lot. Any violations of this ordinance will result in immediate removal of said sign.
- 7) **Government signs** of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by order of a public officer or employee in the performance of official duty.
- 8) **Directory signs** which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one directory sign per lot not to exceed two (2) square feet of area per business or resident occupant.
- 9) **On-site Directional and Parking Signs** intended to facilitate the movement of vehicles and pedestrians upon which the sign is located. Signs shall not exceed six (6) square feet of area.

### **21.11 REMOVAL OF SIGNS.**

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a

product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within ninety (90) days from date of notice provided by the city. The owner of the property on which the sign is located shall have ninety (90) days from date of notice to remove any such sign. If after the expiration of the ninety (90) day period, the sign has not been removed, the city may cause the sign to be removed and any expenses may be charged back to the property owner.

## ARTICLE XXII

### District Buffers Required

#### Article 22: District Buffers Required

Section 22.1	Intent
Section 22.2	Conditions for Requiring a Buffer
Section 22.3	Permissive Buffers
Section 22.4	Burden of Provision of a Buffer
Section 22.5	Waiver of Buffer Requirement

#### **22.1 INTENT.**

It is recognized that the transition from one district to another district of contrasting and conflicting uses, is across a barrier and line in theory and not in existence. Therefore, it shall be the intent of this article to require the actual provision of a physical barrier so as to reduce any possible harmful or detrimental influence one district use may or may not have to abutting and conflicting district use.

#### **22.2 CONDITIONS FOR REQUIRING A BUFFER.**

The following conditions shall require a buffer between abutting districts:

- 1) All industrial or bioscience districts that abut any residential district shall be buffered as required in this Article.
- 2) Any lot located in a professional office, commercial or industrial district having both its front and rear lines abutting a public thoroughfare (a double frontage lot) shall be buffered from the thoroughfare abutting its rear line by one of the buffer methods set forth in this Article.
- 3) Any storage facility, storage yard, loading yard, or equipment storage/staging area in any commercial, industrial or bioscience district which abuts a public thoroughfare shall be restricted from public view by a buffer.
- 4) Any other uses or districts abutting residential properties determined to be more intensive in nature or as recommended by the Board of Adjustment.

#### **22.3 PERMISSIVE BUFFERS.**

Buffers required under the provisions of this article or elsewhere in this ordinance shall be accomplished by any one or approved combination of the following methods:

- 1) *A Man-made Buffer:*  
Such shall be not less than six (6) feet in height; constructed of a permanent low maintenance material. The wall shall be designed for both structural adequacy and aesthetic quality. The use of weather resistant wood, metal, concrete products, brick, tile, or other manufactured substitutes shall be used as a primary material for aesthetic quality, as long as the buffer is solid and opaquely screened.
- 2) *A Natural Buffer:*
  - a. *Natural Buffer Park:* Such park shall be not less than sixty (60) feet in width; designed and landscaped with evergreen type trees, shrubs and plants so as to assure year around effective screening.

*A Natural Buffer (Cont.):*

- b. *Natural Buffer Screen:* Such natural screen shall not be less than 6 feet in height and comprised of natural plantings; and shall maintain a density of planting adequate to serve as a solid and unpenetrable screen.
- c. *Natural Buffer Berm:* Such natural berm or berm in combination with a natural plantings shall not be less than 6 feet in height. If a berm is used in combination with natural plantings, the earthen berm shall be at least 3 feet in height.

**22.4 BURDEN OF PROVISION OF A BUFFER.**

The burden of provision and selection of the buffer shall be as follows:

- 1) Where two different districts, requiring a buffer between them, are both in an existing improved condition, the above requirement is not retroactive and should a buffer be desired, it shall be by mutual agreement between property owners or as otherwise provided by law. However, in the event of any or all of the improved property is abandoned, destroyed, demolished, etc., for the purpose of renewal, redevelopment, etc., that portion of such property being renewed, redeveloped, etc. shall be considered vacant land subject to the requirements herein.
- 2) Where one of two different districts requiring a buffer between them is partially developed, the developer of the vacant land shall assume the burden.
- 3) Where both districts requiring a buffer between them are vacant or undeveloped, except for agricultural use, the developer shall assume the burden as the land is improved or developed.

**22.5 WAIVER OF BUFFER REQUIREMENT.**

Where the line between two districts requiring a buffer follows a railroad, stream, or other similar natural or man-made barrier, the requirement for a buffer may be waived. Waiver of a buffer requirement may be incorporated into and considered during the subdivision platting process.

## ARTICLE XXIII

### Open Space Requirements

#### Article 23: Open Space Requirements

Section 23.1 Intent

Section 23.2 Open Space Requirements

#### **23.1 INTENT.**

It shall be recognized that the extensive use and excessive congestion of land induces the natural elements to become hazardous to the general health and welfare of the community. Therefore, the intent of this Article shall be to require adequate open space necessary to preserve the basic qualities and beauty of nature.

#### **23.2 OPEN SPACE REQUIREMENTS.**

- 1) All buildings and land uses in any of the residential districts shall comply with the following:
  - a. On each lot there shall be provided a pervious or natural greenspace equal to at least twenty-five (25) percent of the total lot area; said space shall be unencumbered with any structure or impervious off-street parking and shall be landscaped and well maintained with grass, trees, or shrubbery.
  - b. Each principal structure of an apartment or office complex shall be separated from any other principal structure in the complex by an open space of not less than twenty (20) feet in width.
  - c. Where doors and windows in the exterior walls of a living unit face a wall of another multi-story building in the same complex of multiple family residential uses, there shall be provided a minimum open space of not less than thirty (30) feet. Said distance to be measured on a line projected at right angles at the opening to the opposite wall.
- 2) All buildings and land uses in Highway Commercial or Professional Office districts shall comply with the following:
  - a. Any permitted or special exception use allowed in any of the commercial or professional office districts shall comply with Subsection 1 above.
- 3) All buildings and land use in any of the Industrial or Bioscience districts shall comply with the following:
  - a. On each lot there shall be provided a natural open greenspace equal to at least ten (10) percent of the total lot area; said space shall be unencumbered with any structure or impervious off-street parking and shall be landscaped and well maintained with grass, trees, and shrubbery.
  - b. Each principal structure of a commercial, industrial or other professional office complex shall be separated from any other principal structure in the complex by a natural open greenspace of not less than twenty (20) feet in width.



## ARTICLE XXIV Nonconformities

### Article 24: Nonconformities

Section 24.1	Intent
Section 24.2	Nonconforming Uses of Land
Section 24.3.	Nonconforming Lot of Record
Section 24.4.	Nonconforming Structures
Section 24.5.	Nonconforming Uses of Structures and Land
Section 24.6	Repairs and Maintenance
Section 24.7	Uses Under Exception Provisions Not Nonconforming Uses
Section 24.8	Change of Tenancy or Ownership

#### **24.1 INTENT.**

It is the intent of this ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exists within the districts established by this ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments.

Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that 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.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

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 diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, providing that work shall be diligently carried on until completion of the building involved.

#### **24.2 NONCONFORMING USES OF LAND.**

Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

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

- 3) If such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

#### **24.3 NONCONFORMING LOT OF RECORD.**

In any district in which residential dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located.

