

# **ZONING ORDINANCE**

## **CITY OF SIOUX CENTER, IOWA**

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## **ARTICLE 1**

### **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the effective date of this ordinance the City of Sioux Center Zoning Ordinance No. SC- 0-1-91 and amendments thereto is repealed.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 2**

### **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
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 or 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 rights-of-way 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 3**

### **Definitions/Use Classifications**

#### Article 3: Definitions/Use Classifications

##### Section 3.1. Definitions

##### Section 3.2. Use Matrix

#### **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:
  - a. is subordinate to and serves a principal building or use;
  - b. is subordinate in area, extent, or purpose to the principal building or use served;
  - c. contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and
  - d. 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. **AFTER HOURS BUSINESS:** Any business open during any time between the hours of two o'clock (2:00) A.M. to six o'clock (6:00) A.M. any day of the week and where patrons are allowed to bring their own beer and wine onto the business premises.
4. **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.
5. **AGRICULTURAL USES:** Agricultural uses include the on-site production of plant and animal products by agricultural methods, including the following:
  - 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.); ten (10) large fowl per acre (e.g. turkeys, geese, peacocks, etc.).
  - e. **Farm 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.

6. 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.
7. 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.
8. APARTMENT: A single room or set of rooms occupied as a dwelling which is part of a multi-family structure.
9. ASSISTED LIVING RESIDENTIAL FACILITY: A building consisting of individual dwelling units where meals and assistance for daily living activities are provided to the residents, who are primarily elderly persons. Such facility must be licensed as a Residential Care Facility, Intermediate Care Facility or Skilled Nursing Facility under Chapter 135C, Code of Iowa.
10. 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.
11. 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:
  - a. 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.
  - b. Service Station: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.
  - c. 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.
  - d. 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.
  - e. 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.
  - f. 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.
  - g. 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.
  - h. 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.

- i. **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.
12. **BAR:** Any establishment devoted primarily to the selling, serving or dispensing and drinking of malt, vinous, or other alcoholic beverage by 50% or more of total gross sales, and where such beverages are consumed on the premises. (This definition includes and may also be referred to as a "Cocktail Lounge," "Tavern," or "Saloon.")
13. **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.
14. **BED & BREAKFAST INN:** 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. This definition includes any rooms leased or rented through an online marketplace such as Airbnb.
15. **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.
16. **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.
17. **BOARDING HOUSE OR ROOMING HOUSE:** A building other than a hotel or motel where, for compensation, meals, or lodging and meals, are provided for three (3) or more persons.
18. **BODY PIERCING STUDIO:** Any establishment or business wherein body piercing is practiced. Specifically excluded from this definition are retail jewelry businesses offering ear piercing as a complimentary service. See **TATTOO STUDIO**.
19. **BUILDABLE AREA:** The portion of a lot or parcel remaining after required yard setbacks have been provided.
20. **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".
21. **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.
22. **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.
23. **BUILDING, PRINCIPAL:** The building in which the primary use of the lot or parcel is conducted.

24. BUILDING LINE: The setback distance from the front property line, rear lot line, and side lot lines as provided in the Ordinance.
25. 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.
26. 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.
27. 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.
28. CARPORT: 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.
29. 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.
30. CHILD CARE CENTER: A facility providing child day care for seven or more children at one time, except when the facility is registered as a group care facility or when officially registered by the State of Iowa as a Child Development Home. (See Chapter 237A.1 of the State Code of Iowa.)
31. CHILD DAY CARE: (See Chapter 237A of the State Code of Iowa) The care, supervision, or guidance of a child by a person other than the parent, guardian, relative, or custodian for periods of two hours or more, and less than twenty-four hours per day per child, on a regular basis, in a place other than the child's home, but does not have:
  - a. An institutional program administered by a public or non-public school system approved by the Iowa State Department of Public Instruction or the Iowa State Board of Regents.
  - b. A religious-related instructional program of not more than one day per week.
  - c. Short-term classes held between school terms.
  - d. A program administered by a political subdivision of the State which is primarily for recreational or social purposes and is limited to children who are five years of age or older and attending school.
32. CHILD CARE HOME: A private residence where child care is provided to five (5) or fewer children at any one time and that is not registered with the State of Iowa. (See Chapter 237A.3 of the State Code of Iowa.)
33. CHILD DEVELOPMENT HOME: A private residence, officially registered by the State of Iowa as a "Child Development Home," to provide child day care to six or more children at any one time following the categories and regulations as defined by the Iowa Department of Human Services (DHS) on July 1, 2018. (See Chapter 237A.3A of the State Code of Iowa.)
34. CITY: The City of Sioux Center, Iowa
35. CLUB OR LODGE (PRIVATE): An association of persons for the promotion of some nonprofit

object who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof. The use of such premises being restricted to members and their guests. 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.

36. COMMISSION (OR PLANNING COMMISSION): The Sioux Center Planning and Zoning Commission.
37. CONDOMINIUM: A building, or group of buildings, in which the dwelling units, offices, or floor area are owned independently, as regulated by Chapter 499B of the Code of Iowa, and whereas the structure, common areas, and facilities are owned by all of the owners on a proportional, undivided basis.
38. 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.
39. CONVENIENCE STORE: Any retail establishment, generally less than 10,000 square feet in size, offering for sale food products, household items and other goods commonly found in grocery stores and may include automotive and truck fuel sales. Any such business with fifty percent (50%) or more of its gross sales in alcohol and/or tobacco shall be considered a liquor store or a tobacco store.
40. COTTAGE: A small single unit structure used for vacation or vacationers occupancy.
41. COUNCIL: The Sioux Center City Council.
42. 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.
43. DELAYED DEPOSIT SERVICES BUSINESS: A person or individual, group of individuals, partnership, association, corporation, or any other business unit or legal entity who for a fee does either of the following:
  - a. Accepts a check, draft, share draft, or other instrument for the payment of money dated after the date it was written.
  - b. Accepts a check, draft, share draft, or other instrument for the payment of money dated on the date it was written and holds it for a period of time prior to deposit or presentment pursuant to an agreement with, or any representation made to, the maker of the check, draft, or other instrument whether express or implied.The above are typically referred to as "Check Cashing," "Payday Lending," or "Car Title Loan" establishments.
44. DETACHED: Fully separated from any other building, or joined to another building by structural members not constituting an enclosed or covered space.
45. DISTRICT: A part, zone, or geographic area within the city within which certain zoning or development regulations apply.
46. DRIVE-IN OR DRIVE-THRU FACILITY: An establishment that provides or dispenses products or

services, through an attendant or an automated machine, to persons remaining in their vehicle that are in designated drive-thru vehicle stacking lanes. A drive-thru facility may be in combination with other uses, such as financial institutions, restaurants, pharmacies, and service providers such as dry cleaners. For the purposes of this ordinance, automotive and truck washes and automotive and truck fuel sales facilities will not be categorized as drive-thru facilities.

47. DRIVEWAY: A permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.
48. 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 and DWELLING, SINGLE FAMILY, SEMI DETACHED.
49. 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.
50. DWELLING, ACCESSORY (OWNER-OCCUPIED): A separate and smaller second dwelling that is located within the lot or building envelop of a single-family dwelling and is held under the same ownership of that single-family dwelling. This separate dwelling contains its own living, cooking, and housekeeping facilities, may or may not have its own entrance, and is contained within or attached to the principal single-family dwelling. Examples include: a dwelling over an attached, a dwelling within the basement of the principal building, or a dwelling attached to the principal building. The owner of the property must remain as a permanent occupant of either dwelling unit at all times.
51. DWELLING, ACCESSORY (NOT OWNER-OCCUPIED): A separate and smaller second dwelling that is located within the lot or building envelop of a single-family dwelling and is held under the same ownership of that single-family dwelling. This separate dwelling contains its own living, cooking, and housekeeping facilities, may or may not have its own entrance, and is contained within or attached to the principal single-family dwelling. Examples include: a dwelling over an attached, a dwelling within the basement of the principal building, or a dwelling attached to the principal building.
52. DWELLING, 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.
53. DWELLING, MULTIPLE FAMILY: An apartment house or apartment building with three (3) or more dwelling units 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. Said apartment house or building has dwelling units that are both vertically and horizontally attached to one another. May also be referred to as a "Condominium Apartment."
54. DWELLING, ROW: Three (3) or more townhouse style dwelling units, horizontally attached in a continuous row. Each has its own front and rear access to the outside and is located on a separate lot within the total development site. See DWELLING, TOWNHOUSE.
55. DWELLING, SINGLE FAMILY, DETACHED: 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.
56. DWELLING, SINGLE FAMILY, SEMI-DETACHED: A dwelling designed for or occupied by one family only which is erected on a separate lot and is joined to another such residence on one side only by a wall located on the lot line and which has yards on the remaining sides (commonly referred to as a duplex).

57. DWELLING, TOWNHOUSE: A dwelling unit attached horizontally to 2 or more other dwelling units by party walls, but no single unit shares party walls with more than two other units, and where each unit located on a separate lot within the total development site. See DWELLING, ROW.
58. DWELLING UNIT: A room or group of rooms which are arranged, designed, or used as a dwelling for the occupancy of one family, containing sleeping, bathroom, and kitchen facilities.
59. 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. This definition includes an existing single family detached dwelling that is converted into a two family dwelling. See also: DUPLEX.
60. 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.
61. ELDER GROUP HOME: A single-family residence that is a residence of a person who is providing room, board and personal care to three through five persons 60 years of age or older who are not related to the person providing the service within the third degree of consanguinity or affinity and which is certified by the State Department of Elder Affairs as an elder group home in accordance with 231B.2 of the Code of Iowa. In accordance with the Code of Iowa, elder group homes owned and operated by public or private agencies shall be dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas. (See "Family home.")
62. ENCROACHMENT: Any obstruction or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land.
63. 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.
64. FAÇADE: The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.
65. FAMILY: One (1) or more individuals occupying a dwelling unit and living together as a single, nonprofit housekeeping unit, and sharing common living, sleeping, cooking, and eating facilities. The definition of Family does not include any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; and, any group of individuals who are in a group living arrangement because of criminal offenses. The definition of Family may include licensed group care facilities or family homes as may be otherwise permitted.
66. FAMILY HOME: A community-based residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa, to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237. In accordance with the Code of Iowa, family homes owned and operated by public or private agencies shall be dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas.
67. 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.

68. FENCE: Any artificially constructed barrier of approved fencing material or combination of materials erected to enclose or screen areas of land.
69. 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.
70. 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.
71. 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.
72. 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.
73. 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.
74. GROUP CARE FACILITY: See FAMILY HOME.
75. HOME OCCUPATION: An accessory occupation or profession conducted entirely within a dwelling unit by the inhabitants thereof. See Sections 18.5 for requirements.
76. HOUSE TRAILER: See MOBILE HOME
77. 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.
78. HOUSING UNIT: See DWELLING
79. HOTEL OR MOTEL: A building containing guest rooms in which lodging is provided and offered to the public on a temporary basis for compensation, and which is open to transient guests, in contrast to a bed and breakfast inn, boarding house, or rooming house. For establishments to be considered a hotel or motel, versus an extended stay hotel, apartment hotel, or apartment house or building, all rooms must be available for rent for as little as one (1) night and no more than 30 days, no rental contract or similar agreement is involved, and the establishment must be licensed as a hotel and collect and pay hotel/motel tax on all guest rooms and guest stays.
80. HOTEL, EXTENDED STAY OR APARTMENT HOTEL: A building containing furnished bedrooms with or without cooking facilities in which lodging is provided and offered to the public on a weekly or monthly basis for compensation.
81. INCIDENTAL: Subordinate and minor in significance and bearing a reasonable relationship with the primary use.
82. 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.

83. INDUSTRIAL USES: Industrial uses include the on-site extraction or production of goods by methods not agricultural, and storage and distribution of products and include the following:

- 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. 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.
- h. Stockyards: Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales or auction yards.
- i. 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:
  - 1) Limited Warehousing and Distribution: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses or moving and storage firms.
  - 2) General Warehousing and Distribution: Open-air storage, distribution and handling of materials and equipment. Typical uses include grain elevators or open storage yards.

84. INSTITUTION: A building or premises occupied by a non-profit corporation or establishment for public use.

85. 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.

86. JUNK VEHICLE OR JUNK MACHINERY: See Title V of Article 12-93 through 12-95 of the Sioux Center Municipal Code.
87. 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.
88. KENNEL, PRIVATE: Any building or land designed or arranged for the care of no more than a combined total of 3 dogs or cats belonging to the owner of the principal structure, kept for the purposes of show, hunting, or pets.
89. 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.
90. LAND USE: A description of how land is occupied or utilized.
91. 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.
92. LIQUOR STORE: A retail shop or establishment that primarily sells prepackaged alcoholic beverages, including wine, beer, and alcoholic liquors, intended to be consumed off the store's premises, and where 50% or more of total gross sales are derived from the sale of alcohol and tobacco.
93. 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.
94. 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.

95. 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 one (1) or more streets or an officially approved public place.

96. LOT, CORNER: A lot fronting on two (2) intersecting streets.

97. LOT, INTERIOR: A lot other than a corner lot.

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

99. 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.

100. 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.

101. LOT, POSTAGE-STAMP: A small lot typically contained within an owner's association held common lot or outlot and intended to define the immediate area surrounding the perimeter of an individual townhouse or rowhouse unit or commercial building for ownership purposes. Postage-stamp lots are generally designed to be established no closer than 5-feet from any foundation or building wall, excluding shared walls located along a common lot line. Postage-stamp lots may or may not have public street frontage but shall at a minimum have access to public streets and public utilities via the surrounding outlot.

102. 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.

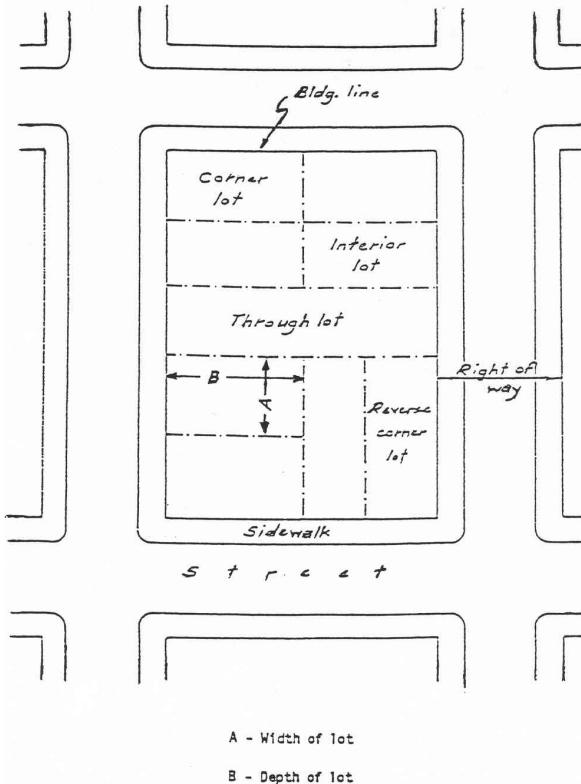
103. LOT WIDTH: The distances between the side lot lines. In the case of a lot of irregular shape, the lot width shall be the horizontal distance between the side lot lines as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front yard setback.