#### **24.4 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 or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1) No such structure may be enlarged or altered in a way which increases its nonconformity. Such structure may be altered in a way which does not increase its nonconformity.
- 2) Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance.
- 3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- 4) Discontinuance. In the event that a non-conforming building or structure or premises is discontinued for a period of six (6) months, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

#### **24.5 NONCONFORMING USES OF STRUCTURES AND LAND.**

Where a lawful use of a structure, or of a structure and land in combination exists at the effective date of adoption or amendment of this ordinance that would not be permitted in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- 2) Any nonconforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- 3) If no structural alterations are made, any nonconforming use of structure, or structure and land in

combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Adjustment by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require conditions and safeguards in accord with the purpose and intent of this ordinance. Where such nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

- 4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- 5) When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for a period of more than six (6) months, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- 6) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

#### **24.6 REPAIRS AND MAINTENANCE.**

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repairs or replacement of non-bearing walls, fixtures, wiring, or plumbing of the building to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon orders of such official.

#### **24.7 USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES.**

Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action, be deemed a conforming use in such district. Any expansion shall be with approval of the Board of Adjustment.

#### **24.8 CHANGE OF TENANCY OR OWNERSHIP.**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.



## ARTICLE XXV Special Exceptions

### Article 25: Special Exceptions

- Section 25.1 Requirements
- Section 25.2 Jurisdiction
- Section 25.3. Application for a Special Exception Permit
- Section 25.4. Procedures
- Section 25.5. Standards
- Section 25.6 Revocation
- Section 25.7. Supplemental Standards

#### **25.1 REQUIREMENTS.**

Special exception uses may be permitted, enlarged, or altered upon application for a special exception use permit in accordance with the rules and procedures of the Board of Adjustment. The board will grant or deny a special exception use permit in accordance with the standards set forth herein and with the intent and purpose of this ordinance. In granting a special exception use permit, the Board of Adjustment will authorize the special exception use and may prescribe and impose conditions, safeguards, or a specified time limit for performance of the special exception use.

#### **25.2 JURISDICTION.**

The Zoning Administrator shall be responsible for administration of the special exception procedure and the Board of Adjustment shall be responsible for the review, evaluation, and action on all applications for a special exception use permit.

#### **25.3 APPLICATION FOR SPECIAL EXCEPTION PERMIT.**

A request for a special exception use permit for a special exception use or modification of a special exception use may be initiated by a property owner or his or her authorized agent by filing an application with the zoning administrator upon forms prescribed for the purpose. The application shall be accompanied by a site plan and other such data showing dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. A fee as determined by resolution of the city council shall also accompany the application.

**Application and Fee:** Application for a special exception use permit shall be filed with the zoning administrator. The Board of Adjustment shall provide a copy of the application for special exception for review and comment of the Planning and Zoning Commission within five (5) days after receipt of the application. The application shall include the following:

- a. Name and address of the owner and applicant.
- b. Address and legal description of the property.
- c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
- d. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.
- e. Site plans as prepared in accordance with Article XIX

**25.4 PROCEDURES.**

The Board of Adjustment shall not grant a special exception unless and until the following procedures have been fulfilled:

- 1) The Board of Adjustment shall provide a copy of the application for special exception for review and comment to the Planning and Zoning Commission.
- 2) The Planning and Zoning Commission shall provide the Board of Adjustment with their recommendations within fifteen (15) days after receipt of the application.
- 3) After receipt of the Planning and Zoning Commission's recommendations, the Board of Adjustment shall schedule a public hearing in relation to the special exception request. Notice shall be given of the public hearing as required by state statute by publication in a newspaper of general circulation in the city. Notice shall be given to a complete list of persons provided by the applicant who are all of the owners of property within one hundred (100) feet of the property in question.
- 4) The Board of Adjustment shall determine that it is empowered under this ordinance to grant the special exception as described in the application, and that the granting of the special exception will not adversely affect the public interest pursuant to testimony presented at the public hearing and the review by the Planning and Zoning Commission.
- 5) In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance and punishable under Article XXVII "Violation and Penalty", of this ordinance.
- 7) The concurring vote of three members of the Board of Adjustment grants a special exception use permit. No order of the Board of Adjustment granting a special exception use permit shall be valid for a period longer than six (6) months from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within the six (6) month period and construction is commenced.

**25.5 STANDARDS.**

The Board of Adjustment shall grant no special exception permit unless such board shall find:

- 1) That the establishment, maintenance, or operation of the special exception use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
- 2) That the special exception 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 values within the neighborhood.
- 3) That in the case of existing relocated single family dwellings, that the proposed use aesthetically blend in with the neighboring existing permitted uses and special attention be given to the architectural style, size and quality of construction of the proposed use.
- 4) That the establishment of the special exception use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district.
- 5) That adequate utilities, access roads, drainage, parking, and/or necessary facilities have been or will be provided.

- 6) 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.
- 7) The use shall not include any activity involving the use or storage of flammable, or explosive material 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.
- 8) The use shall not include noise that is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
- 9) The use shall not include vibration which is discernable without instruments on any adjoining lot or property.
- 10) The use shall not involve any malodorous gas or matter which is discernable on any adjoining property.
- 11) The use shall not involve any pollution of the air by fly-ash, dust vapors, or other substance which is harmful to health, animals, vegetation or other property or which causes soiling, discomfort or irritation.
- 12) The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
- 13) The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
- 14) The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.
- 15) That the use will not be in conflict with the city's comprehensive plan.
- 16) The use shall not interfere with the use or enjoyment of neighboring permitted uses. If such interference is found, provisions must be made for increased setbacks (up to 500 feet) from property lines or screening of incompatible use by the use of fences or hedges.
- 17) The ground coverage shall be such that no additional dust or storm run-off is generated by the special exception use.
- 18) The use shall not create a hazard to vehicular traffic. If any such hazard is determined, provisions must be made to increase the required setback in regard to open-air storage.
- 19) The use shall not cause any permanent, irreparable environmental damage to the parcel or neighboring lands.
- 20) The special exception use permit may be reviewed after a specified period of time for compliance and for possible additional conditions.

In addition to the general standards outlined above, specified uses shall adhere to these standards and operate only after the issuance of a special exception use permit.

### **25.6 REVOCATION.**

The issuance of a special exception use permit by the Board of Adjustment shall entitle the owner to continue to operate the use so long as he remains in compliance with the terms and conditions of this ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the special exception use permit. If such permit is granted, does expressly grant to the city, for the enforcement of this ordinance, the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of the special exception use permit. In the event the owner or occupant of the property for which a special exception use permit has been issued, shall violate any term, condition, limitation, regulation or safeguards contained in the special exception permit, the permit shall become null and void and the owner or occupant shall be deemed to be in violation of this ordinance and the city may proceed to enforce the provisions of this ordinance and the terms, conditions, limitations, and safeguards of the special exception permit. In addition to all other remedies provided herein, in the event that such special exception shall become null and void, any bonds, if any, given by the owner under the provisions of this ordinance shall be forfeited.