104. LOT LINES: The lines bounding a lot.

105. 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.

106. LOT LINE, REAR: That boundary line that is opposite and most distant from the front lot line. In the case of a corner lot, the rear lot line is opposite the front lot line of least dimension. In case of an interior triangular or gore-shaped lot, it means a straight line ten-feet in length which (in paragraph form) is parallel to the front lot line or its cord and intersects the two other lot lines at

#### CHART—LOT



points most distant from the front lot line.

107. **LOT LINE, SIDE:** Any boundary lines not a front line or a rear line.
108. **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 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.
109. **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.
110. **MASSAGE ESTABLISHMENT, UNLICENSED:** Any establishment having a fixed place of business where massages are administered for any form of consideration or gratuity, including but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include an establishment employing: (i) persons licensed by the State of Iowa under the provisions of Chapters 148, 148A, 148B, 150, 150A, 151, 152, 157, or 158 of the Code of Iowa, when performing massage services as part of the profession or trade for which licensed; (ii) persons performing massage therapy or massage services under the direction of a person licensed as described in (i) above; (iii) persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician; (iv) nurses, aides, technicians and attendants at any hospital or health care facility licensed pursuant to Chapter 135B, 135C, or 145A of the Code of Iowa in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in (i) above; and (v) an athletic coach or trainer in any accredited public or private secondary school, junior college, college or university, or employed by a professional or semi-professional athletic team or organization, in the course of his/her employment as such coach or trainer. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad, or a non-profit organization operating a community center; swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities; and facilities for the welfare of the residents of the area.
111. **MEDICAL CANNABIDIOL:** Means any pharmaceutical grade cannabinoid found in the plant *Cannabis sativa* L. or *Cannabis indica* or any other preparation thereof that has a tetrahydrocannabinol level of no more than three percent and that is delivered in a form recommended by the State of Iowa Medical Cannabidiol Board, approved by the State of Iowa Board of Medicine, and adopted by the State of Iowa Department of Public Health.
112. **MEDICAL CANNABIDIOL DISPENSARY:** Means a business that dispenses medical cannabidiol that is licensed by the State of Iowa and operating in compliance with all State of Iowa laws and regulations required for a medical cannabidiol dispensary.
113. **MEDICAL CANNABIDIOL MANUFACTURER:** Means a manufacturer of medical cannabidiol that is licensed by the State of Iowa and operating in compliance with all State of Iowa laws and regulations required for a medical cannabidiol manufacturer.
114. **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.

115. 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 non-transient 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.
116. 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.
117. 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.
118. 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.
119. 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.
120. 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.
121. NURSING OR CONVALESCENT HOME: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled, or injured persons; not including mentally insane, mental deficiency or deterioration, inebriate, or contagious cases.
122. 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.
123. 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.
124. 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.
125. PARKING LOT: An off-street, ground level open area usually improved for the temporary storage of motor vehicles. See also: PARKING AREA.
126. 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.

127. PAVING, HMA: A surface paved with hot mix asphalt (HMA) that is of an appropriate thickness and includes an appropriate pavement base as required by the City design standards or as otherwise is prudent to provide a durable, lasting, and save paved surface for use by automotive vehicles, trucks, delivery vehicle, emergency service vehicles, pedestrians, and bicycles.
128. PAVING, PCC: A surface paved with Portland cement concrete (PCC) that is of an appropriate thickness and includes an appropriate pavement base and internal reinforcement as required by the City design standards or as otherwise is prudent to provide a durable, lasting, and save paved surface for use by automotive vehicles, trucks, delivery vehicle, emergency service vehicles, pedestrians, and bicycles.
129. PAWNSHOP: An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or, who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking.
130. 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.
131. PORCH, OPEN: A roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building.
132. PRINCIPAL PERMITTED USE: See USE: 1. Principal Permitted Use.
133. PROHIBITED USE: Any use that is not permitted in a zoning district.
134. PROPERTY: A lot, parcel, or tract of land together with the buildings and structures located thereon.
135. 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.
136. 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.
137. 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.

138. RESTAURANT: an establishment that prepares and serves food and beverages to persons for immediate consumption. Any establishment with 50% or more of total gross sales in alcoholic beverages shall be defined as and considered a bar and not a restaurant.

- a. Dine-in restaurant - A restaurant where the patron consumes foods and beverages while seated at tables or counters located on the premises.
- b. Drive-in restaurant - A restaurant that delivers prepared food and/or beverages to patrons in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption on or off the premises. This definition includes coffee shops, ice cream parlors, and any other business that serves food or drinks to patrons in a motor vehicle.
- c. Carry-out restaurant - A restaurant which prepares food and/or beverages which are packaged and delivered to the patrons or are picked up at the establishment by the customer; there is no consumption of food or beverages on the premises by patrons.

139. 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.

140. 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.

141. SALVAGE YARD: See JUNKYARD and SCRAP YARD.

142. SETBACK: The distance between any lot line and the supporting walls or structures of any building or deck more than 12" above grade.

143. 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.

144. SHORT TERM RENTAL: Any single family, two family or townhouse dwelling that is rented with or without a contract for a period of less than three (3) months. This definition does not include Hotel or Motel, Bed & Breakfast Inn, Boarding or Rooming House, Extended Stay or Apartment Hotel. This definition may include dwellings leased or rented through an online marketplace such as Airbnb.

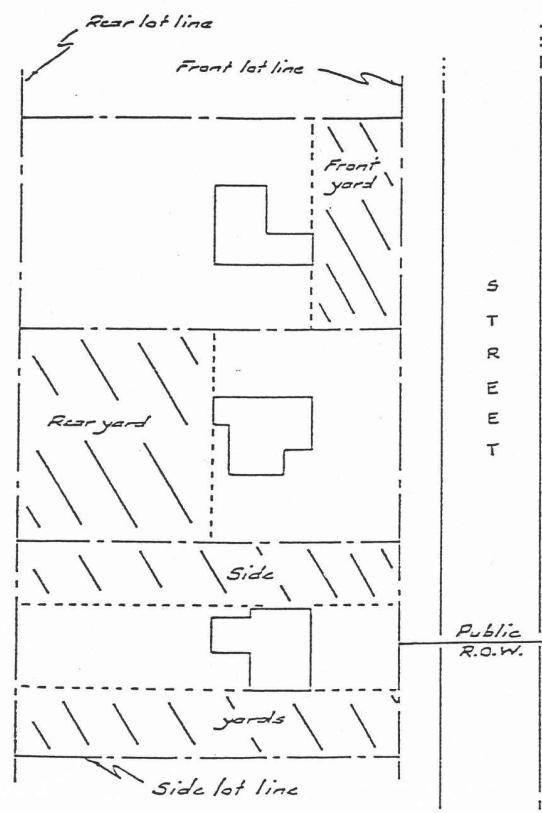
145. SIGN: An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business; provided, however the following shall not be included in the application of the sign regulations as described in Article 21 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.
- 146. 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.
- 147. 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.
- 148. 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.
- 149. SPRAWL: Uncontrolled growth, usually of a low-density nature, in previously rural areas and some distance from existing development and infrastructure.
- 150. 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.
- 151. 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.
- 152. STREET: A public or private thoroughfare that affords the primary means of access to abutting property.
- 153. 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.
- 154. STREET, PUBLIC: A public thoroughfare twenty feet (20') or more in width.
- 155. STREET (OR ROAD) LINE: The dividing line between a lot, tract or parcel of land and a contiguous road, street or alley.
- 156. 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.
- 157. 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.
- 158. 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.
- 159. SUPERVISED GROUP RESIDENCE: A residential facility, occupied by three or more persons under the supervision of one or more persons who are unrelated to the persons being supervised by blood, marriage or adoption, wherein the individuals supervised have mental, social or substance-abuse problems which hinder their functioning in society and require the protection and supervision of a group environment to facilitate their becoming functional members of society; provided, family homes, elder group homes, hospitals, and nursing or convalescent homes are not included within this definition.

160. TAVERN: See BAR.
161. TATTOO STUDIO: Any establishment in which tattooing is carried out professionally and may or may not include ear and body piercing. See BODY PIERCING STUDIO.
162. TEMPORARY STRUCTURE: A structure without any foundation or footings and that is removed when the designated time period, activity, or use has ceased.
163. 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.
164. 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.
165. VACANCY: Any unoccupied land, structure, or part thereof that is available and suitable for occupancy.
166. VALUATION: The estimated cost to replace a building; based on current cost of replacement.
167. 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.
168. VETERINARY SERVICES: Veterinary services for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals.
169. 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.



- 170. **ZONING:** The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.
- 171. **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.
- 172. **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 MATRIX**

The following table identifies the allowable uses within each zoning district. A use identified with a "P" within a given zoning district column is a Principal Permitted Use. A use identified with an "S" within a given zoning district is a Special Exception Use which requires approval from the Board of Adjustment with specific conditions and requirements in accordance with and subject to the provisions of Articles 25 and 29 of this ordinance. A blank space indicated that use is not permitted within the given zoning district. Uses not listed shall be considered not permitted uses.

The definitions for each listed use shall coincide first with the definition contained within this chapter of the Zoning Code, second as may be defined elsewhere in the City Code, and finally the commonly understood definition as determined by the Zoning Administrator.

A proposed use may follow under more than one category; however, for the purposes of this section, the proposed use shall follow the closest, most similar or specific use as listed in the Use Matrix.

It shall be the sole discretion of the Zoning Administrator to make the determine as to where a proposed use falls within the Use Matrix, whether it fits within or is similar to a use listed within the Use Matrix or is otherwise not listed and therefore not permitted. 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. The determination by the Zoning Administrator is appealable to the Board of Adjustment per the procedures as provided in Article 26.

USE MATRIX												
USE	ZONING DISTRICT											
	AG	RS	R-1	R-2	R-3	MH	MU	PO	GC	HC	GI	IP
<b>AGRICULTURAL USES</b>												
Commercial Farm Operation												
Farming (row crop, vegetables, greenhouse, vineyards, orchards)	P	P										
Animal Husbandry (raising of livestock including animal feeding operations)												
Truck gardening and nurseries	P											
Farm Support Housing	S											
Horse boarding and riding stables	P	P										
Residential Animal Raising	P	P										
Private Kennel (max 3 dogs or cats)	P	P	P	P								
<b>RESIDENTIAL USES</b>												
Household Living												
Single family dwelling, detached	P	P	P	P								
Single family dwelling, semi detached (traditional duplex on two lots)		S	S	P	P							
Two family dwelling on one lot, semi attached (duplex on one lot - does not include the conversion of an existing single family home into 2 dwelling units)		S	S	P	P							
Townhouse dwelling (3+ units)				S	P							
Multiple family dwelling (3+ apartment or condo units)					P							
Mobile home residential						P						

USE MATRIX														
USE			ZONING DISTRICT											
			AG	RS	R-1	R-2	R-3	MH	MU	PO	GC	HC	GI	IP
Accessory dwelling (includes the conversion of an existing single family detached dwelling into 2 units vertical or horizontal) (exp. converting a basement or attached garage space into a separate dwelling unit)	Owner Occupied	S	S	S	S	S	S							
	Not Owner Occupied					S	S							
Dwelling units located above the ground floor (mixed use building)									P		P			
Short-term rental	P	P	P	P	P	P	P	P						
Relocated Residential Dwelling	S	S	S	S	S									
Group Residential														
Family home / Group care facility	P	P	P	P	P									
Elder group home	P	P	P	P	P									
Assisted living residential facility		S	S	S	P				S	S	S			
Nursing or convalescent home		S	S	S	P				S	S	S			
Supervised group residence					S									
<b>PUBLIC AND CIVIC USES</b>														
College, university, or vocational school	S	P	P	P	P	S	P	P	P	P	P	P	P	P
Cultural exhibit, museum, or library							P	P	P	P	P			
Membership or religious organization, social club or lodge, and other place of public assembly	S	S	S	S	S	S	P	P	P	P	P	P	P	P
Public or private elementary, middle, or high school	S	P	P	P	P	S	P	P	P	P	P	P	P	P
Public or private golf course, golf driving range, country club, swimming pool, and indoor or outdoor recreational facilities and fields	S	S	S	S	S	S	S	S	P	P				P
Public Utilities (not including gas and electrical power distribution stations)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Government buildings and properties	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Hospital							P	P	P	P	P	P	P	P

USE	USE MATRIX											
	ZONING DISTRICT											
	AG	RS	R-1	R-2	R-3	MH	MU	PO	GC	HC	GI	IP
<b>COMMERCIAL USES</b>												
After hours business												
Agricultural Sales and Services										P	P	
Animal services												
Kennel, public (including day kenneling)											P	P
Veterinary services (without overnight kenneling)								P	P	P	P	P
Art gallery						P	P	P	P			
Banks and financial services												
Banks, not including delayed deposit service business						P	P	P	P			
Delayed deposit service business (including check cashing, payday lending, car title loan business)										S		
Pawnshop										S		
Freestanding automated teller machine (ATM)						P	P	P				
Body piercing studio or tattoo studio										S		
Child Care Center				P		P	P	P	P			
Construction sales and service, contractor office, office for plumber, electrician, HVAC service or similar use												
No outdoor storage							P	P	P	P	P	P
With outdoor storage										P	P	
Drive-in or drive-thru facilities						S	S	P	P			
Eating and drinking establishment												
Restaurant						P	S	P	P			
Micro-brewery, micro-distillery, or winery with on-site tasting/sampling and sales						P		S	S			
Tavern / Bar						S		S	S			
Entertainment												
Movie theater, performance hall, performing arts studio						P		P	P			
Indoor: waterpark, miniature golf, bowling, video game arcades, go-carts, trampoline park, playground play space or similar use						P		P	P			

USE MATRIX													
USE		ZONING DISTRICT											
		AG	RS	R-1	R-2	R-3	MH	MU	PO	GC	HC	GI	IP
	Outdoor: waterpark, miniature golf, go-carts, trampoline park, playground play space or similar use										P	P	P
Funeral and interment services													
	Cemetery, mausoleum, columbarium	S	S	S	S	S			S	S	S	S	S
Cremation services												S	S
	Funeral Home including funeral services and retail sales with no outdoor display or storage			S	S	S		P	P	P	P	P	P
Retail sales with outdoor displays and storage											P	P	P
Lodging													
	Bed & breakfast inn	S	S	S	S	S		P		P	P		
Boarding or rooming house											S		
Extended stay or apartment bed											S		
Hotel or motel							P			P	P		
Campground		S										S	
Medical or dental clinic, pediatrician's office, outpatient surgery center, medical testing center, or similar use							P	P	P	P			
Mini warehouse or self-storage facility													
In-door only											P	P	P
Out-door storage including vehicle, boat, camper, recreational vehicle												P	P
Motor vehicle and motor equipment-oriented businesses													
Automobile service center (auto parts sales)									P	P	P		S
Automotive washing, car wash (auto, manual, or attended), does not include truck or trailer washing or trailer washout									P	P	P		S
Gas station or service station with minor repair and services (brakes, batteries, tires, oil changes)										P	P	P	
Major motor vehicle repair (painting, body, fender, frame, transmission, engine overhaul)										S	P	P	
Automobile sales, rental, storage lot, and off-street parking										P	P	S	

USE MATRIX													
USE		ZONING DISTRICT											
		AG	RS	R-1	R-2	R-3	MH	MU	PO	GC	HC	GI	IP
Recreational vehicle, camper, boat, motorcycle, snowmobile, golf car, and similar sales, lease, and rental and ancillary repair and maintenance											P	P	S
Light equipment sales, rental, or repair service												P	S
Heavy equipment sales, rental or repair service												P	S
Truck Stop, not including trailer washout											P	P	
Personal and consumer service													
Beauty salon, barbershop									P	P	P	P	
Dry cleaner and laundry service										P	P	P	P
Dry cleaner and laundry service (pick-up/drop-off service only)								P	P	P	P	P	P
Laundry (self-serve laundromat)							P	P	P	P	P	P	P
Massage establishment, unlicensed													
Fitness center, gym, health spa							P	P	P	P	P	P	P
Tailor							P	P	P	P	P		
Print shop, copy center, retail shipping store								P	P	P	P	P	P
Professional Office (corporate, law, engineering, architecture, real estate, insurance, accounting, bookkeeping or similar use)							P	P	P	P	P	P	P
Retail sales (grocery store, pharmacy/drug store, office supplies store, bakery, clothing or department store, and similar retail use)							P	P	P	P			
Retail sale - intensive													
Convenience store									P	P			
Fireworks sales										P	P		
Hardware store, lawn and garden store, or similar use with outdoor storage										P	P		
Large retail (over 50,000 sq. ft. gross floor area, single user or tenant space)										P			
Liquor store										S	S		
Lumber yard and Construction Sales and Services											P	P	P
Medical cannabidiol dispensary													
Smoking lounge or hookah lounge							S		S	S			
Tobacco store (including vape shop)							S		S	S			
Adult oriented establishment												S	

USE		ZONING DISTRICT											
		AG	RS	R-1	R-2	R-3	MH	MU	PO	GC	HC	GI	IP
Spectator sports													
Indoor										P	P	P	
Outdoor										P	P	P	
Sports and recreation, participant													
Outdoor										P	P	P	
Indoor										P	P	P	
<b>INDUSTRIAL USES</b>													
Animal feedlots, processing of animals or animal by-products												S	
Electrical power generation (utility scale for off-site use, distribution, or sale)	S											S	
Manufacturing, production and industrial services													
Limited (no food related processing and manufacturing, all activities wholly contained within a building)											P	P	
General (limited food processing, outdoor storage limited)											P	P	
Intensive (may include outdoor storage of materials and activities not contained within a building) and includes:													
auto and other equipment and machinery wrecking and used parts yards and storage (no outdoor wrecking or disassembly)											S		
Truck or trailer washout													
cement, lime, gypsum, or plaster manufacture											S		
explosive and ammunition manufacture or storage											S		
junk or garbage processing, recycling, storage, or transfer station (indoor only)											S		
petroleum, chemical, fuel, and gasses refining, manufacture, distribution, or bulk storage											S		
rubber goods manufacture											S		
sand or gravel pits, mining, and crushing											S		
smelting and processing or ore, metal and scrap metal											S		
Medical cannabidiol manufacturer													

USE		ZONING DISTRICT											
		AG	RS	R-1	R-2	R-3	MH	MU	PO	GC	HC	GI	IP
Repair service													
Electronics, appliance, household goods, furniture or similar											P	P	P
Small engine												P	P
Research laboratory and testing												P	P
Storage of equipment, data and records, electronic data center, furniture and similar												P	P
Trucking/freight terminal												P	P
Wholesale fuel storage, sales, or distribution												S	
Warehousing and wholesaling (outdoor storage limited to licensed and operable trailers, trucks, power equipment, and shipping containers)												P	P
Waste related use													
Junkyard including auto, truck and machinery wrecking and recycling												S	
Recycling facility												S	
Sanitary landfill												S	
<b>OTHER USES</b>													
Gas and electrical power distribution station	S											S	S
Mining operation, sand and gravel extraction or processing, gas or oil well, or similar mineral or earth resource extraction (no crushing of rock, ore)	S											S	
Wireless telecommunications facility													
Tower	S	S	S	S	S	S	S	S	S	S	S	S	
Co-located	S	S	S	S	S	S	S	S	S	S	S	S	

## **ARTICLE 4** **AG - Agriculture District**

### Article 4: Agriculture District

- Section 4.1. Intent
- Section 4.2. Principal Permitted and Special Exception Uses
- Section 4.3. Permitted Accessory Uses and Structures
- Section 4.4. Site Development Regulations
- Section 4.5. Off-Street Parking and Loading Space
- Section 4.6. Sign Regulations
- Section 4.7. 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 AND SPECIAL EXCEPTION USES**

Within the Agricultural District, unless otherwise provided, no building or land shall be used for other than one or more of the principal permitted uses or special exception uses as identified in the Use Matrix in Section 3.2 of this ordinance.

#### **Section 4.3. 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 4.4. 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 17 - "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 4.5. 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 20 of this ordinance.

#### **Section 4.6. SIGN REGULATIONS**

Sign regulations shall be required for activities in the Agricultural District in accordance with the provisions of Article 21 of the ordinance.

#### **Section 4.7. ZONING PERMITS REQUIRED**

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

## **ARTICLE 5**

### **RS - Residential Suburban District**

#### Article 5: Residential Suburban District

- Section 5.1. Intent
- Section 5.2. Principal Permitted Uses and Special Exception Uses
- Section 5.3. Permitted Accessory Uses and Structures
- Section 5.4. Site Development Regulations
- Section 5.5. Off-Street Parking and Loading Space
- Section 5.6. Sign Regulations
- Section 5.7. 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 AND SPECIAL EXCEPTION USES**

Within the Residential Suburban District, unless otherwise provided, no building or land shall be used for other than one or more of the principal permitted uses or special exception uses as identified in the Use Matrix in Section 3.2 of this ordinance.

#### **Section 5.3. 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 5.4. 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 17 - "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, except as may be approved as a special exception use by the Board of Adjustment
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 5.5. 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 20 of this ordinance.

#### **Section 5.6. SIGN REGULATIONS**

Sign regulations shall be required for activities in the Agricultural District in accordance with the provisions of Article 21 of the ordinance.

#### **Section 5.7. ZONING PERMITS REQUIRED**

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

## **ARTICLE 6**

### **R-I - Single Family Residential District**

## Article 6: Single Family Residential District

Section 6.1.	Intent
Section 6.2.	Principal Permitted Uses and Special Exception Uses
Section 6.3.	Permitted Accessory Uses and Structures
Section 6.4.	Site Development Regulations
Section 6.5.	Off-Street Parking and Loading Space
Section 6.6.	Sign Regulations
Section 6.7.	Zoning Permits Required

## Section 6.1. INTENT

The intent of the Single Family Residential District is to provide for traditional single family residential development.

## Section 6.2. PRINCIPAL PERMITTED USES AND SPECIAL EXCEPTIONS 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 principal permitted uses or special exception uses as identified in the Use Matrix in Section 3.2 of this ordinance.

### **Section 6.3. 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 6.4. 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 17 - "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

Non-Residential	14,000 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 as may be approved as a special exception use by the Board of Adjustment
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 6.5. 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 20 of this Ordinance.

#### **Section 6.6. SIGN REGULATIONS**

Sign regulations shall be required for activities in the (R-1) Single Family Residential District in accordance with the provisions of Article 21 of the Ordinance.

#### **Section 6.7. ZONING PERMITS REQUIRED**

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

## **ARTICLE 7**

### **R-2 - Medium Density Residential District**

#### Article 7: Medium Density Residential District

- Section 7.1. Intent
- Section 7.2. Principal Permitted Uses and Special Exception Uses
- Section 7.3. Permitted Accessory Uses and Structures
- Section 7.4. Site Development Regulations
- Section 7.5. Off-Street Parking and Loading Space
- Section 7.6. Sign Regulations
- Section 7.7. 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, two-family, and single family dwellings which are compatible in character and density.

#### **Section 7.2. PRINCIPAL PERMITTED USES AND SPECIAL EXCEPTION 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 principal permitted uses or special exception uses as identified in the Use Matrix in Section 3.2 of this ordinance.

#### **Section 7.3. 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 7.4. 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 17 - "Additional Yard, Area, and Height Requirements" of the ordinance.

BUILDING SETBACK AND	BUILDING TYPE
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<b>DENSITY REGULATIONS BY BUILDING TYPE</b>		Single Family Dwelling	Two Family Dwelling	Townhouse Dwelling	Non-Residential Structures
Min. Lot Size		8,000 sq. ft.	12,000 sq. ft.	2,500 sq. ft.	14,000 sq. ft.
Min. Lot Width <sup>1</sup>		80 ft.	80 ft.	24 ft.	100 ft.
Min. Lot Street Frontage <sup>2</sup>		20 ft.	20 ft.	20 ft.	20 ft.
Front Yard Setback		35 ft.	35 ft.	35 ft.	35 ft.
Side Yard Setback		10 ft.	10 ft. <sup>3</sup>	10 ft. <sup>3</sup>	35 ft.
Rear Yard Setback		25 ft.	25 ft.	25 ft.	35 ft.
Min. Separation Between Principal Buildings		n/a	n/a	20 ft. side to side, 25 ft. back to back or back to side	25 ft.
Min. Setback from Private Street or Common Private Roadway		n/a	20 ft. from back of curb or street sidewalk whichever is closest	20 ft. from back of curb or street sidewalk whichever is closest	n/a
Min. Setback from the Perimeter of the Development		n/a	25 ft.	25 ft.	25 ft.
Max. Building Height		35 ft.	35 ft.	35 ft.	35 ft.
Max. Dwelling Units Per Acre		n/a	n/a	12	n/a
<sup>1</sup> Measured at the front yard building setback line					
<sup>2</sup> Postage Stamp Lots: Direct street frontage not required; All yard setbacks for postage stamp lots shall be 5 ft., excluding shared walls located along a common lot line					
<sup>3</sup> Zero feet from common lot lines of attached structures					

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 7.5. 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 20 of this ordinance.

### **Section 7.6. SIGN REGULATIONS**

Sign regulations shall be required for activities in the Medium Density Residential District in accordance with the provisions of Article 21 of the ordinance.

**Section 7.7. ZONING PERMITS REQUIRED**

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

## ARTICLE 8

### R-3 - Multi-Family Residential District

#### Article 8: Multi-Family Residential District

- Section 8.1. Intent
- Section 8.2. Principal Permitted Uses and Special Exception Uses
- Section 8.3. Permitted Accessory Uses and Structures
- Section 8.4. Site Development Regulations
- Section 8.5. Off-Street Parking and Loading Space
- Section 8.6. Sign Regulations
- Section 8.7. 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 townhouse dwellings which are compatible in character and density with the multiple family residential environment.

#### **Section 8.2. PRINCIPAL PERMITTED USES AND SPECIAL EXCEPTION 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 principal permitted uses or special exception uses as identified in the Use Matrix in Section 3.2 of this ordinance.

#### **Section 8.3. 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 8.4. 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 17 - "Additional Yard, Area, and Height Requirements" of the ordinance.

BUILDING SETBACK	BUILDING TYPE
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AND DENSITY REGULATIONS BY BUILDING TYPE	Single Family Dwelling	Two Family Dwelling	Townhouse Dwelling	Multiple-Family Dwelling (Apartment)	Non-Residential Structures
Min. Lot Size	8,000 sq. ft.	12,000 sq. ft.	2,500 sq. ft.	13,000 sq. ft.	14,000 sq. ft.
Min. Lot Width <sup>1</sup>	80 ft.	80 ft.	24 ft.	100 ft.	100 ft.
Min. Lot Street Frontage <sup>2</sup>	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Front Yard Setback <sup>3</sup>	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Side Yard Setback	10 ft.	10 ft. <sup>3</sup>	10 ft. <sup>3</sup>	35 ft.	35 ft.
Rear Yard Setback	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Min. Separation Between Principal Buildings	n/a	n/a	20 ft. side to side, 25 ft. back to back or back to side	25 ft.	25 ft.
Min. Setback from Private Street or Common Private Roadway	n/a	20 ft. from back of curb or street sidewalk whichever is closest	20 ft. from back of curb or street sidewalk whichever is closest	n/a	n/a
Min. Setback from the Perimeter of the Development	n/a	n/a	25 ft.	25 ft.	25 ft.
Max. Building Height	35 ft.	35 ft.	35 ft.	55 ft.	45 ft.
Max. Dwelling Units Per Acre	n/a	n/a	12	18 <sup>4</sup>	n/a
<sup>1</sup> Measured at the front yard building setback line					
<sup>2</sup> Postage Stamp Lots: Direct street frontage not required; All yard setbacks for postage stamp lots shall be 5 ft., excluding shared walls located along a common lot line					
<sup>3</sup> Zero feet from common lot lines of attached structures					
The Board of Adjustment may approve a special exception to permit multi-family development with more than 18 dwelling units per acre subject to the provisions of Article 25 of this ordinance.					

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 8.5. 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 20 of this ordinance.

#### **Section 8.6. SIGN REGULATIONS**

Sign regulations shall be required for activities in the (R-3) Multi Family Residential District in

accordance with the provisions of Article 21 of the ordinance.

**Section 8.7. ZONING PERMITS REQUIRED**

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

## **ARTICLE 9**

### **MH - Mobile Home District**

#### Article 9: Mobile Home District

- Section 9.1. Intent
- Section 9.2. Principal Permitted and Special Exception Uses
- Section 9.3. Permitted Accessory Uses and Structures
- Section 9.4. Site Development Regulations
- Section 9.5. Mobile Home Park Requirements
- Section 9.6. 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 AND SPECIAL EXCEPTION 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 principal permitted uses or special exception uses as identified in the Use Matrix in Section 3.2 of this ordinance.

#### **Section 9.3. 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 9.4. 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 17 - "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 22, 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 9.5. 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 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</u>	<u>MIN. PAVEMENT WIDTH (curb face to curb face)</u>
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 9.6. ZONING PERMITS REQUIRED**

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

## **ARTICLE 10**

### **PO - Professional Office District**

#### Article 10: Professional Office District

- Section 10.1. Intent
- Section 10.2. Principal Permitted Uses and Special Exception Uses
- Section 10.3. Permitted Accessory Uses and Structures
- Section 10.4. Site Development Regulations
- Section 10.5. Off-Street Parking and Loading Space
- Section 10.6. Sign Regulations
- Section 10.7. 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 AND SPECIAL EXCEPTION USES**

Within the Professional Office District, unless otherwise provided, no building or land shall be used for other than one or more of the principal permitted uses or special exception uses as identified in the Use Matrix in Section 3.2 of this ordinance.