### **25.7 SUPPLEMENTAL STANDARDS.**

In addition to the general standards outlined in Section 25.5 above, specified uses shall adhere to standards as follows:

*Salvage Yards:* All salvage yards, including any area where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or "wrecking" of automobiles or machinery or other vehicles, shall be located in the General Industrial (GI) district under special exception use permit. The application for a special use permit shall be accompanied with a proposed intent or covenant to meet the minimum requirements described herein:

1. The yards shall be at least three hundred (300) feet distant in all directions from any residential building;
2. Outdoor yards shall be screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height, or in lieu thereof, a landscape buffer strip fifty (50) feet wide with coniferous trees or large shrubs to provide a solid landscape screen at least ten (10) feet high;
3. Off-street parking or service areas may be located outside of the screened-in area.

### **25.8. SUPPLEMENTAL STANDARDS-WIRELESS TELECOMMUNICATIONS FACILITIES.**

In addition to the general standards outlined in Section 25.5 above, wireless telecommunications facilities shall adhere to standards as follows:

#### **1. Purpose and Legislative Intent.**

The Telecommunications Act of 1996 affirmed the City of Sioux Center, Iowa's authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. The City of Sioux Center, Iowa finds that Wireless Telecommunications Facilities may pose concerns to the health, safety, public welfare, character and environment of the City and its citizens. The City also recognizes that facilitating the development of wireless service technology can be an economic development asset to the City and of significant benefit to the City and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the City's land use policies, the City is adopting a single, comprehensive, Wireless Telecommunications Facilities application and permit process. The intent of this Ordinance is to minimize impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the City of Sioux Center, Iowa..

## 2. Definitions.

For purposes of this Ordinance, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word “shall” is always mandatory, and not merely directory.

- A) “**Accessory Facility or Structure**” means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- B) “**Applicant**” means any wireless service provider submitting an Application for a Special Use Permit for Wireless Telecommunications Facilities.
- C) “**Application**” means all necessary and appropriate documentation that an Applicant submits in order to receive a Special Use Permit for Wireless Telecommunications Facilities.
- D) “**Antenna**” means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
- E) “**Board of Adjustment**” means the Board of Adjustment of the City of Sioux Center, Iowa.
- F) “**City**” means the City of Sioux Center, Iowa.
- G) “**Co-location**” means the use of an existing Tower or structure to support Antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no more than twenty feet taller than the old tower and that the old tower is removed in a reasonably short time frame after the new tower is constructed.
- H) “**Commercial Impracticability**” or “**Commercially Impracticable**” means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable”.
- I) “**Completed Application**” means an Application that contains all information necessary as per Section 8 of this Ordinance to enable an informed decision to be made with respect to an Application.
- J) “**Council**” means the City Council of the City of Sioux Center, Iowa.
- K) “**FAA**” means the Federal Aviation Administration, or its duly designated and authorized successor agency.
- L) “**FCC**” means the Federal Communications Commission, or its duly designated and authorized successor agency.

- M) **“Height”** means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightening protection device.
- N) **“Modification” or “Modify”** means, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site as a co-location is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement does not materially increase the structural loading on the Telecommunication Structure and/or is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.
- O) **“NIER”** means Non-Ionizing Electromagnetic Radiation
- P) **“Person”** means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.
- Q) **“Personal Wireless Facility”** See definition for ‘Wireless Telecommunications Facilities’
- R) **“Personal Wireless Services” or “PWS” or “Personal Telecommunications Service” or “PCS”** shall have the same meaning as defined and used in the 1996 Telecommunications Act.
- S) **“Repairs and Maintenance”** means the replacement of any components of a wireless facility where the replacement is identical in all material respects to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will materially add to the visible appearance of the facility as originally permitted.
- T) **“Special Use Permit”** means the official document or permit by which an Applicant is allowed to file for a building permit to construct and use Wireless Telecommunications Facilities as granted or issued by the City.
- U) **“Stealth” or “Stealth Technology”** means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances,
- V) **“State”** means the State of Iowa.
- W) **“Telecommunications”** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems
- X) **“Telecommunication Site”** See definition for Wireless Telecommunications Facilities

- Y) “Telecommunications Structure”** means a structure used in the provision of services described in the definition of ‘Wireless Telecommunications Facilities’
- Z) “Temporary”** means, temporary in relation to all aspects and components of this Ordinance, something intended to, or that does not exist for more than ninety (90) days.
- AA) “Tower”** means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.
- BB) “Wireless Telecommunications Facilities”** means and includes a **“Telecommunications Site”** and **“Personal Wireless Facility”**. It means a structure, facility or location designed, or intended to be used as, or used to support Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types and kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

### **3. Overall Policy and Desired Goals for Special Exception Permits for Wireless Telecommunications Facilities.**

In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the City’s health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this Ordinance, the City hereby adopts an overall policy with respect to a Special Exception Permit for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

- A) Requiring a Special Exception Permit for any new, co-location or modification of a Wireless Telecommunications Facility.
- B) Implementing an Application process for person(s) seeking a Special Exception Permit for Wireless Telecommunications Facilities;
- C) Establishing a policy for examining an application for and issuing a Special Exception Permit for Wireless Telecommunications Facilities that is both fair and consistent.
- D) Promoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers
- E) Promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.
- F) That in granting a Special Exception Permit, the City has found that the facility shall be the most appropriate site as regards being the least visually intrusive among those available in

the City.

#### **4. Exceptions from a Special Exception Permit for Wireless Telecommunications Facilities.**

- A) Except as otherwise provided by this Ordinance no Person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of, Wireless Telecommunications Facilities as of the effective date of this Ordinance without having first obtained a Special Exception Permit for Wireless Telecommunications Facilities. Notwithstanding anything to the contrary in this section, no Special Exception Permit shall be required for those non-commercial exceptions noted in Section 7.
- B) All legally permitted Wireless Telecommunications Facilities, constructed as permitted, existing on or before the effective date of this Ordinance shall be allowed to continue as they presently exist.
- C) Any Repair and Maintenance of a Wireless Facility does not require an Application for a Special Exception Permit.

#### **5. Exclusions.**

The following shall be exempt from this Ordinance:

- A) The City's fire, police, department of transportation or other public service facilities owned and operated by the local government.
- B) Any facilities expressly exempt from the City's siting, building and permitting authority.
- C) Over-the-Air reception Devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.
- D) Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial Telecommunications.
- E) Facilities exclusively for providing unlicensed spread spectrum technologies (such as IEEE 802.11a, b, g (Wi-Fi) and Bluetooth) where the facility does not require a new tower.

#### **6. Special Exception Permit Application and Other Requirements.**

- A) All Applicants for a Special Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in this Ordinance. The Board of Adjustment is the officially designated agency or body of the City to whom applications for a Special Use Permit for Wireless Telecommunications Facilities must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting or revoking Special Use Permits for Wireless Telecommunications Facilities. The City has delegated the Board of Adjustment to accept, review, analyze, evaluate and make decisions with respect to the granting or not granting or revoking Special Use Permits for Wireless Telecommunications Facilities.
- B) The City may reject applications not meeting the requirements stated herein or which are otherwise incomplete
- C) No Wireless Telecommunications Facilities shall be installed, constructed or modified until the Application is reviewed and approved by the City, and the Special Use Permit has been issued.

- D) Any and all representations made by the Applicant to the City on the record during the Application process, whether written or verbal, shall be deemed a part of the Application and may be relied upon in good faith by the City
- E) An Application for a Special Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.
- F) The Applicant must provide documentation to verify it has the right to proceed as proposed on the Site. This would require an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.
- G) The Applicant shall include a statement in writing:
- 1) That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the City in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable City, State and Federal Laws, rules, and regulations;
  - 2) That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.
- H) Where a certification is called for in this Ordinance, such certification shall bear the signature and seal of a Registered Professional licensed in the State
- I) In addition to all other required information as stated in this ordinance, all applications for the construction or installation of new Wireless Telecommunications Facilities or modification of an existing facility shall contain the information hereinafter set forth.
- 1) A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;
  - 2) Documentation that demonstrates and proves the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the City. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage;
  - 3) The name, address and phone number of the person preparing the report;
  - 4) The name, address, and phone number of the property owner and Applicant, and to include the legal name of the Applicant. If the site is a tower and the owner is different than the applicant, provide name and address of the tower owner;
  - 5) The postal address and tax map parcel number of the property;
  - 6) The Zoning District or designation in which the property is situated;
  - 7) Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
  - 8) The location of nearest residential structure;
  - 9) The location, size and height of all existing and proposed structures on the property which is the subject of the Application;
  - 10) The type, locations and dimensions of all proposed and existing landscaping, and fencing;

- 11) The azimuth, size and center-line height location of all proposed and existing antennae on the supporting structure;
  - 12) The number, type and model of the Antenna(s) proposed with a copy of the specification sheet;
  - 13) The make, model, type and manufacturer of the Tower and design plan stating the Tower's capacity to accommodate multiple users
  - 14) A site plan describing the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
  - 15) The frequency, modulation and class of service of radio or other transmitting equipment;
  - 16) The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;
  - 17) Signed documentation such as the "Checklist to Determine Whether a Facility is Categorically Excluded" to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;
  - 18) A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;
  - 19) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;
  - 20) A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing Tower site and if existing Tower or water tank site, a copy of the installed foundation design.
- J) The applicant will provide a written copy of the determination as to whether the proposed new Tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines, that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application.
- K) Application for New Tower
- 1) In the case of a new Tower, the Applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing Tower(s) or the use of alternative buildings or other structures within the City. Copies of written requests and responses for shared use shall be provided to the City in the Application, along with any letters of rejection stating the reason for rejection.
  - 2) The Tower shall be structurally designed to accommodate at least three (3) additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:
    - a) The foreseeable number of FCC licenses available for the area;
    - b) The kind of Wireless Telecommunications Facilities site and structure proposed;
    - c) The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
    - d) Available space on existing and approved Towers.

- 3) The owner of a proposed new Tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future, and shall:
  - a) Respond within 60 days to a request for information from a potential shared-use Applicant;
  - b) Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;
  - c) Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges and adhere to business, legal, engineering, and other terms as set by the owner. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference.
  - d) Failure to abide by the conditions outlined above may be grounds for revocation of the Special Use Permit.
  
- L) The Applicant shall provide certification with documentation (structural analysis) including calculations that the Telecommunication Facility Tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, City, State and Federal structural requirements for loads, including wind and ice loads.
  
- M) If proposal is for a co-location or modification on an existing Tower, the applicant is to provide signed documentation of the Tower condition such as an ANSI report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or most recent version. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.
  
- N) All Applications for a proposed Wireless Telecommunications Facilities shall contain a demonstration that the Facility will be sited so as to minimize visual intrusion as much as possible, and balance the potential benefits of the facility with the potential adverse visual effect considering the factors delineated in Section 5, and will thereby have the least adverse visual effect on the environment and its character and on the residences in the area of the Wireless Telecommunications Facility.
  
- O) For a new Tower, a new Antenna attachment to an existing structure, or modification adding to the visual impact, the Applicant shall furnish a **Visual Impact Assessment**, which shall include:
  - 1) Pictorial representations of “before and after” (photo simulations) views from key viewpoints both inside and outside of the City as may be appropriate, including but not limited to State highways and other major roads; State and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at the pre-application meeting. Provide a map showing the locations of where the pictures were taken and distance from the proposed structure.
  - 2) A written description of the visual impact of the proposed facility including; and as applicable the Tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.

- P) The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility
- Q) The Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings. This shall include the utilization of stealth or concealment technology as may be required by the City.
- R) All utilities at a Wireless Telecommunications Facilities site shall be installed underground whenever possible and in compliance with all Laws, Ordinances, rules and regulations of the City, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate
- S) At a Telecommunications Site, an access road, turn-around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- T) All Wireless Telecommunications Facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the City, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.
- U) A holder of a Special Use Permit granted under this Ordinance shall obtain, at its own expense, all permits and licenses required by applicable Law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.
- V) There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site.
- W) An Applicant shall submit to the City the number of completed Applications determined to be needed at the pre-application meeting.
- X) The holder of a Special Use Permit shall notify the City of any intended Modification of a Wireless Telecommunication Facility and shall apply to the City to modify, relocate or rebuild a Wireless Telecommunications Facility.

## **7. Location of Wireless Telecommunications Facilities.**

- A) Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority and seven (7) being the lowest priority.

- 1) On existing Towers or other structures on city owned properties.
  - 2) On existing Towers or other structures on other property in the City
  - 3) A new Tower on City-owned properties;
  - 4) A new Tower on properties in areas zoned for Heavy Industrial use
  - 5) A new Tower on properties in areas zoned for Commercial use
  - 6) A new Tower on properties in areas zoned for Agricultural use
  - 7) A new Tower on properties in areas zoned for Residential use
- B) If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit were not granted for the proposed site.
- C) An Applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An Application shall address co-location as an option. If such option is not proposed, the Applicant must explain to the reasonable satisfaction of the City why co-location is Commercially or otherwise Impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of Commercial Impracticability or hardship.
- D) Notwithstanding the above, the City may approve any site located within an area in the above list of priorities, provided that the City finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.
- E) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the City may disapprove an Application for any of the following reasons.
- 1) Conflict with safety and safety-related codes and requirements;
  - 2) Conflict with the historic nature or character of a neighborhood or historical district;
  - 3) The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
  - 4) The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the City, or employees of the service provider or other service providers;
  - 5) Conflicts with the provisions of this Ordinance.

### **8. Shared Use of Wireless Telecommunications Facilities and Other Structures.**

- A) The City, as opposed to the construction of a new Tower, shall prefer locating Wireless Telecommunications Facilities on existing Towers or others structures without increasing the height. The Applicant shall submit a comprehensive report inventorying existing Towers and other suitable structures within one (1) mile of the location of any proposed new Tower, unless the Applicant can show that some other distance is more reasonable and demonstrate conclusively why an existing Tower or other suitable structure cannot be used, or additional height is necessary.
- B) An Applicant intending to locate on an existing Tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the Applicant.

- C) Such shared use shall consist only of the minimum Antenna Array technologically required to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.

### **9. Height of Telecommunications Tower(s).**

- A) The Applicant shall submit documentation justifying the total height of any Tower, Facility and/or Antenna requested and the basis therefore. Documentation in the form of propagation studies must include all backup data used to perform at requested height and a minimum of ten (10') feet lower height to allow verification of this height need. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.
- B) No Tower constructed after the effective date of this Ordinance, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with City, State, and/or any Federal statute, law, local law, City Ordinance, code, rule or regulation.