#### **Section 10.3. 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 10.4. 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 17 - "Additional Yard, Area, and Height Requirements" of the Ordinance.

Minimum Lot Area -	10,000 square feet
Minimum Lot Width -	80 feet
Maximum Height -	35 feet
Front Yard -	35 feet - minimum required setback
Side Yard -	10 feet - minimum required setback
Rear Yard -	15 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 10.5. 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 20 of this ordinance.

Off-street parking spaces, drives and loading areas shall not be located within the required rear yard setback and shall otherwise be located no closer than 10 feet from an abutting residential district.

**Section 10.6. SIGN REGULATIONS**

Sign regulations shall be required for activities in the Professional Office District in accordance with the provisions of Article 21 of the ordinance.

**Section 10.7. ZONING PERMITS REQUIRED**

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

## **ARTICLE 11**

### **GC - General Commercial District**

#### Article 11: General Commercial District

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

#### **Section 11.1. INTENT**

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 AND SPECIAL EXCEPTION USES**

Within the General Commercial District, unless otherwise provided, no building or land shall be used for other than one or more of the principal permitted uses or special exception uses as identified in the Use Matrix in Section 3.2 of this ordinance.

#### **Section 11.3. 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 11.4. 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 17 - "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 -	35 feet - minimum required setback  For corner lots, the front yard adjacent to the street with the lower classification (as determined by the Zoning Administrator) shall have a 20-foot minimum setback
Side Yard -	10 feet - minimum required setback
Rear Yard -	None, except 20 feet minimum setback only if abutting a dedicated alley or public street and 15 feet if abutting a residential district
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 11.5. OPEN-AIR SALES AND DISPLAY**

The outdoor storage of any materials, goods, shipping containers, construction materials, construction equipment, trucks or trailers over 30 feet in length, junk, and debris is prohibited. Retail properties may define limited areas within their site for permanent and/or intermittent outdoor display and sales of retail goods, such as pumpkins, plants, lawn and garden goods, and may further define outdoor seating areas for food and beverage service, subject to the provisions contained herein.

1. All outdoor display and sales and food and beverage service areas must be clearly defined and detailed on a site plan (or sketch plan if proposed for an existing site) and obtain approval as part of a site plan process or otherwise obtain site plan approval from the Zoning Administrator. All other City Code requirements for seasonal and temporary uses must be met.
2. Said areas shall be hard surfaced and not exceed five percent (5%) of the total site area, cannot not be located upon any parking stalls or drive aisles, and must be situated immediately adjacent to the retail establishment or tenant space which shall have exclusive use of said areas. Off-site businesses/non-tenants shall not be allowed to utilize these areas except as may be permitted as part of a temporary peddler permit.
3. Outdoor display areas shall be located no closer than 10 feet from any property line or street right-of-way and may not be located within any street or driveway vision triangle, required buffer, or required open space area.
4. The layout of any outdoor display, sales, and seating areas shall be designed so to not create a traffic hazard or congestion and shall allow for the safe and unimpeded flow of pedestrian traffic, including exiting from the building. A minimum five feet (5') of clearance shall be maintained along all sidewalks and walking paths/pedestrian routes.
5. Outdoor food and beverage service areas are required to have a permanent barrier or fence enclosing the outdoor seating area.
6. No detached or freestanding signage shall be permitted except as may be allowed by the Sign Ordinance.

#### **Section 11.6. 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 20 of this ordinance.

Off-street parking spaces, drives and loading areas shall not be located within the required rear yard setback and shall otherwise be located no closer than 10 feet from an abutting residential district.

**Section 11.7. SIGN REGULATIONS**

Sign regulations shall be required for activities in the General Commercial District in accordance with the provisions of Article 21 of the ordinance.

**Section 11.8 . ZONING PERMITS REQUIRED**

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

## **ARTICLE 12**

### **HC - Highway Commercial District**

#### Article 12: Highway Commercial District

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

Within the Highway Commercial District, unless otherwise provided, no building or land shall be used for other than one or more of the principal permitted uses or special exception uses as identified in the Use Matrix in Section 3.2 of this ordinance.

#### **Section 12.3. 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 12.4. SITE DEVELOPMENT REGULATIONS**

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the Highway Commercial District, and subject to modifications contained in Article 17 - "Additional Yard, Area, and Height Requirements" of the ordinance, except as provided by Section 12.6.

Minimum Lot Area -	8,000 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 22 and 23

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 12.5. 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 12.6. 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 setback 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 paved and maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

The outdoor storage of any materials, goods, shipping containers, construction materials, junk, and debris is prohibited. Retail properties may define limited areas within their site for permanent and/or intermittent outdoor display and sales of retail goods, such as pumpkins, plants, lawn and garden goods, and may further define outdoor seating areas for food and beverage service, subject to the provisions contained herein.

1. All outdoor display and sales and food and beverage service areas must be clearly defined and detailed on a site plan (or sketch plan if proposed for an existing site) and obtain approval as part of a site plan process or otherwise obtain site plan approval from the Zoning Administrator. All other City Code requirements for seasonal and temporary uses must be met.
2. Said areas shall be hard surfaced and not exceed five percent (5%) of the total site area, cannot not be located upon any parking stalls or drive aisles, and must be situated immediately adjacent to the retail establishment or tenant space which shall have exclusive use of said areas. Off-site businesses/non-tenants shall not be allowed to utilize these areas except as may be permitted as part of a temporary peddler permit.
3. Outdoor display areas shall be located no closer than 10 feet from any property line or street right-of-way and may not be located within any street or driveway vision triangle, required buffer, or required open space area.
4. The layout of any outdoor display, sales, and seating areas shall be designed so to not create a

traffic hazard or congestion and shall allow for the safe and unimpeded flow of pedestrian traffic, including exiting from the building. A minimum five feet (5') of clearance shall be maintained along all sidewalks and walking paths/pedestrian routes.

5. Outdoor food and beverage service areas are required to have a permanent barrier or fence enclosing the outdoor seating area.
6. No detached or freestanding signage shall be permitted except as may be allowed by the Sign Ordinance.

**Section 12.7. 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 20 of this ordinance.

**Section 12.8. SIGN REGULATIONS**

Sign regulations shall be required for activities in the General Commercial District in accordance with the provisions of Article 21 of the ordinance.

**Section 12.9. ZONING PERMITS REQUIRED**

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

## ARTICLE 13

### GI - General Industrial District

#### Article 13: Light Industrial District

- Section 13.1. Intent
- Section 13.2. Principal Permitted and Special Exception Uses
- Section 13.3. Permitted Accessory Uses and Structures
- Section 13.4. Site Development Regulations
- Section 13.5. Open-air Sales, Display and Storage
- Section 13.6. Off-Street Parking and Loading Space
- Section 13.7. Sign Regulations
- Section 13.8. 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 AND SPECIAL EXCEPTION USES**

Only the principal uses or special exception uses as identified in the Use Matrix in Section 3.2 of this ordinance 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.

#### **Section 13.3. 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 13.4. 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 17 - "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 22 and 23.

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 13.5. 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 setback 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 13.6. 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 20 of this ordinance.

#### **Section 13.7. SIGN REGULATIONS**

Sign regulations shall be required for activities in the General Commercial District in accordance with the provisions of Article 21 of the ordinance.

#### **Section 13.8. ZONING PERMITS REQUIRED**

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

## **ARTICLE 14**

### **IP - Industrial Park District**

#### Article 14: Heavy Industrial District

- Section 14.1. Intent
- Section 14.2. Principal Permitted and Special Exception Uses
- Section 14.3. Permitted Accessory Uses and Structures
- Section 14.4. Site Development Regulations
- Section 14.5. Open-air Sales, Display and Storage
- Section 14.6. Off-Street Parking and Loading Space
- Section 14.7. Sign Regulations
- Section 14.8. 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 AND SPECIAL EXCEPTION USES**

Only the principal uses or special exception uses as identified in the Use Matrix in Section 3.2 of this ordinance 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.

#### **Section 14.3. 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 14.4. 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 17 - "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 22 and 23.

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 14.5. 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 setback 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 14.6. 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 20 of this ordinance.

#### **Section 14.7. SIGN REGULATIONS**

Sign regulations shall be required for activities in the General Commercial District in accordance with the provisions of Article 21 of the ordinance.

#### **Section 14.8. ZONING PERMITS REQUIRED**

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

## **ARTICLE 15**

### **MU - Downtown Mixed-Use District**

#### Article 15: Downtown Mixed-Use District

- Section 15.1. Intent
- Section 15.2. Principal Permitted Uses and Special Exception Uses
- Section 15.3. Permitted Accessory Uses and Structures
- Section 15.4. Site Development Regulations
- Section 15.5. Open-air Sales, Display and Storage
- Section 15.6. Off-Street Parking and Loading Space
- Section 15.7. Sign Regulations
- Section 15.8. Zoning Permits Required

#### **Section 15.1. INTENT**

The intent of the Downtown Mixed-Use District is to provide for a zoning district geared to maintain and enhance the downtown area of the community, allowing for reduced building setbacks and a mix of uses traditional for a downtown area. Structures may be single or mixed-use in accordance with this ordinance. Residential uses shall not be located within the first floor/ground level of any structure.

#### **Section 15.2. PRINCIPAL PERMITTED USES AND SPECIAL EXCEPTION USES**

Within the Downtown Mixed-Use District, unless otherwise provided, no building or land shall be used for other than one or more of the principal permitted uses or special exception uses as identified in the Use Matrix in Section 3.2 of this ordinance.

#### **Section 15.3. 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 15.4. 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 17 - "Additional Yard, Area, and Height Requirements" of the ordinance.

Minimum Lot Area -	2,500 square feet
Minimum Lot Width -	24 feet
Maximum Height -	45 feet
Front Yard -	No minimum required setback
Side Yard -	None, except 10 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 and 10 feet if abutting a residential district

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 15.5. OPEN-AIR SALES AND DISPLAY**

The outdoor storage of any materials, goods, shipping containers, construction materials, construction equipment, trucks or trailers over 30 feet in length, junk, and debris is prohibited. Retail properties may define limited areas within their site for permanent and/or intermittent outdoor display and sales of retail goods, such as pumpkins, plants, lawn and garden goods, and may further define outdoor seating areas for food and beverage service, subject to the provisions contained herein.

1. All outdoor display and sales and food and beverage service areas must be clearly defined and detailed on a site plan (or sketch plan if proposed for an existing site) and obtain approval as part of a site plan process or otherwise obtain site plan approval from the Zoning Administrator. All other City Code requirements for seasonal and temporary uses must be met.
2. Said areas shall be hard surfaced and not exceed five percent (5%) of the total site area, cannot be located upon any parking stalls or drive aisles, and must be situated immediately adjacent to the retail establishment or tenant space which shall have exclusive use of said areas. Off-site businesses/non-tenants shall not be allowed to utilize these areas except as may be permitted as part of a temporary peddler permit.
3. Outdoor display areas shall be located no closer than 10 feet from any property line or street right-of-way and may not be located within any street or driveway vision triangle, required buffer, or required open space area.
4. The layout of any outdoor display, sales, and seating areas shall be designed so to not create a traffic hazard or congestion and shall allow for the safe and unimpeded flow of pedestrian traffic, including exiting from the building. A minimum five feet (5') of clearance shall be maintained along all sidewalks and walking paths/pedestrian routes.
5. Outdoor food and beverage service areas are required to have a permanent barrier or fence enclosing the outdoor seating area.
6. No detached or freestanding signage shall be permitted except as may be allowed by the Sign Ordinance.

#### **Section 15.6. OFF-STREET PARKING AND LOADING SPACE**

Off-street parking and loading requirements shall be required for activities in the Downtown Mixed-Use District in accordance with the provisions of Article 20 of this ordinance except as modified herein this section.

Off-Street parking is not required except for residential uses. Parking for residential uses may be provided either on or off-site.

Off-street parking and loading areas, if provided, shall not be permitted between buildings and any public street frontage. No off-street parking or loading area shall be located within 20 feet of a public street right-of-way line and shall otherwise be located no closer than 10 feet from an abutting residential district.

#### **Section 15.7. SIGN REGULATIONS**

Sign regulations shall be required for activities in the General Commercial District in accordance with the provisions of Article 21 of the ordinance.

#### **Section 15.8. ZONING PERMITS REQUIRED**

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



## ARTICLE 16

### 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 19 and 22 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 stream ways 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 20 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 16.1

### 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 8 of this Ordinance	Park and Recreation Services  Local Utility Services  Religious Assembly

##### 2. Permitted Principal Uses for Commercial Use Areas:

<b>Commercial Uses</b>	<b>Agricultural Uses</b>
Agricultural Sales Services  Automotive Rentals  Automotive Sales	Funeral Services  General Retail Sales  Visitor Habitation
	<b>Civic Uses</b>

Automotive Repair Services	- Hotel/Motel	Administrative Services
Automotive Washing	Indoor Sports and Recreation	Ambulance Services
Building Maintenance Services	Indoor Entertainment	Club or Lodge
Business Support Services	Laundry Services	Day Care Center
Business or Trade School	Medical Offices	Local Utility Services
Commercial Recreation	Personal Improvement Services	Maintenance and Service Facilities
- Indoor Sports & Recreation	Personal Services	Park and Recreation Services
- Indoor Entertainment	Pet Services	Postal Facilities
Communications Services	Professional Offices	Public Assembly
Construction Sales and Services	Research Services	
Consumer Repair Services	Restaurant (Convenience)	
Convenience Storage	Restaurant (General)	
Convenience Store	Service Station	
Equipment Sales	Vehicle Storage	
Equipment Repair Services	Commercial Nursery, Landscaping or Greenhouse	
Financial Services	Factory Built Housing Sales	
Food 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 25 and 29 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:**

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

	Educational Facilities Safety Services	
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2. Special Exception Uses for Commercial Use Areas:

<b>Commercial Uses</b>	<b>Civic Uses</b>
Cocktail Lounge	Cemetery
Commercial Off-Street Parking Lots	Cultural Services
Commercial Recreation	Detention Facilities
- Outdoor Sports and Recreation	Guidance Services
- Outdoor Entertainment	Hospital Services
Kennel, public	Primary/Secondary Educational Facilities
Liquor Sales	Private Parking Lots
Veterinary Services	Public Assembly
<b>Industrial Uses</b>	<b>Religious Assembly</b>
Custom Manufacturing	Safety Services
General Warehousing and Distribution	Transportation Terminals
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
  - a. Private garages or carports
  - b. Private recreational facilities for use by residents (swimming pools, trampolines, play equipment)
  - c. Patios, cabanas, porches, gazebos, and incidental household storage buildings
  - d. Private greenhouses, not operated for commercial purposes
  - e. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
  - f. Solar collectors
  - g. Home occupations
  - h. Kennel, private
  - i. 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.
  - j. 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
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 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 17 - "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 20 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 21 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 16.2

### 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	Commercial 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.

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
  - 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.
8. Private Parking Lots
9. Kennel, private
10. Maximum of two (2) horses may be kept in Block 1, Lots 4-10.
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
  - 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 17 - "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 20 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 21 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 16.3

### 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:

Residential Uses	Civic Uses	Commercial Uses
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.

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
  - 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.
- 8. Private Parking Lots
- 9. Kennel, private
- 10. 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
- 11. 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 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 17 - "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 20 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 21 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 17**

### **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

#### **Section 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.

#### **Section 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 24 - Nonconformities."

#### **Section 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.

#### **Section 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 Downtown Mixed-Use 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.

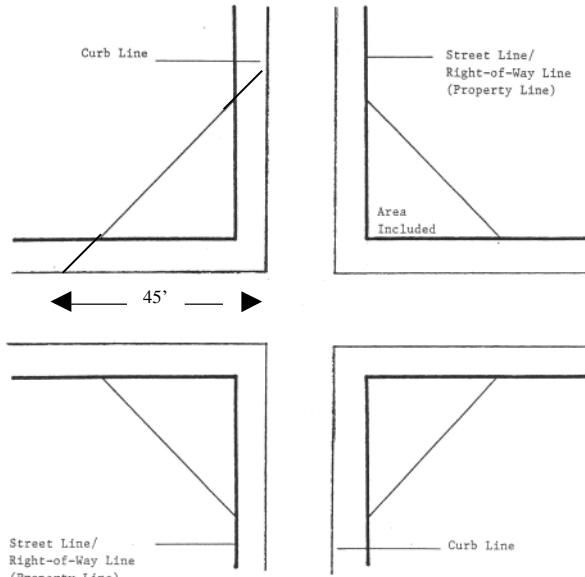
Uncovered patios, uncovered carports, or other concrete slab structures constructed on the ground, or less than 12 inches above the average grade of the ground, shall be allowed to be constructed within the required front, side, or rear yards. However, no concrete slab structure built on the ground or 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.

## **Section 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

### **DIAGRAM**

#### **Corner Lots – Yards and Visibility**



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.

#### **Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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 18**

### **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

#### **Section 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.

#### **Section 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 yard and shall not be located closer than five (5) feet from a side or rear yard lot line. Such accessory building shall not be nearer to the front 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, and industrial 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. Accessory buildings for any single-family residential dwelling in the RS, R-1, R-2, or R-3 zoning districts shall be limited to a maximum of 1 detached building. Accessory buildings should not exceed 1.2% of lot area. However, this regulation shall not prohibit the construction of at least 1 accessory building not to exceed 144 square feet.

Accessory buildings for any single-family residential dwelling in RS and Highland Hills First Addition shall be limited to a maximum of two (2) total buildings, including a detached garage, of which all total accessory buildings shall not occupy more than 9 percent - 800 sq. ft of the

lot area. (lot area x 9% - 800 sq. ft.) the maximum accessory building size shall not exceed a total square footage of 1,800 square feet. However, this regulation shall not prohibit the construction of at least one accessory building not to exceed five hundred fifty (550) 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 nor closer than five (5) feet to a rear or side lot line.
- 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 twenty (20) 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.
11. It is the policy of the City of Sioux Center to refrain from issuing a building permit that knowingly conflicts with subdivision covenants.
12. Request for an accessory building on lots that do not currently have an attached or detached garage will be considered by the building code official.

### **Section 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.

#### **Section 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 19) and special exception use permit in accordance with the procedures set forth in Articles 25, 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:
  - 1) To allow the merchandise or activities of the establishment to be visible from a point outside the establishment
  - 2) 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.
  - 3) To allow exterior portions of the establishment to be painted other than a single color.

- b. Signage. The operator shall comply with Article 21 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.

#### **Section 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.
15. There shall be no outdoor storage of equipment or materials used in a business or home occupation. Not more than one (1) commercial vehicle or truck, which is less than 20 feet in length and less than 1-ton cargo capacity, and one fully enclosed commercial cargo trailer, which is less than 17 feet in length, used for any business or home occupation shall be parked on either the property or on public streets.

#### **Section 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.

#### **Section 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.

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

1. 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.
2. 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.

3. In all existing dwelling units with a current occupancy limit greater than permitted in the aforesaid sections 1 - 2, 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.

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

As part of the submittal of a site plan for development, redevelopment, expansion, addition or alteration within any of the zoning districts and for any of the uses except new one and two family dwellings, architectural plans for all new buildings, building additions, exterior remodels or renovations, and relocated residential dwellings 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 Building:** All non-residential building, including their accessory structures, shall be designed with recognized architectural styles and principals on all sides and be proportional with building elements in appropriate scale. All buildings should be designed with a top, middle, and bottom scaled according to the building size and height. For example, buildings with three (3) or more stories in height should have masonry or stone (heavy) bases and generally have low-slope roofs with heavy cornices versus pitched, residential style roofs that may appear out-of-scale with the building. Building exterior materials shall be applied in an authentic and honest manner reflecting the materials purpose, weight, and typical use in order to convey a sense of strength and durability.

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.

2. **Exterior Building Materials:** For the purposes of this section, exterior building materials shall be divided into the following categories:
  - a. Primary Materials:
    - 1) Brick, including thin brick veneer
    - 2) Stone, including synthetic stone veneer
    - 3) Glass
    - 4) Burnished/ground-faced block
    - 5) Architectural quality precast concrete panels
    - 6) Architectural quality, composite metal wall panel systems
    - 7) Materials of similar quality, appearance and durability as determined by the Zoning Administrator

- b. Secondary Materials:
  - 1) Wood or cement fiber siding
  - 2) Split-faced block
  - 3) Traditional stucco
  - 4) Exterior Insulation and Finish System (EIFS)
  - 5) Materials of similar quality, appearance and durability as determined by the Zoning Administrator
- c. Limited Materials:
  - 1) Smooth concrete block
  - 2) Site cast and precast concrete panels
  - 3) Metal siding, panels and trim
  - 4) Vinyl and PVC panels, siding, and trim
  - 5) Composite wood panels, siding, and trim
  - 6) Materials of similar quality, appearance and durability as determined by the Zoning Administrator
3. All Buildings within the Professional Office and the Downtown Mixed-Use Districts and all Non-Residential Buildings within all Zoning Districts that have frontage along, face or are within or 300 feet of the right-of-way of US Highway 75 shall comply with the following standard:

All street-facing building facades shall incorporate no less than two (2) different Primary Materials as defined herein this section, together comprising a majority or no less than fifty percent (50%) of the total **façade** area. Limited Materials as defined herein shall not be used on a street-facing **façade** except as a minor trim element not to exceed five percent (5%) of the total **façade** area.
4. Relocated Residential Dwellings: Relocated Residential Dwellings, as defined herein this code, shall only be moved or relocated to an area in which said dwellings are consistent in size, height, width, architectural style and design, level of exterior finish, and level of maintenance with the majority of the dwellings found in that area.
5. Exceptions and Building Maintenance:

- a. A building addition, including successive additions, totaling both less than twenty percent (20%) in size of the gross floor area of the existing building may use exterior building finish materials and building design that matches that of the existing building. This twenty percent (20%) exception limit is cumulative and cannot be exceeded by sequential additions. Additions exceeding this exception shall comply with the building design standards contained herein this section. At the full discretion of the Zoning Administrator, deviations from these standards may be granted in order to ensure the building addition is aesthetically compatible with the existing building design and appearance.
- b. The regulations of this chapter do not apply to building **façade** maintenance and repair including repainting of existing painted surfaces, window or siding material replacement with identical or similar materials, and roof replacement with identical or similar materials.

#### **Section 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 16 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.
    - 1) 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.
    - 2) A statement of proposed financing of the Planned Unit Development (PUD).
    - 3) 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.
    - 4) A general indication of the expected schedule of development including phasing schedules.
    - 5) 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.
    - 6) Natural features map of the property showing contour lines, drainage patterns, wetlands, vegetation, soil and subsoil conditions.
    - 7) A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.
    - 8) 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.
    - 9) 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 19

### Site Plans

#### Article 19: Site Plans

- Section 19.1. Site Plan Required
- Section 19.2. Site Plan Application
- Section 19.3. Site Plan Expiration

#### **Section 19.1. SITE PLAN REQUIRED**

Site plans, as provided herein this section, are required prior to approval of a Zoning Compliance Permit, as is required by Chapter Article 26 of the Zoning Ordinance for the erection, relocation, expansion, or alteration of any structure or for the change in use of any structure or parcel.

#### **Section 19.2. SITE APPLICATION**

The following site plans are required for all uses:

1. New Agricultural Uses and Buildings, Single Family Dwellings, and Semi-Detached Single-Family Dwellings, Accessory Dwellings, conversion of existing single family dwellings into 2 or more unit dwellings, and related additions and accessory structures shall require the following:
  - a. Sketch Plan: A Sketch Plan Application is required prior to the construction or erection of a new building, building addition, fence, accessory structure, or other permitted structure or improvement.
    - 1) Sketch Plan Application - Each application to the Building Official for a building permit to construct or erect a new building, building addition, fence, accessory structure, or other permitted structure or improvement shall be accompanied by a sketch plan (including required sketch plan details), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements including building setbacks and off-street parking requirements.
    - 2) Sketch Plan Procedure - The Sketch Plan Application shall be reviewed by the Zoning Administrator, or their designee, for compliance with all applicable City Codes as part of the review of the corresponding building permit application.
2. All Other New Uses and Buildings and related additions and accessory structures (not including Agricultural Uses, Single Family Dwellings, and Semi-Detached Single-Family Dwellings and related additions and accessory structures) shall require the following:
  - a. Major Site Plan: A Major Site Plan Application is required for the development of a property, the construction of a new building or improvement, the redevelopment of an existing property (including a significant change in use), or an amendment or change to a previously approved site plan.
    - 1) Major Site Plan Application - A site plan (including required site plan details and number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Major Site Plan Application fee as established by resolution of the City Council.
    - 2) Major Site Plan Review Procedure - The Major Site Plan Application shall be reviewed by the Zoning Administrator, or their designee, for completeness. Incomplete applications shall be returned to the applicant with a list of the missing items or details. Applications deemed completed shall be distributed to other city departments and other agencies as necessary for review and comment as to its compliance with all zoning regulations and

other pertinent city codes, regulations, and policies.

- b. Minor Site Plan: A Minor Site Plan Application may be submitted to the Zoning Administrator for minor changes to an existing developed site or to an approved site plan, including changes to the building elevations and landscape plan or minor changes in use, provided that all code requirements are met and the following:
  - i. The application does not include a new building, building expansion, or building addition of more than 2,000 sq. ft., and does not increase the total building gross floor area of the site by more than 20% of the existing building gross floor area. Both the 2,000 sq. ft. and the 20% expansion limits for a Minor Site Plan cannot be exceeded by sequential Minor Site Plans.
  - ii. The application does not include the expansion or addition of more than 4,000 sq. ft. of paving or impervious area including cumulatively by multiple Minor Site Plans.
  - iii. The application does not increase the total number of dwelling units.
- 1) Minor Site Plan Application - A site plan (including required site plan details and number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Site Plan Application fee as established by resolution of the City Council.
- 2) Minor Site Plan Procedure - The Minor Site Plan Application shall be reviewed by the Zoning Administrator, or their designee, for compliance with all applicable City Codes.
- 3) Any application which exceeds the prescribed limitations outlined in this section shall require a Major Site Plan Application and review by the Zoning Administrator as prescribed in Subsection A hereinabove.
3. Nothing contained herein shall be construed to allow the Zoning Administrator to vary the provisions of any statute, ordinance, City policy, or previous directives of the City Council.
4. The Zoning Administrator shall have the discretion to refer any Site Plan Application to the Zoning Commission and City Council for its review and action.

### **Section 19.3. SITE PLAN EXPIRATION**

Expiration of Site Plan approval. All site plan approvals shall expire and terminate eighteen months after the date of approval unless a building permit has been issued for the construction provided for in the site plan. This shall apply to all site plans approved after January 1, 2020. In the event the building permit for the construction provided for in a site plan expires or is canceled, then such site plan approval shall thereupon terminate.

## **ARTICLE 20**

### **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

#### **Section 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.

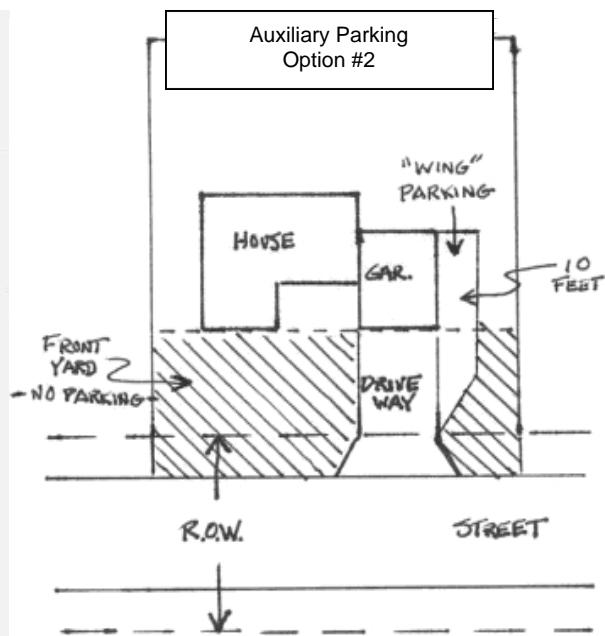
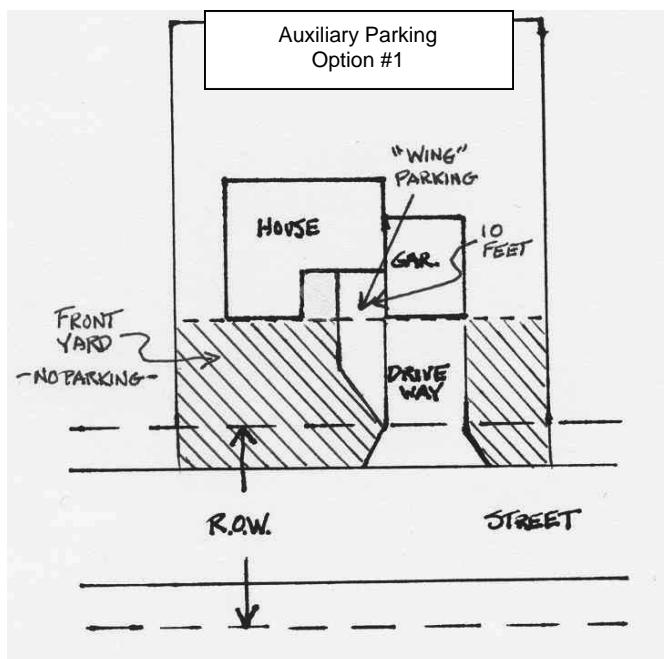
#### **Section 20.2. GENERAL PARKING AREA AND SURFACE REQUIREMENTS**

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. In order to provide mutually beneficial cross circulation and access, the parking lots for abutting or adjoining similar commercial, retail, and office uses shall be interconnected unless impractical due to the topography or other physical constraints of either site. Sites that abut properties that are anticipated to be developed or redeveloped with a similar use shall provide for the future interconnection of parking lots when physically practical.
3. A "parking space" shall be not less than nine feet (9') in width and nineteen feet (19') in length. All access driveways, access drives, and drive aisle shall be a minimum 24-feet wide for two-way traffic and 16-feet wide for one-way traffic.
4. All driveways, access drives, drive aisles and off-street parking and loading areas shall be paved with hot mix asphalt (HMA), Portland cement concrete (PCC), or pavers (including permeable pavement and paver systems). The design and construction of said pavement or pavers shall be of sufficient thickness, reinforcement, and sub-base necessary to provide a durable, dustless surface designed and rated for the traffic it is anticipated to carry. All paved areas shall be so graded and drained as to dispose of all surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

Industrially zoned and developed properties may be permitted to gravel surface their outdoor storage and staging yards providing the gravel surfacing is properly maintained to prevent the ponding of water and to prevent dust, silt, dirt, and gravel from leaving the site.