### **10. Visibility of Wireless Telecommunications Facilities.**

- A) Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law.
- B) Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance.
- C) If lighting is required, Applicant shall provide a plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.

### **11. Security of Wireless Telecommunications Facilities.**

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

- A) All Antennas, Towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
- B) Transmitters and Telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

### **12. Signage.**

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the Applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration site as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

**13. Lot Size and Setbacks.**

All proposed Towers and any other proposed Wireless Telecommunications Facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed Tower or Wireless Telecommunications Facility structure, or the existing setback requirement of the underlying Zoning District, whichever is greater. The board may consider an alternative set back distance if engineering studies support a reduction in the requirement(see Section 28.Relief). Any Accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

**14. Retention of Expert Assistance and Reimbursement by Applicant.**

- A) The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.
- B) An Applicant shall deposit with the City funds sufficient to reimburse the City for all reasonable costs of consultant and expert evaluation and consultation to the City in connection with the review of any Application including where applicable, the lease negotiation, the pre -approval evaluation, and the construction and modification of the site, once permitted. The initial deposit shall be \$8,500.00 for new construction and \$4,000.00 for co-location and/or modifications to an existing structure. The placement of the deposit with the City shall precede the pre-application meeting. The City will maintain a separate escrow account for all such funds. The City's consultants/experts shall invoice the City for its services related to the Application. If at any time during the process this escrow account has a balance less than \$2,500.00, the Applicant shall immediately, upon notification by the City, replenish said escrow account so that it has a balance of at least \$5,000.00. Such additional escrow funds shall be deposited with the City before any further action or consideration is taken on the Application. Each month the City's consultant shall provide the City with a detailed accounting of the time and corresponding activities. In the event that the amount held in escrow by the City is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall, upon request of the Applicant, be promptly refunded to the Applicant.
- C) The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope (lease negotiations and/or review) and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

**15. Public Hearing and Notification Requirements.**

- A) Prior to the approval of any Application for a Special Use Permit for Wireless Telecommunications Facilities, a Public Hearing shall be held by the Board of Adjustment, notice of which shall be published in the newspaper with general circulation in the City not less than four (4) and no more than twenty (20) calendar days prior to the scheduled date of the Public Hearing. In order that the City may notify nearby landowners, the Application shall contain the names and address of all landowners whose property is located within five hundred (500) feet of any property line of the lot or parcel on which the new Wireless Telecommunications Facilities are proposed to be located.
- B) There shall be no Public Hearing required for an Application to co-locate on an existing Tower or other structure or a modification at an existing site, as long as there is no proposed increase in the height of the Tower or structure, including attachments thereto.

- C) The Board of Adjustment shall schedule the Public Hearing referred to in Subsection (A) of this section once it finds the Application is complete, the City, at any stage prior to issuing a Special Use Permit, may require such additional information as it deems necessary.

**16. Action on an Application for a Special Use Permit for Wireless Telecommunications Facilities.**

- A) The City will undertake a review of an Application pursuant to this Article in a timely fashion, consistent with its responsibilities, and shall act within a reasonable period of time given the relative complexity of the Application and the circumstances, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely resolution.
- B) The City may refer any Application or part thereof to any advisory, other committee or commission for a non-binding recommendation.
- C) After the Public Hearing and after formally considering the Application, the City may approve, approve with conditions, or deny a Special Use Permit. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the granting of the Permit shall always be upon the Applicant.
- D) If the City approves the Special Use Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such approval in writing within ten (10) calendar days of the City's action, and the Special Use Permit shall be issued within thirty (30) days after such approval. Except for necessary building permits, and subsequent Certificates of Compliance, once a Special Use Permit has been granted hereunder, no additional permits or approvals from the City, such as site plan or zoning approvals, shall be required by the City for the Wireless Telecommunications Facilities covered by the Special Use Permit.
- E) If the City denies the Special Use Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such denial in writing within ten (10) calendar days of the City's action.

**17. Extent and Parameters of Special Use Permit for Wireless Telecommunications Facilities.**

The extent and parameters of a Special Use Permit for Wireless Telecommunications Facilities shall be as follows:

- A) Such Special Use Permit shall not be assigned, transferred or conveyed without the express prior written notification to the City.
- B) Such Special Use Permit may, following a hearing upon due prior notice to the Applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Special Use Permit, or for a material violation of this Ordinance after prior written notice to the holder of the Special Use Permit.

**18. Application/Permit Fees.**

At the time that a Person submits an Application for a Special Use Permit for a new Tower, for co-locating on an existing Tower or other suitable structure, where no increase in height of the Tower or structure is required, such Person shall pay a non-refundable Special Use Permit application fee in accordance with the current City fee schedule . Upon approval of a Special Use Permit, the Applicant shall pay a building permit fee in accordance with the current City

building permit fee schedule.

### **19. Performance Security.**

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the City either a bond, an irrevocable letter of credit or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 for a Tower facility and \$25,000 for a co-location on an existing tower or other structure and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Special Use Permit issued pursuant to this Ordinance. The full amount of the bond, letter of credit, or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Special Use Permit. In lieu of providing a bond, letter of credit, or other form of security as described above, the Applicant may provide proof of a recorded lease for the site which includes provisions requiring that, at the termination of the lease, the site must be restored to a condition substantially similar to that which existed prior to the issuance of the original Special Use Permit.

### **20. Reservation of Authority to Inspect Wireless Telecommunications Facilities.**

In order to verify that the holder of a Special Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, Laws, Ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

### **21. Liability Insurance.**

- A) A holder of a Special Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit in amounts as set forth below
- 1) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
  - 2) Automobile Coverage: \$1,000,000 per occurrence/ \$2,000,000 aggregate;
  - 3) Workers Compensation and Disability: Statutory amounts
- B) For a Wireless Telecommunications Facility on City property, the Commercial General Liability insurance policy shall specifically include the City and its officers, Councils, employees, committee members, attorneys, agents and consultants as additional insureds.
- C) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
- D) The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least thirty-(30) days prior written notice in advance of the cancellation of the insurance.
- E) Renewal or replacement policies or certificates shall be delivered to the City at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

- F) Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the granting of the Special Use Permit, the holder of the Special Use Permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

## **22. Indemnification.**

- A) Any application for Wireless Telecommunication Facilities that is proposed for City property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City, and its officers, Councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the City, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.
- B) Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the City itself applies for and secures a Special Use Permit for Wireless Telecommunications Facilities

## **23. Fines.**

- A) In the event of a violation of this Ordinance or any Special Use Permit issued pursuant to this Ordinance, the City may impose and collect, and the holder of the Special Use Permit for Wireless Telecommunications Facilities shall pay to the City, fines or penalties as set forth below.
- B) The holder of a Special Use Permits failure to comply with provisions of this Ordinance shall constitute a violation of this Ordinance and shall subject the Applicant to the code enforcement provisions and procedures as provided in the, Iowa Code and Article XXVII of the Zoning Ordinance of the City of Sioux Center.
- C) Notwithstanding anything in this Ordinance, the holder of the Special Use Permit for Wireless Telecommunications Facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this Ordinance or any section of this Ordinance. An attempt to do so shall subject the holder of the Special Use Permit to termination and revocation of the Special Use Permit. The City may also seek injunctive relief to prevent the continued violation of this Ordinance, without limiting other remedies available to the City.

## **24. Default and/or Revocation.**

If a Wireless Telecommunications Facility is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Ordinance or of the Special Use Permit, then the City shall notify the holder of the Special Use Permit in writing of such violation. A Permit holder in violation may be considered in default and subject to fines as in Section 25 and if a violation is not corrected to the satisfaction of the City in a reasonable period of time the Special Use Permit is subject to revocation.

## **25. Removal of Wireless Telecommunications Facilities.**

- A) Under the following circumstances, the City may determine that the health, safety, and welfare

interests of the City warrant and require the removal of Wireless Telecommunications Facilities.

- 1) Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;
  - 2) Permitted Wireless Telecommunications Facilities fall into such a state of disrepair that it creates a health or safety hazard;
  - 3) Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Special Use Permit, or any other necessary authorization and the Special Permit may be revoked.
- B) If the City makes such a determination as noted in subsection (A) of this section, then the City shall notify the holder of the Special Use Permit for the Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed, the City may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.
- C) The holder of the Special Use Permit, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or Commercial Impracticability, within ninety (90) days of receipt of written notice from the City. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the City.
- D) If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the Permit holder has received notice, then the City may order officials or representatives of the City to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Special Use Permit holder.
- E) If, the City removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the City may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.
- F) Notwithstanding anything in this Section to the contrary, the City may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Special Use Permit, subject to the approval of the City, and an agreement to such plan shall be executed by the holder of the Special Use Permit and the City. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the City may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section.

## **26. Relief.**

Any Applicant desiring relief, waiver or exemption from any aspect or requirement of this Ordinance may request such, provided that the relief or exemption is contained in the submitted Application for either a Special Use Permit, or in the case of an existing or previously granted Special Use Permit a request for modification of its Tower and/or facilities. Such relief may be temporary or permanent,

partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the Applicant to prove. The Applicant shall bear all costs of the City in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption will have no significant affect on the health, safety and welfare of the City, its residents and other service providers.

### **27. Periodic Regulatory Review by the City.**

- A) The City may at any time conduct a review and examination of this entire Ordinance.
- B) If after such a periodic review and examination of this Ordinance, the City determines that one or more provisions of this Ordinance should be amended, repealed, revised, clarified, or deleted, then the City may take whatever measures are necessary in accordance with applicable Law in order to accomplish the same. It is noted that where warranted, and in the best interests of the City, the City may repeal this entire Ordinance at any time.
- C) Notwithstanding the provisions of subsections (A) and (B) of this Section, the City may at any time and in any manner (to the extent permitted by Federal, State, or local law), amend, add, repeal, and/or delete one or more provisions of this Ordinance.

### **28. Adherence to State and/or Federal Rules and Regulations.**

- A) To the extent that the holder of a Special Use Permit for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Special Use Permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
- B) To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Special Use Permit for Wireless Telecommunications Facilities, then the holder of such a Special Use Permit shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

### **29. Authority.**

This local Ordinance is enacted pursuant to applicable authority granted by the State and federal government.

### **30. Home Rule**

This article is intended to be and shall be construed as consistent with the reservation of local authority contained in the 25th Amendment to the Iowa Constitution granting cities home rule powers. To such end, any limitation on the power of the city contained herein is to be strictly construed and the city reserves to itself the right to exercise all power and authority to regulate and control its local affairs and all ordinances and regulations of the city shall be enforced against the holders of any lease.

## ARTICLE XXVI Enforcement

### Article 26: Enforcement

- Section 26.1 Administrative Officer
- Section 26.2 Zoning Compliance
- Section 26.3 Zoning Permits Required
- Section 26.4 Application for Zoning Permit
- Section 26.5 Construction and Use to be provided in Application, Plans, and Permit
- Section 26.6 Fees
- Section 26.7 Special Exceptions
- Section 26.8 Administrative Appeals

#### **26.1 ADMINISTRATIVE OFFICER.**

The purpose of this section is to confirm the existing zoning administrator, and it shall be the duty of said officer to enforce this ordinance. Such officer may be a person holding other appointive office in the city, or another governmental agency.

#### **26.2 ZONING COMPLIANCE.**

If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, they shall notify in writing the person responsible for such violations indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

#### **26.3 ZONING PERMITS REQUIRED.**

Buildings or other structures shall not be erected, moved, added to, or structurally altered without a permit issued by the Zoning Administrator. Zoning permits shall be issued in conformance with the provisions of this ordinance, or upon written order from the Board of Adjustment, but shall be null and void if the purpose for which the permit is issued is not commenced within six (6) months from date of issuance.

#### **26.4 APPLICATION FOR ZONING COMPLIANCE PERMIT.**

Zoning Compliance permits shall be obtained from the Zoning Administrator before starting or proceeding with the erection, construction, moving into, or the structural alteration of a building or structure, including billboards. Permits shall be kept of file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. Compliance permits shall be issued to complying applicants within seven (7) days after application is made.

Each application for a compliance permit shall be accompanied by a site plan prepared in accordance with Article XIX-Site Plans. In the case of moving an existing building, the application shall be accompanied by a photo of the structure to be moved.

**26.5 CONSTRUCTION/USE TO BE AS PROVIDED IN APPLICATION, PLANS & PERMIT.**

Zoning compliance permits issued on the basis of plans and applications, approved by the Zoning Administrator, authorize only that use, arrangement and construction. Use, arrangement and construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided by Article XXVII-Violation and Penalty.

**26.6 FEES.**

Before receiving a zoning compliance permit the owner or their agent shall pay to the city the permit fee as provided by resolution of the council. Such fee shall be based on valuation. Fees for permits issued after the construction, or moving, in the case of house moving, has begun shall double. The city, county, state and federal governments shall be exempt from paying any scheduled fees.

**26.7 SPECIAL EXCEPTIONS.**

The Zoning Administrator may issue a zoning compliance permit for a special exception after review by the Planning and Zoning Commission and upon order of the Board of Adjustment.

**26.8 ADMINISTRATIVE APPEALS.**

This procedure is intended to afford review of administrative actions taken pursuant to the Zoning Ordinance where such actions may be in error.

- 1) *Appeals:* Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, or board of the city affected by any administrative decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal, which shall specify the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- 2) *Stay of Proceedings:* An appeal from the action of the Zoning Administrator shall stay all proceedings in furtherance of such action unless the Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In the event the Zoning Administrator shall make and file such certificate, his action shall not be stayed otherwise than by a restraining order that may be granted by the Board of Adjustment, or by a court of record, upon application of the party aggrieved by the action of the Zoning Administrator, and after notice to him and upon due cause shown.
- 4) *Action:* The Board of Adjustment shall act on the appeal within 30 days following the closing of the public hearing. In exercising the powers set out in this section, the Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may take such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whose action the appeal was taken. The Board shall notify the appellant of its decision by mail.

The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is required to pass under these provisions.