5. No vehicles or trailers shall be parked or storage upon an unpaved surface except as may be permitted within a designated and approved outdoor storage area.
6. Enclosed parking areas or garages shall qualify to meet the minimum parking space requirements under this section.
7. Requirements as to number and size of parking space in this section are minimum requirements only and shall not be construed as limitations.
8. 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 27 "Violation and Penalty."
9. General parking requirements for all Single Family, Two-Family, and Townhouse or Row Dwellings shall include:
  - a. No parking in front yards, except on a paved driveway or paved auxiliary parking area as defined herein this section.
  - b. Driveways for dwelling units that directly front a public or private street shall be no less than 8-feet wide and no greater than 24-feet wide or the width of a garage door opening that faces the street, whichever width is greater.
  - 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.
  - e. Parking within the driveway or auxiliary wing shall be tandem style and shall not be designed with angled or ninety-degree parking spaces.



**Section 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.

1. Single Family Residential:	2 space per unit
2. Multi- Family Residential:	1 space per bedroom
3. Mobile Home Residential:	2 spaces per mobile home
4. Hotel / Motel:	1 space per room
5. Hospital:	1 space for each four hospital beds, plus 1 space for each two employees on the major shift
6. Public Assembly: - Churches, Auditoriums, Stadiums, Etc. - Schools (see requirements below)	1 space for each six (6) seats of seating capacity provided
7. Bowling Alley	3 spaces per alley
8. Skating rinks or dance halls:	1 space for each 300 sq. ft. of gross floor area.
9. General Retail Sales/ Professional Office:	1 space per 300 feet of gross floor area
10. Restaurants:	1 space for each four seats, plus 1 space for each two employees
11. Lounges/Bars/Taverns:	1 space for each two seats
12. Primary Educational Facility:	1 space per regularly employee and 1 space for every ten seats in the largest facility for public assembly.
13. 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.
14. Convalescent/Nursing Home:	1 Space for each eight beds, plus 1 space for each 3 employees on the largest shift.
15. Industry/Bioscience/Research:	1 Space for every two employees on the largest shift.
16. 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.

**Section 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.

#### **Section 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. Any lighting used to illuminate any off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land.
3. Parking in any district is not permitted on rights-of-way.
4. The following table identified the setback requirements for all off-street parking and loading areas.

Required Setbacks	Off-Street Parking and Loading Area Setback Table											
	Zoning District											
	AG	RS	R-1	R-2	R-3	MH	MU	PO	GC	HC	GI	IP
Front Yard Setback	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	5 ft	5 ft	10 ft	10 ft	10 ft
Side Yard Setback <sup>1</sup>	10 ft <sup>2</sup>	10 ft <sup>2</sup>	10 ft <sup>2</sup>	10 ft <sup>2</sup>	10 ft	10 ft <sup>2</sup>	5 ft	5 ft	5 ft	10 ft	5 ft	5 ft
Rear Yard Setback <sup>3</sup>	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	5 ft	5 ft
<sup>1</sup> No side yard setback required between adjoining parcels that share a driveway or have interconnected parking lots.												
<sup>2</sup> Side yard setback is 1-ft for individual driveways of Single Family, Two-Family, and Townhouse or Row Dwellings.												
<sup>3</sup> Rear Yard Setback is required from any alley line. A 20 ft setback is required for garages that face an alley.												
No off-street parking or loading area shall be located within 10 feet of an abutting residential district.												

#### **Section 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.

## **ARTICLE 21**

### **Sign Regulations**

#### Article 21: Sign Regulations

- Section 21.1. Title
- Section 21.2. Intent
- Section 21.3. Severability
- Section 21.4. Definitions
- Section 21.5. General Provisions
- Section 21.6. Sign Area Calculations
- Section 21.7. Prohibited Signs
- Section 21.8. Exemptions
- Section 21.9. Sign Types
- Section 21.10. Sign Regulations
- Section 21.11. Sign Design Standards
- Section 21.12. Permits Required
- Section 21.13. Inspection
- Section 21.14. Unsafe and Unlawful Signs
- Section 21.15. Removal of Obsolete and Discontinued Use Signs
- Section 21.16. Jurisdiction of the Board of Adjustment

#### **Section 21.1. TITLE**

The article shall be known as the “Sign Regulations” for the City of Sioux Center, Iowa, and is adopted as part of the City’s Zoning Ordinance per Iowa Code Chapter 414. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this article.

#### **Section 21.2. 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. It is the further intent of this article is to regulate signs by their physical characteristics and not by their message.

#### **Section 21.3. SEVERABILITY**

If one or more provisions of this article is found by a court of jurisdiction to be unlawful, invalid, unenforceable, or preempted by applicable state or federal law or regulations, such provisions are deemed to be severed from this article. The remaining provisions of this article remain in full force and effect.

#### **Section 21.4. DEFINITIONS**

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

1. AIR-ACTIVATED GRAPHICS: A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.
2. 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.
3. CORPORATE FLAG: A flag, other than a government flag, that contains a logo, corporate name or other identification.

4. ERECT: To build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
5. FACING (or SURFACE): The surface of the sign upon; against or through which the message is displayed or illustrated on the sign.
6. FLAG: Any fabric, banner or bunting containing words, numbers, colors, patterns or symbols, or logos. For the purposes of this article, Government Flags as defined herein is not included within this definition of a Flag.
7. GOVERNMENT FLAG: Any fabric, banner or bunting containing words, numbers, colors, patterns or symbols, used as a symbol of a government or political subdivision, including flags of the United States, the State, the City, foreign nations having diplomatic relations with the United States, and other flags adopted or sanctioned by an elected legislative body of competent jurisdiction.
8. LOGO: A stylized group of letters, words, symbols, or combination thereof used to identify and represent a business, organization, group, team, or product and to differentiate it from others.
9. 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.
10. PERSON: Any one being, firm, partnership, association, corporation, company or organization of any kind.
11. RACEWAY: An enclosed channel designed expressly for holding wires, cables, or bus bars on which a sign is mounted.
12. RACEWAY, PAN STYLE: A sign raceway that is shaped and contoured to follow the outline of the sign to which is mounted to the raceway.
13. SIGN: Any name, identification, description, display, illustration, logo, or graphic fixed to, painted on, or incorporated into the building surface or other structure or displayed from or within a building or structure, or free standing upon the site and which is visible from the public right-of-way and designed to convey or direct a message to the public concerning the identification of the premises, to advertise or promote the interests of any private or public firm, person, organization, or other entity, or to draw attention to the use on the premises.
  - 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 painted on or incorporated into an awning. The area of an awning sign shall be the area of the inscription or message incorporated into the awning, provided the awning is not internally illuminated. For an awning sign incorporated on an awning internally illuminated, the area of the entire awning shall be considered the sign area.
  - d. 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 to be considered back-to-back. 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.
  - e. BAG SIGN: A sign designed to temporarily cover an existing monument sign or pole sign.

- f. BALLOON SIGN: A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method. Also known as Inflatable Devices. See also the definition for air-activated graphics.
- g. BANNER SIGN: A sign composed of fabric or other flexible substrate that is fastened to the exterior of a building, exterior structure, or wall, that is attached to the ground by secure attachments to stakes, poles, or similar devices and secured or mounted so as to limit movement of the sign caused by movement of the atmosphere. Banners do not include those signs which are defined as flags in this article.
- h. BILLBOARD: Any structure, regardless of material used in the construction of the same, that is erected, maintained, or used for public display of poster, painted signs, wall signs, whether the structure is placed on the wall itself, pictures, or other pictorial reading matter which advertise a business, a commodity sold, service, or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located, also referred to as an off-premises sign.
- i. BLADE SIGN: A temporary sign constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material and supported by a single vertical pole mounted into the ground or on a portable structure. May also be known as a "feather sign."
- j. BUILDING SIGN: A sign which is wholly supported by the building wall, parallel to the plane thereof, and which does not extend beyond the surface of said building wall more than twelve (12) inches. This definition includes awning signs, canopy signs, fascia signs, parapet signs, painted signs and window signs as defined herein this article. Internally illuminated color panels, strips, or bands and neon lighting shall be considered building signs. Sign area for each sign is calculated by the area of a rectangle that incorporates the extreme points or edges of all text, symbols, and logos of the sign following Sign Area Formula A.
- k. 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.
- l. CANOPY SIGN: A building sign attached to or in any way incorporated with the face or underside of a canopy, marquee, or any other similar building projection, and which does not extend beyond the projection more than six inches.
- m. CHANGEABLE MESSAGE SIGN: A sign that has the capability of sign copy being changed manually or mechanically.
- n. COMMERCIAL SIGN: Any sign not defined herein as a "non-commercial sign"
- o. CONSTRUCTION SIGN: A sign placed at construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
- p. DIRECTIONAL SIGN: Any sign oriented internally intended to convey messages to internal users of a site and generally not intended to convey messages to persons off-site or from an adjoining street. Examples include directional or wayfinding signs, traffic directions and signs that provide parking instructions, security warning signs, business directories, or similar communications that are accessory to the use of the site and any building located thereon.
- q. DIRECTORY SIGN: A permanent diagrammed representation located near the entrance of a complex which shows the location and address of the unit designations within a complex.

- r. ELECTRONIC MESSAGE CENTER: A sign that is electronically or electrically controlled that displays a message center or reader board composed of a series of lights that may be changed through electronic means including LED or LCD displays.
- s. FEATHER SIGN: See "blade sign."
- t. 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.
- u. FREE-STANDING SIGN: Any sign or sign structure, which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall
- v. GOVERNMENTAL SIGN: Any type of sign that is constructed, placed or maintained by or at the direction of the federal, state, county, or local government. Examples include traffic control and safety signs and devices, public notices and informational signs, all public parks and public facilities signs, and directional and identification signs such as tourist oriented directional signs approved and placed by the Iowa Department of Transportation, memorial plaques, signs of historical interest, signs designating hospitals, libraries, public parks, schools, airports and other institutions or places of public interest or concern.
- w. IDENTIFICATION SIGN: means a sign that displays no more than the name, address, crest or insignia, occupation or profession of an occupant of the premises, name of any building on the premises or the trademark of the occupant.
- x. 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.
- y. INFORMATION SIGN: Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.
- z. 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.
- aa. LANDSCAPE SIGN: A monument ground sign which is incorporated with a landscape feature such as planter beds, fountains, decorative walls, or other landscape features.
- bb. MOBILE SIGN: A sign affixed to an automobile, truck, trailer or other vehicle.
- cc. MONUMENT GROUND SIGN: A free-standing sign which is anchored to the ground similar to a ground sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top with the base of the sign being a minimum of 95% of the width of the widest component of the sign. Said signs may be doubled side (back-to-back), perpendicular or parallel to the adjoining roadway but in no case shall consist of more than 2 sign faces.
- dd. NON-COMMERCIAL SIGN: Any sign containing an ideological, political issue, religious or other message not related to the promotion of a commercial or business activity. All signs not defined as a "non-commercial sign" shall be defined as a "commercial signs."
- ee. NON-CONFORMING SIGN: A sign which lawfully existed at the time of the passage of this article or amendments thereto but which does not conform to the regulation of this article.
- ff. OBSOLETE SIGNS: Signs that advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.

- gg. OFF-PREMISES SIGN: A commercial sign installed, erected, constructed, or hung on a site or property that is not appurtenant to the use of, products or services being sold on, work being performed on, or the sale, lease, or rental of the land or buildings on which the sign is located. This definition does not include non-commercial signs.
- hh. ON-PREMISES SIGN: A sign installed, erected, constructed, or hung on a site or property that is appurtenant to the use of, products or services being sold on, work being performed on, or the sale, lease, or rental of the land or buildings on which the sign is located.
- ii. PANEL SIGN: A sign consisting of a frame covered by a translucent material which may be internally illuminated. The entire sign structure is one unit and the copy is not intended to include three-dimensional individual letters.
- jj. PERMANENT SIGN: A sign constructed of durable materials and attached to a wall or imbedded in or constructed on a foundation in the ground, that does not allow removal without special tools or equipment and which is intended to exist on more than a temporary basis.
- kk. POLE SIGN: Any free-standing sign which is supported by one or more uprights or similar structures or supports in or upon the ground and independent of support from any building.
- ll. POLITICAL ISSUE SIGN: A sign announcing, promoting (for or against), or drawing attention to any personal or political issue or candidate(s) seeking public political office.
- mm. PORTABLE SIGN: Any sign not permanently attached to a building, structure, or the ground, capable of being moved at periodic intervals, including, but not limited to, signs design to be transported by means of wheels.
- nn. PROJECTED-IMAGE SIGN: A sign which involves an image projected on the face of a wall, structure, sidewalk, or other surface, from a distant electronic device, such that the image does not originate from the plane of the wall, structure, sidewalk, or other surface.
- oo. 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.
- pp. REAL ESTATE SIGN: A business sign placed upon a property advertising that particular property for sale, for lease or for rent.
- qq. ROOF SIGN: A sign erected upon or above a roof or parapet of a building or structure.
- rr. SWINGING SIGN: A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
- ss. TEMPORARY SIGN: Any portable or other sign, banner, pennant, streamer, inflatable signs, valance, bag or banner covering a permanent sign, or advertising display constructed of cloth, canvas, light fabric, cardboard, Vinyl, wallboard or other materials, with or without frames, intended to be displayed for a short period of time only.
- tt. 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.
- uu. VEHICLE SIGN: A message, inscription or logo painted, attached, or incorporated on a motor vehicle which advertises or promotes the interest of any private or public firm, person, organization, or other entity, or to draw attention to the use on the premises.
- vv. 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".