## ARTICLE XXVII Violation and Penalty

Article 27: Violation and Penalty

Section 27.1. Violation and Penalty

Section 27.2. Restraining Order

**27.1 VIOLATION AND PENALTY.**

The violation of any of the provisions of this ordinance shall constitute a misdemeanor. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance, upon conviction shall be subject to a fine of not more than five hundred dollars (\$500) or imprisonment of not more than thirty (30) days for each offence, as permitted by Iowa Code. Each day that a violation is permitted to exist constitutes a separate offense.

**27.2 RESTRAINING ORDER.**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the city attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City of Sioux Center to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.



## ARTICLE XXVIII

### Planning and Zoning Commission

#### Article 28: Planning and Zoning Commission

- Section 28.1. Confirmation of the Planning and Zoning Commission
- Section 28.2. Terms of Office
- Section 28.3. Proceedings of the Planning and Zoning Commission
- Section 28.4. Powers and Duties
- Section 28.5. Decisions of the Planning and Zoning Commission

#### **28.1 CONFIRMATION OF THE PLANNING AND ZONING COMMISSION.**

The eleven (11) members of the existing Planning and Zoning Commission are hereby confirmed to continue their appointed terms of office. The City Council is granted the authority to create an Sioux Center Planning and Zoning Commission composed of eleven (11) citizens of the city who are 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 the city.

#### **28.2 TERMS OF OFFICE.**

The term of office of commission members shall be five (5) years. The terms of not more than two-fifths (2/5) of the members will expire in any one year. Members of the Planning and Zoning Commission may be removed from office by the City Council for cause upon written charges and after a public hearing. Vacancies shall be filled by appointment of the City Council for the unexpired term of the resigning member.

#### **28.3 PROCEEDINGS OF THE PLANNING AND ZONING COMMISSION.**

The Planning and Zoning Commission shall adopt rules necessary to the conduct of its affairs, and in keeping with the commissions' responsibilities as outlined in this article. Meetings shall be held at the call of the chairperson and at such other times as the Planning Commission may determine. The chairperson, or in his/her absence the acting chairperson, may direct the meetings. All meetings shall be open to the public. The Planning Commission shall keep minutes of its proceedings showing the vote of each member upon each action, of if absent or failing to vote indicating such fact. The Planning Commission shall also keep records of its examinations and other official actions, all of which shall be made available for public inspection. The presence of six (6) voting members shall constitute a quorum.

#### **28.4 POWERS AND DUTIES.**

Said commission shall have and possess the following powers and such powers as may be incidental to the successful carrying out of the powers invested in it herein or such as may be expressly conferred upon it by law:

- 1) **PLANS.** 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 such 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.
- 2) **RECOMMEND PLAN CHANGES.** To recommend to the council, from time to time, as conditions require, amendments, supplements, changes, or modifications in the comprehensive plan prepared by it, and recommend changes to the zoning regulations.

- 3) **ZONING PLAN.** To prepare a plan for zoning regarding the height, number of stories, and size of buildings and other structures; the percentage of ground that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes and to this end shall prepare a preliminary report and hold public meetings thereon and after such hearings have been held, to submit its final report and recommendations to the City Council.
- 4) **OFFICIAL MAP.** To study and make recommendations on all subdivisions submitted for approval to the city and to make surveys and plans for an official map as a guideline for such approval.
- 5) **TRENDS.** To study trends of development in industrial, physical and social aspects of the community and make such reports as it may deem necessary.
- 6) **RECOMMENDATIONS.** To review and make recommendations on proposed vacations of streets and alleys.
- 7) **ANNUAL REPORT.** The commission may make a report to the mayor and council of its proceedings, upon request.

#### **28.5 DECISIONS OF THE PLANNING AND ZONING COMMISSION.**

In exercising the above mentioned powers and duties, the Planning and Zoning Commission is granted the responsibility to provide informed and educated recommendations to the City Council or Board of Adjustment on matters under review. The Planning and Zoning Commission may recommend wholly, partly or may modify or request alterations of the original proposal. A concurring vote of the majority of the Planning Commission quorum shall be necessary in order to further a recommendation to the City Council or Board of Adjustment for consideration.

## ARTICLE XXIX Board of Adjustment

### Article 29: Board of Adjustment

- Section 29.1. Confirmation of Existing Board of Adjustment
- Section 29.2. Proceedings of the Board of Adjustment
- Section 29.3. Hearings, Appeals, and Notice
- Section 29.4. Stay of Proceedings
- Section 29.5. Powers and Duties
- Section 29.6. Variances
- Section 29.7. Decisions of the Board of Adjustment
- Section 29.8. Appeals from the Board of Adjustment

#### **29.1 CONFIRMATION OF EXISTING BOARD OF ADJUSTMENT.**

The members of the existing Board of Adjustment are hereby confirmed to continue their appointed terms of office. Future members of the Board of Adjustment shall be appointed by the City Council for a term of five (5) years. Members of the Board of Adjustment may be removed from office by the city council for cause upon written charges and after a public hearing. Vacancies shall be filled by the City Council for the unexpired term of the resigning member.

#### **29.2 PROCEEDINGS OF THE BOARD OF ADJUSTMENT.**

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in his/her absence the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment 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 examination and other official actions, all of which shall be a public record and be immediately filed in the office of the board. The presence of three (3) members shall constitute a quorum.

#### **29.3 HEARINGS, APPEALS, AND NOTICE.**

Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the City of Sioux Center affected by a decision of the Zoning Administrator. Such appeals should be taken within a reasonable time, not to exceed sixty (60) days, by filing with the Zoning Administrator and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record from which the action appealed was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notices thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney.

A fee to be determined by resolution of the City Council shall be paid to the Zoning Administrator at the time the notice of appeal is filed, which the administrative officer shall forthwith pay to the credit of the general revenue fund of the city.

**29.4 STAY OF PROCEEDINGS.**

An appeal stays all proceedings in furtherance of the action which was appealed, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, cause imminent threat to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on the application, on notice to the administrative officer from whom the appeal is taken and on due cause shown.

**29.5 POWERS AND DUTIES.**

The Board of Adjustment shall have the following powers and duties:

- 1) Administrative Review: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance.
- 2) Special Exceptions: To hear and decide only such exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance, and as provided for in Article XXV "Special Exceptions."
- 3) Variances: 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 the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

**29.6 VARIANCES.**

A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

- 1) An application for the Variance shall be filed with the Zoning Administrator. The application shall include the following:
  - a. Name and address of the owner and applicant.
  - b. Address and legal description of the property.
  - c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
  - d. A statement describing the variance requested and the reasons why it complies with the criteria for variances provided in this section.
  - e. The property address, name and mailing address of the owner of each lot within 100 feet of the subject property.
  - f. Site plans, as prepared in accordance with Article XIX "Site Plans."
- 2) The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.
- 3) Notice of public hearing shall be given to immediately adjacent property owners and to those within 100 feet of the property, as required by law.
- 4) The public hearing shall be held. Any party may appear in person or by agent or attorney.

- 5) The Board of Adjustment may grant a variance if it makes affirmative findings of fact on each of the following criteria:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
  - c. That the special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- 6) The Board of Adjustment shall make findings that the applicant for a variance has met the requirements of this section.
- 7) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- 8) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- 9) A fee to be determined by resolution of city council shall accompany the application for a variance.

*Additional Variance Conditions:* In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Article XXVII "Violation and Penalty."