- ww. WINDOW SIGN: A sign posted, painted, placed, adhered, or affixed in or on a window or door, or a sign that is located on the interior of a structure that is exposed to public view from the exterior of the structure through a window or glass door.
- 14. 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.
- 15. SIGN COPY: Words, letters, logos figures, symbols, illustrations, or patterns that form a message or otherwise call attention to a business, product, service, or activity, or to the sign itself.
- 16. SIGN PERIMETER: The external boundary of a sign at its widest point per plan view.
- 17. SIGN STRUCTURE: The supports, uprights, bracing and framework for a sign including the sign area.
- 18. STREET LINE (or PROPERTY LINE): The place where the street right of way line begins and the private property line ends.
- 19. STRUCTURAL TRIM: The molding, battens, cappings, nailing strips, latticing and platforms that are attached to the sign structure.
- 20. WALL AREA: The area of a building as calculated by multiplying the height of the building, as measured from the average ground level to the roof eave line times the width of the building, which is the width of the building facing the street as measured from an elevation view.

### **Section 21.5. GENERAL PROVISIONS**

1. No sign shall be allowed except as permitted by this article.
2. No sign shall be located within the Line of Site Visibility zone of street intersection as defined in Zoning Ordinance of the City of Sioux Center. No sign shall be located so that the safety of a moving vehicle or pedestrian will be impaired by obscuring a driver's or pedestrian's vision.
3. No person shall install, erect, construct, hang, or alter any sign within the City without first obtaining from the City a Sign Permit, unless such sign is otherwise exempt under this article.
4. No person shall replace the sign copy or sign face without first obtaining from the City a Sign Permit, unless such sign is otherwise exempt under this article.
5. Any permanent or temporary commercial sign allowed in this article may be utilized as a non-commercial or political issue sign subject to the regulations contained herein.
6. 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.
7. 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.

8. **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.
9. **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.
10. **Illumination:** All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets.
11. **Free-Standing Sign Height Computation:** The height of free-standing signs (including all temporary and permanent signs) shall be computed to be the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to mean the newly established grade after construction, exclusive of any filling, berthing, mounding or excavating solely for the purpose of locating the sign.
12. **Free-Standing Sign Setback Measurement:** The sign setback for free-standing signs (including all temporary and permanent signs) shall be measured from the nearest edge of the sign.

#### **Section 21.6. SIGN AREA CALCULATION**

The area of a sign shall be as determined by the Zoning Administrator using actual dimensions where practical or approximate dimensions when irregularity of a sign shape warrants. The area of each sign type is to be measured with either Formula A or Formula B as noted below. The application of either Formula A or Formula B is established by sign type as defined elsewhere in this article.

1. **Formula A.** The sign area is the sum of the area of two (2) contiguous rectangles, squares or circles that enclose the extreme points or edges of all copy, logos and symbols of said sign.
2. **Formula B.** The sign area is the area of one rectangle, square or circle that encloses the extreme points or edges of all areas where copy may be placed on a sign. This area does not include structural or architectural features of the sign where copy will not be located.

**Section 21.7. PROHIBITED SIGNS.**

The following signs shall not be permitted, erected or maintained on any property within the City, unless located within the confines of a building, or not visible from outside the premises of the lot in which the sign is located.

1. Animated Signs, Air-Activated Graphics, and Signs with Moving Parts. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, or mechanical means, including intermediate electrical pulsations, or by action of normal wind currents.
2. Balloon Signs.
3. Banners. Banners, pennants, spinners, and streamers, except as specified in this article as a permitted temporary sign.
4. Billboards.
5. Conflicting Signs. Signs with a format which resembles or conflicts with traffic signs or signals.
6. Discontinued Use. Signs on a property that is vacant or un-occupied for a period of more than six (6) months.
7. Flashing or Glaring Lights. Flashing lights, strobe lights, or rotating beams shall be prohibited outside of a building or visible from the outside of a building in all zoning districts except when otherwise legally displayed as emergency lights or warning lights. Illumination of signs shall be designed in such a way as to reflect light away from residential properties and motorists' vision.
8. Hazardous Signs. Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or is capable of causing electrical shocks.
9. Mobile Signs. Signs attached to or painted on an inoperable or unlicensed vehicle or trailer.
10. Moving Lights. Signs which incorporate in any manner any flashing, pulsating, rotating, beacons, or moving lights. Except for a special event approved by the City Council.
11. Obscene Matter. Signs that display obscene matters in violation of Iowa Code Chapter 728.
12. Obstructions. Signs that constitute an obstruction so as to prevent free ingress or egress through any door, window or fire escape.
13. Off-Premise Signs.
14. Pole Signs, except as may be permitted in the HC, GI, and IP zoning districts.
15. Portable Sign. Portable signs except as specified in this article as a permitted temporary sign.
16. Prohibited Attachment. No sign or other advertising structure of any kind shall be attached to a standpipe or fire extinguisher.
17. Projected-Image Signs.
18. Roof Signs.
19. Signs within or Projecting over Public Right-of-Way. It is unlawful to erect or maintain any sign on, over,

or above any land or right-of-way belonging to City or other governmental entity unless specifically allowed by action of the City Council or applicable governmental entity.

20. Sound or Noise. Signs that broadcast or emit any sounds or noise shall be prohibited.
21. Temporary Signs. All temporary signs except those that are specifically allowed by this article.
22. Traffic Hazard. Signs that constitute a traffic hazard.
23. Unlawful Signs. Any sign unlawfully installed, erected or maintained in violation of this article.

#### **Section 21.8. EXEMPTIONS.**

The following signs shall not require a sign permit.

1. Government Signs and Government Flags. Government signs and government flags as defined herein this article, are exempt from the Sign Regulations, the Sign Design Standards, and the Sign Permits and Fees requirement.
2. Internal Signs. Signs located within the confines of a building, except those that are defined as window signs.
3. Building Address Signs. Building addresses on buildings and signs as required by the City.
4. Directory Signs. Directory signs as required by the City Fire Department for emergency identification.
5. Art Display. Defined as any mural painting or decoration, inscription, mosaic, painted glass, base-relief, or other similar art form of a permanent character that is intended for decoration, ornament, or commemoration and that is applied to, placed upon, or erected on any lot or parcel or wall of any building or structure. For the purposes of this article, this definition shall not include any art display that incorporates logos, advertisements, or other commercial speech nor any art display that contain images, letters, symbols or other representations designed to identify or market any commercial activities contained upon the site on which it is located. The designation of a display as an art display exempt from the provisions of this article shall be at the sole discretion of the Zoning Administrator.
6. Regular Temporary Signs. Regular temporary signs, to the extent that they meet the standards herein this article, are exempt from the Sign Permits and Fees requirement.

#### **Section 21.9. SIGN TYPES**

For the purposes of this article, the following sign types, as defined herein this article, are categorized as follows:

1. Permanent Signs. Permanent signs include permanent, commercial signs that meet the definition of an on-premise sign. Permanent signs shall not include off-premise signs. Permanent signs may also include permanent, non-commercial signs. Permanent signs are limited to the following sign types as defined and further regulated herein this article:
  - a. Building Signs
  - b. Free-standing Signs
  - c. Directional Signs
  - d. Drive-Thru Facility Signs
  - e. Signs Affixed to Automated Teller Machines (ATM)
  - f. Corporate Flags

2. **Temporary Signs.** Temporary signs include temporary, commercial signs that meet the definition of an on-premise sign. Temporary signs may further include temporary non-commercial signs. Temporary signs are limited to the following sign types as defined and further regulated herein this article:
  - a. Commercial Signs
    - 1) Regular Temporary Signs
      - i. Free-standing signs
      - ii. A-frame signs
      - iii. Blade signs and flags
      - iv. Banner signs attached to a building wall or window or covering and affixed to an existing building sign
      - v. Bag signs covering and affixed to an existing monument ground sign
    - 2) Special Temporary Signs
      - i. Free-Standing Signs
      - ii. Changeable Message Signs that are of a portable or temporary nature
      - iii. Electronic Message Centers that are of a portable or temporary nature
  - b. Non-Commercial Signs

## **Section 21.10. SIGN REGULATIONS**

1. Permanent Signs. The following permanent signs are permitted by zoning district as follows:

PERMANENT SIGNS	SIGN REGULATIONS												
	ZONING DISTRICT												
	AG	RS	R-1	R-2	R-3	MH	MU	PO	GC	HC	GI	IP	
<b>Building Signs</b>													
<b>Number of Signs Permitted</b>	1 sign per principal building facing a public street.						Building signs may be located on any side of a building so long as the total sign area does not exceed the total allowed for the building. The area of all window signs shall be included in the total building signage area.						
<b>Projecting Signs</b>	Not Permitted.						<b>No more than 1 per building entrance.</b>	Not Permitted.					
<b>Maximum Sign Area</b>	4 sq. ft.						10% of the total sq. ft. of the wall area of the principal building facing a public street. No more than two sides of a building facing a street shall be used to calculate the allowable signage. The sign area of all building signs, including window signs, shall be calculated using sign area Formula A as defined herein this article.						
<b>Free-standing Signs</b>													
<b>Number of Signs Permitted</b>	For single family detached and single family attached residential subdivisions or developments, 2 landscape signs per public or private street entrance. For multi-family residential and non-residential uses, 1 monument ground sign per public street frontage of a lot of record. Any allowed monument ground sign may be substituted with a landscape sign.						<b>1 monument ground sign per public street frontage for a lot of record. For lots exceeding 500 ft of frontage, 1 monument ground sign shall be allowed for each 250 ft of frontage. Any allowed monument ground sign may be substituted with a landscape sign.</b>	1 monument ground sign per public street frontage for a lot of record. For lots exceeding 500 ft of frontage, 1 monument ground sign shall be allowed for each 250 ft of frontage. Any allowed monument ground sign may be substituted with a landscape sign. On lots 4-acres or greater in size, any allowed monument ground sign may be substituted for a pole sign.					
<b>Maximum Sign Area</b>	40 sq. ft. per sign face using sign area Formula B as defined herein this article.						<b>60 sq. ft. per sign face using sign area Formula B as defined herein this article.</b>	60 sq. ft. per sign face using sign area Formula B as defined herein this article.					
<b>Maximum Sign Height</b>	5 ft.						<b>15 ft.</b>	15 ft.					
<b>Sign Setback Requirement</b>	5 ft front, side, and rear yard setback.						Front, side, and rear yard setbacks are equal to the total sign height. No sign shall be located closer than 200 ft from any other free-standing sign located on the same parcel.						
<b>Directional Signs</b>													
<b>Number of Signs Permitted</b>	No more than 2 signs per site or parcel with multi-family residential and non-residential uses.						No more than 4 signs allowed per parcel.						

PERMANENT SIGNS	SIGN REGULATIONS											
	ZONING DISTRICT											
	AG	RS	R-1	R-2	R-3	MH	MU	PO	GC	HC	GI	IP
Maximum Sign Area	8 sq. ft. using sign area Formula B as defined herein this article.											
Maximum Sign Height	4 ft.											
Sign Setback Requirement	5 ft from all property lines.											
Drive-Thru Facility Signs												
Number of Signs Permitted	For sites with a permitted drive-thru facility, 1 Primary and 1 Secondary drive-thru facility sign, as provided herein this article, shall be permitted for each drive-thru lane. Signs may be free-standing (one-sided only) or building/wall mounted.											
Maximum Sign Area	The Primary sign shall be no greater than 36 sq. ft. using sign area Formula B and the Secondary sign shall be no greater than 15 sq. ft. using sign area Formula B as defined herein this article.											
Maximum Sign Height	6 ft.											
Sign Setback and Placement Requirements	25 ft front yard and 5 ft from all property lines. Must be within 10 ft of the drive-thru lane.											
Signs on ATMs												
Maximum Sign Area	Sign copy may be adhered or placed upon any surface of a permitted ATM or ATM kiosk; however, the total area of all signage shall not exceed 16 sq. ft.											
Corporate Flags												
Number Permitted	Not Permitted.						1 per parcel or principal building.					
Maximum Flag Size	n/a						15 sq. ft.					
Maximum Height	n/a						30 ft.					
Other Requirements	n/a						May only be flown concurrent with the flag of the United States and the flag of the State of Iowa. Flag shall be displayed on a separate flagpole located in close proximity to and no higher than the flagpoles of the United States and the State of Iowa.					

2. Temporary Signs. The following temporary signs are permitted by zoning district as follows:

TEMPORARY SIGNS	SIGN REGULATIONS											
	ZONING DISTRICT											
	AG	RS	R-1	R-2	R-3	MH	MU	PO	GC	HC	GI	IP
<b>Commercial Signs</b>												
Regular Temporary Signs												
Number of Signs Permitted												
	1 sign per public street frontage for a lot of record.					1 sign per public street frontage for a lot of record plus 1 per building or individual business. Each building or individual business may also display 1 A-frame, blade sign, or flag sign during the hours in which the business is open.						
Maximum Sign Area	For multi-family residential and non-residential uses - 32 sq. ft. per sign face using sign area Formula B and for all other uses - 4 sq. ft. using sign area Formula B as defined herein this article.					32 sq. ft. per sign face using sign area Formula B as defined herein this article. A-frame, blade sign, and flag signs are limited to 16 sq. ft. in total surface area measured one side.						
Maximum Free - Standing Sign Height	6 ft.					8 ft.						
Free-Standing Sign Setback Requirement						5 ft from all property lines.						
<b>Special Temporary Signs</b>												
Number of Signs Permitted	None permitted.					1 sign per public street frontage for a lot of record.						
Maximum Sign Area	n/a					32 sq. ft.						
Maximum Free - Standing Sign Height	n/a					15 ft.						
Free-Standing Sign Setback Requirement	n/a					10 ft from all property lines.						
<b>Non-Commercial Signs and Political Issue Signs</b>												
Number of Signs Permitted	6					6						
Maximum Sign Area	4 sq. ft.					32 sq. ft.						
Maximum Free Standing Sign Height	6 ft.					8 sq. ft						
Free-Standing Sign Setback Requirement						5 ft from all property lines.						

## Section 21.11. SIGN DESIGN STANDARDS

1. **Permanent Signs.** The following regulations are enacted for all permanent signs as may be permitted by this article.

a. **Building Sign Regulations**

- 1) Prior to installation of any building signage, all multi-tenant buildings and multi-building commercial centers shall provide a signage plan detailing how and where signage will be allocated to each individual tenant space. This plan shall be adhered to unless an alternate plan is provided to the City by the building owner.
- 2) 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) Signs with exposed neon or exposed florescent tubes or light bulbs are prohibited.
- 4) Painted signs, including any lettering, graphics, images, and logos, are prohibited except as may be permitted on awnings and windows.
- 5) Signs may include a changeable message sign that is no larger than 32 sq. ft. in size.
- 6) Signs within any non-residential zoning district may include an electronic message center sign that is no larger 32 sq. ft. in size, and subject to the design regulations herein this article.
- 7) Signs for any residential use shall not be internally illuminated.
- 8) Signs may be mounted on a uniform backing that is of no more than one (1) color and that projects no more than four (4) inches from the surface of the building wall.
- 9) Raceways are prohibited. In any situation where it is not physically practical to mount a wall sign without a raceway, a pan-style raceway may be authorized at the discretion of the Zoning Administrator.
- 10) Projecting Signs, where permitted, shall further comply with the following standards:
  - i. **Application.** Projecting signs as regulated by this article shall include any sign, other than a building sign, which projects from, and is supported by a wall of a building or structure.
  - ii. **Construction.** Every projecting sign, including the frame, braces and supports thereof, shall meet the compliance of the building code regulations of the City.
  - iii. **Sign Width (Thickness).** The thickness measured between the principal faces of any projecting sign shall not exceed twelve (12) inches.
  - iv. **Height of Signs.** No part of any projecting sign shall be less than ten (10) feet above ground level, except as provided in subsection v. of this section.
  - v. **Location.** Every projecting sign shall be at least ten (10) feet above any sidewalk area over which it is erected, and a distance not greater than two (2) feet from the wall to which it is attached, measuring from the point of the sign nearest thereto. Every projecting sign to be erected over public or private driveways or thoroughfares shall be placed not less than fifteen (15) feet above the level of same.
  - vi. **Obstructions and Traffic Hazards.** Every projecting sign shall be erected in a manner which does not constitute an obstruction or traffic hazard regulated by this chapter.
  - vii. **Projection Over Public Property or Road Right-of-Way.** It is unlawful for any projecting sign

to be located over public property or road right-of-way unless approval is granted by the City Council or agency that owns or controls said public property or right-of-way.

b. **Freestanding Signs**

- 1) Freestanding signs shall be restricted to monument grounds signs, except for pole signs as may be permitted in the HC, GI and IP zoning districts.
- 2) All sign structures shall be architecturally designed and incorporate design details, materials, and colors of the associated building.
- 3) Signs with exposed neon or exposed fluorescent tubes or light bulbs are prohibited.
- 4) Painted signs, including any lettering, graphics, images, and logos, are prohibited.
- 5) Signs may include a changeable message sign that is double-sided (back-to-back) and no larger than 32 sq. ft. in size per sign face.
- 6) Signs within any non-residential zoning district may include an electronic message center sign that is double-sided (back-to-back) and no larger 32 sq. ft. in size, per sign face, and subject to the design regulations herein this article.
- 7) Signs for any residential use shall not be internally illuminated.
- 8) The premises on which the sign is located 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.
- 9) Poles signs, when permitted, shall comply with the following design standards:
  - i. All pole signs shall be installed so that necessary sign poles, posts, uprights, braces, and supports are an integral part of the sign design.
  - ii. All sign poles, posts, uprights, braces, and supports shall be wrapped or architecturally detailed to have a high-quality, finished appearance.
  - iii. The combined width of the sign poles, posts and other uprights shall be no less than twenty percent (20%) of the width of the widest component of the sign.
  - iv. Pole signs shall provide a minimum clearance of ten (10) feet between the bottom edge of the structure and the grade below when installed over a sidewalk, trail, parking area or similar paved surface.

c. **Electronic Message Centers.** Electronic message centers are further regulated as follows:

- 1) Electronic message center messages and images may not scroll or flash and shall not display full-motion graphics in a series of frame to give the illusion of motion or video.
- 2) The images and messages displayed on an electronic message center must have a minimum dwell time of at least 8-seconds before changing to the next image or message. The transition or change from one message to another must be instantaneous and involve no animation or special effects.
- 3) The brightness of any electronic message center shall not exceed a maximum illumination of 10,000 candelas per square meter (nits) during daylight hours and a maximum illumination of 250 candelas per square meter (nits) between dusk and dawn, as measured from the brightest element on the sign's face. Electronic message centers must be equipped with a light detector

or photocell that automatically adjusts the display's brightness according to natural ambient light conditions.

2. Temporary Signs. The following regulations are enacted for all temporary signs as may be permitted by this article.
  - a. Commercial Signs. Temporary commercial signs are hereby divided into the categories of Regular Temporary Signs and Special Temporary Signs.
    - 1) Regular Temporary Signs.
      - i. May include the following types temporary signs in accordance with the provisions of this article:
        - Free-standing signs
        - A-frame signs
        - Blade signs and flags
        - Banner signs attached to a building wall or window or covering and affixed to an existing building sign
        - Bag signs covering and affixed to an existing monument ground sign
      - ii. Duration: No temporary sign shall be in place for a period greater than six (6) months unless removed and replaced with a new sign.
    - 2) Special Temporary Signs.
      - i. May include the following types of temporary signs in accordance with the provisions of this article:
        - Free-Standing Signs
        - Changeable Message Signs that are of a portable or temporary nature
        - Electronic Message Centers that are of a portable or temporary nature
      - ii. Duration: May be installed or displayed no more than four (4) times (events) in a calendar year for a maximum duration of fourteen (14) consecutive days each time (event).
  - c. Non-Commercial Signs. May include the following types temporary signs in accordance with the provisions of this article:
    - i. Free-standing signs
    - ii. A-frame signs
    - iii. Blade signs and flags
    - iv. Banner signs attached to a building wall or window

#### **Section 21.12. 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 in such form as required by the Zoning Administrator and shall contain or have attached thereto the following information unless such information shall be deemed unnecessary by the Zoning Administrator.
  - a. Name, address and telephone number of the applicant.
  - b. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
  - c. Position of the sign in relation to nearby buildings or structures.
  - d. One sketch of the plan, method of construction, and attachment to the building or ground.
  - e. Copy of plans and specifications as may be necessary to prove the sign is designed for live and dead loads and wind pressure loads in any direction in the amount required by the City building codes and applicable laws and ordinances.
  - f. Name of person, firm, corporation or association erecting structure.
  - g. Written consent of the owner of the building, structure or land on which the sign is placed.
  - h. Such other information as the Zoning Administrator shall require showing full compliance with this ordinance and all other ordinances of the city.
  - i. 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.
5. Application Required for Special Temporary Signs. Applications for any special temporary sign as provided for in this chapter shall require the following application process prior to installation.
  - a. A written request for approval of a Special Temporary Sign shall be submitted to the Zoning Administrator no less than 48-hours prior to the desired date of sign installation. Said written request may be submitted in-person, by mail, or by email to the location or addresses as provided by the Zoning Administrator.
  - b. The written request shall include:
    - 1) Contact information for the person(s) responsible for the sign installation and removal.

- 2) Address of the property on which the sign is to be placed.
- 3) Date and time the sign will be installed and subsequently removed.
- 4) Details of the sign including its dimensions.
- 5) Sketch plan or details identifying the location in which said sign will be placed including its setback from all adjoining property lines and street right-of-way.

- c. Notification of Sign Removal. Written notices that the Special Temporary Sign has been removed shall be submitted to the Zoning Administrator no less than 48-hours after the sign has been removed. Said notice shall indicate the date and time the sign was removed.
- d. Fee. There shall be no fee charged for an application for a Special Temporary Sign.
- e. Violations. Any applicant, agent, or property owner who fails to comply with the provisions and regulations for a Special Temporary Sign shall be in violation of this article and is subject to the provisions of Article 27 of the Zoning Ordinance.

#### **Section 21.13. INSPECTION.**

The Zoning Administrator may inspect, from time to time as deemed necessary, each sign or other advertising structure regulated by this chapter for the purpose of ascertaining whether the same is secure or insecure, and whether it is in need of removal or repair.

#### **Section 21.14. 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.

Any applicant, agent, or property owner who fails to comply with the provisions and regulations of this article shall be in violation of this article and is subject to the provisions of Article 27 of the Zoning Ordinance.

#### **Section 21.15. REMOVAL OF OBSOLETE OR DISCONTINUED USE SIGNS**

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, or any sign on a property that is vacant or un-occupied for a period of more than six (6) months, 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.

**Section 21.16. JURISDICTION OF BOARD OF ADJUSTMENT**

The Board of Adjustment shall have jurisdiction for any requests for variances involving sign location, sign height, or sign size not consistent with this chapter. The Board shall rule on any request in accordance with Article 29 of the Zoning Ordinance. Any person aggrieved by an order, requirement, decision or determination of the Zoning Administrator in the enforcement of this chapter may file an appeal with the Board of Adjustment in accordance with Article 29 of the Zoning Ordinance.

## **ARTICLE 22**

### **District Buffers and Screening Required**

#### Article 22: District Buffers and Screening 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
- Section 22.6. Screening Requirement

#### **Section 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. Furthermore, certain site features and elements have can negatively impact abutting properties and be visually unappealing to the community. Therefore, it shall be the intent of this article to require the actual provision of a physical barrier and screening so as to reduce any possible harmful or detrimental influence one district use or site feature may or may not have to abutting and conflicting district use.

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

The following conditions shall require a buffer between abutting districts:

1. All industrial 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, or industrial 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.

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

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

1. A Man-made Buffer Wall:  
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. Landscaping shall be placed along the public side of the wall to aid its visual appearance.
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.
  - b. Natural Buffer Screen: Such natural screen shall not be less than 6 feet in height, no less than thirty (30) feet in width and comprised of natural plantings; and shall maintain a density of planting adequate to serve as a solid and un-penetrable screen.
  - c. Natural Buffer Berm: Such natural berm or berm in combination with 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. The landscaped buffer area shall be no less than fifteen (15) feet in width.

#### **Section 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.

#### **Section 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.

#### **Section 22.6. SCREENING REQUIREMENT**

The following screening shall be required in addition to the buffer requirements of this section.

1. Outdoor Storage and Staging Yards: All outdoor storage facilities, storage yards, and equipment staging or storage areas shall be enclosed by an opaque fence or wall no less than six (6) feet in height. Said facilities and yards shall be further screened from view from all adjoining public street rights-of-way and all adjoining residentially developed or zoned properties with a combination of screen fencing/wall and landscaping.
2. HVAC, Mechanical Equipment, Trash and Recycling Containers: In all office, commercial, and industrial zoning districts, all building HVAC and mechanical equipment and trash and recycling containers shall be screened from view from any adjoining residentially developed or zoned properties with a combination of screen fencing/wall and landscaping. Said equipment and containers shall be located no closer than ten (10) feet from an abutting residentially developed or zoned property.
3. Outdoor Lighting: In all multi-family, office, commercial, and industrial zoning districts, all parking lot, building exterior, and site lighting shall be designed, angled, or shielded so as not to glare or shine onto abutting properties or to cause glare upon the adjoining public rights-of-way.

## **ARTICLE 23**

### **Open Space and Landscaping Requirements**

#### Article 23: Open Space and Landscaping Requirements

##### Section 23.1. Intent

##### Section 23.2. Open Space and Landscaping Requirements

##### **Section 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.

##### **Section 23.2. OPEN SPACE AND LANDSCAPING 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 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.
4. In all General Commercial and Highway Commercial districts, development sites or parcels two (2) acres in size or larger shall meet the following parking lot landscaping requirements:
  - a. All rows of parking shall be terminated with a curbed, landscaped island that is a minimum nine (9) feet wide and no less than 16 feet in length (32 feet in length for head-to-head parking stalls).
  - b. All parking lot islands shall include at least one (1) deciduous shade tree.
  - c. Whenever an off-street parking area fronts along a public street an average of one (1) deciduous shade tree and two (2) deciduous ornamental trees shall be planted every 50 feet within the parking lot setback area.

- d. The Zoning Administrator may, at their sole discretion, waive any of the requirements of subsection 4, herein, in order to ensure and maintain safe and efficient traffic circulation.

## **ARTICLE 24**

### **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

#### **Section 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.

#### **Section 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.

4. Exception for Existing Single Family Residential Dwellings: Existing, legally established, nonconforming single-family residential dwellings located in non-single family residential zoning districts may make alterations, construct additions, or reconstruct the dwelling so long as the bulk and setback regulations are met for the zone in which the residential structure is located and no additional dwelling units are constructed or created. Reconstruction of the dwelling shall start within six (6) months of its destruction, demolition, or removal and shall be completed within one-year of the start of construction. This exception does not apply to mobile homes.

#### **Section 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.

#### **Section 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.

#### **Section 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.
7. Exception for Existing Single Family Residential Dwellings: Existing, legally established, nonconforming single-family residential dwellings located in non-single family residential zoning districts may make alterations, construct additions, or reconstruct the dwelling so long as the bulk and setback regulations are met for the zone in which the residential structure is located and no additional dwelling units are constructed or created. Reconstruction of the dwelling shall start within six (6) months of its destruction, demolition, or removal and shall be completed within one-year of the start of construction. This exception does not apply to mobile homes.

#### **Section 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.

#### **Section 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.

#### **Section 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 25** **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
- Section 25.8. Supplemental Standards - Wireless Telecommunications Facilities

#### **Section 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.

#### **Section 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.

#### **Section 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:

1. Name and address of the owner and applicant.
2. Address and legal description of the property.
3. 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.
4. 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.
5. Site plans as prepared in accordance with Article 19.

#### **Section 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 27 - "Violation and Penalty", of this ordinance.
6. 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.

#### **Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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:

- i. The foreseeable number of FCC licenses available for the area;
- ii. The kind of Wireless Telecommunications Facilities site and structure proposed;
- iii. The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
- iv. 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:

- i. Respond within 60 days to a request for information from a potential shared-use Applicant;
- ii. Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;
- iii. 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.
- iv. Failure to abide by the conditions outlined above may be grounds for revocation of the Special Use Permit.

I. 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 other 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 27 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) daytime period, then the City may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section.

g. Multiple Family Dwellings over 18 dwelling units per acre: A multiple family residential (apartment) building or project proposed to exceed 18 dwellings per acre may be authorized by approval of a special exception subject to the findings contained within this Article and the following:

- 1) The proposed development is in the best interests of the City.
- 2) The overall density of the proposed development and adjoining properties is in keeping with the general character of the surrounding neighborhood.
- 3) The landscaping proposed exceeds the typical standards and the site enhances the appearance of the surrounding neighborhood.
- 4) The proposed development includes site amenities such as outdoor gathering spaces, dog parks, playgrounds, sports courts, pool, and other recreation facilities.
- 5) Building architecture proposed meets the typical standards..

**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 26

### 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

#### **Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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 19 - "Site Plans." In the case of moving an existing building, the application shall be accompanied by a photo of the structure to be moved.

#### **Section 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 27 - "Violation and Penalty."

#### **Section 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.

#### **Section 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.

### **Section 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.
3. 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 27**

### **Violation and Penalty**

#### Article 27: Violation and Penalty

Section 27.1. Violation and Penalty

Section 27.2. Restraining Order

#### **Section 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.

#### **Section 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 28**

### **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

#### **Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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 or 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.

#### **Section 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 29**

### **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

#### **Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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 25 - "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.

#### **Section 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 19 - "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 27 "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.

#### **Section 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 31st 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.

**Section 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 30

### 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

#### **Section 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.

#### **Section 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.

#### **Section 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.
  - b. 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:
    - 1) 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;
    - 2) 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.

#### **Section 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.

#### **Section 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.

**Section 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.