*Lapse of Variance:* Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse and shall become void one (1) year following the date on which the variance became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a certificate of occupancy is issued for the site or structure which was the subject of the variance application, or the site is occupied if no building permit or certificate of occupancy is required.

*Revocation of Variance:* Upon violation of any applicable provision of this ordinance, or if granted subject to the conditions, upon failure to comply with conditions, a variance shall be revoked upon notification to the owner of the; use or property subject to the variance.

*Variance to Run With Land or Structure:* Unless otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

**29.7 DECISIONS OF THE BOARD OF ADJUSTMENT.**

- 1) In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance and Chapter 414, Code of Iowa, reverse or affirm, wholly or partly, or may modify, order requirements, decision, or determination as ought to be made and to that end shall have powers of the administrative officer from whom the appeal is taken. The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in application of this ordinance.

The action of the Board shall not become effective until it has a written decision describing such action, the vote of each member participating therein and the reasons for such action, specifying the manner in which the applicant either satisfied or failed to satisfy each of the applicable standards, conditions or elements set forth in this Article. Decisions shall be filed promptly following the Board's action and shall be open to public inspection.

- 2) Every variation and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.
- 3) If any application for a variance or exception shall have been denied by the Board of Adjustment, no new application for the same relief shall be considered for one (1) year by the Board unless the Board shall find that conditions have changed.
- 4) Any taxpayer or any officer, department, board, or bureau of the city or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition for writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. The petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board. All decisions of the Board, except decisions granting use variances or a variance from any separation requirement shall be final immediately upon filing. Each decision granting a use variance or a variance from separation requirement shall be referred to the city council for review pursuant to Chapter 414.7, Code of Iowa. The city council shall review such decision within 30 days after the decision is filed. After such review, the council may remand the decision to the Board for further study. If the city council does not act to review the decision within 30 days after it is filed, the decision shall become effective on the 31<sup>st</sup> day. If the city council declines to remand a decision, that decision shall become final on the date of the council's action. If the city council remands a decision to the Board, the effective date of the decision is delayed for 30 days from the date of remand.

**29.8 APPEALS FROM THE BOARD OF ADJUSTMENT.**

Any person or persons, or any board, taxpayer, department, board or bureau of the community aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by the laws of the State of Iowa and particularly by Chapter 414, Code of Iowa.

## ARTICLE XXX

### Changes and Amendments

#### Article 30: Changes and Amendments

- Section 30.1. Procedures
- Section 30.2. Initiation
- Section 30.3. Application for Change in Zoning District Boundaries
- Section 30.4. Public Hearing
- Section 30.5. Protest Provision
- Section 30.6. New Application

#### **30.1 PROCEDURES.**

This ordinance and the district map created by said ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by or shall have been first submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission shall have forty-five (45) days in which to submit its report to the city council. If the Commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment.

Not more than 30 days following receipt of the recommendation of the Planning and Zoning Commission, the city council shall hold at least one public hearing on the text amendment or a rezoning request. Within 30 days following the closing of a public hearing, the city council shall make a specific finding as to whether the change is consistent with the objectives of this ordinance.

If the city council finds that the change is consistent, it shall introduce an ordinance amending the text of the zoning regulations or amending the zoning map, whichever is appropriate.

If the city council finds that the change is not consistent, it shall deny the application. The city council shall not modify a recommendation of the Planning and Zoning Commission on a rezoning or change until it has requested and considered a report of the Commission on the modification. Failure of the Commission to report within 30 days after receipt of the city council request shall be deemed concurrence.

#### **30.2 INITIATION.**

Requests for rezoning of property or zoning text amendments may be initiated by one of three ways.

- 1) The Planning and Zoning commission or the city council may initiate a text amendment.
- 2) The Planning and Zoning Commission or the city council may initiate a rezoning request
- 3) The owner or the authorized agent of the owner of property may initiate a rezoning request by filing an application for a change in district boundaries (rezoning) as prescribed in this article. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

**30.3 APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES.**

Applications for rezoning requests shall be filed with the Zoning Administrator on a form provided by the city and shall include the following data and maps:

- 1) Each application shall be filed and accompanied by a fee as determined by resolution by the city council and shall contain the following information:
  - a. The name and address of the owner and applicant.
  - a. The legal description and local address of the property.
  - c. If the applicant is not the legal owner of the property, statement that the applicant is the authorized agent of the owner.
  - d. The present zoning classification and the zoning classification requested for the property.
  - e. The existing use and proposed use of the property.
  - f. The names and addresses of the owners of all property within one hundred (100) feet of the property for which the change is requested.
  - g. A statement of the reasons why the applicant feels the present zoning classification is no longer appropriate.
  - h. A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within two-hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.

The Zoning Administrator may require additional information or maps if they are necessary to enable the Commission to determine whether the change is consistent with the objectives of this ordinance.

- 2) All fees shall be deposited to the general revenue fund of the city. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.
- 3) Upon receipt of the application by the administrative officer a copy shall be forwarded immediately to the Planning and Zoning Commission for study and recommendation. The commission shall, prior to making a recommendation, determine the following:
  - a. Whether or not the current district classification of the property to be rezoned is valid.
  - b. Whether there is a need for additional land zoned for the purpose requested.
  - c. Whether the proposed change is consistent with the current land use plan, considering such factors as:
    - i. Whether the rezoning would result in a population density or development which would in turn cause demand for services and utilities in excess of the capacity planned for the area;
    - ii. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
  - d. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.

**30.4 PUBLIC HEARING.**

A public hearing shall be held by the city council before adoption of any proposed amendment to this ordinance. A notice of such public hearing shall be published not less than seven (7) and no more than 20 days prior to the date established for such hearing along with notification of the owners of all property within one hundred (100) feet of the property for which the change is requested. In no case shall the public hearing be held earlier than the next regularly scheduled city council meeting following the published notice. Such notice shall include the time and place for the public hearing.

**30.5 PROTEST PROVISION.**

In case the Planning and Zoning Commission does not approve the change, or in a case of a protest filed with the city council against a change in district boundaries signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within one hundred (100) feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all the members of the city council.

**30.6 NEW APPLICATION.**

Whenever a petition requesting an amendment, supplement or change of any regulations prescribed by this article has been denied by the city council such petition cannot be renewed for one year thereafter unless it is signed by the owners of at least fifty percent (50%) of the property owners who previously objected to the change; this provision, however, shall not prevent the city council from acting on its own initiative in any case or at any time provided in this section.



## **ARTICLE XXXI**

### **Effective Date**

#### **31.1 EFFECTIVE DATE.**

This ordinance shall be in full effect from and after its adoption and publication as required by law



**ARTICLE XXXII  
Adoption**

ORDINANCE NO. \_\_\_\_\_

ZONING ORDINANCE OF THE CITY OF SIOUX CENTER, IOWA

NOW THEREFORE, BE IT ORDAINED BY THE  
CITY COUNCIL OF THE CITY OF SIOUX CENTER:

Passed and Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Mayor, City of Sioux Center

\_\_\_\_\_  
Sioux Center City Clerk

I hereby certify that the foregoing was published as ordinance no. \_\_\_\_\_ in the City of Sioux Center, Iowa on the \_\_\_\_\_ day of \_\_\_\_\_, 2005.