

City of Hartley



2013

ZONING ORDINANCE & SUBDIVISION REGULATIONS

- The city with a heart -



*Prepared with Planning Assistance from
Northwest Iowa Planning &
Development Commission
Spencer, Iowa*

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CITY OF HARTLEY

ZONING ORDINANCE

& SUBDIVISION REGULATIONS

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HARTLEY ZONING ORDINANCE

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REPLACES CHAPTER 165
ZONING REGULATIONS OF THE HARTLEY CITY CODE
AND AMENDMENTS THERETO

**ZONING ORDINANCE OF THE CITY OF
HARTLEY, IOWA**

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

WHEREAS, the City Council of the City of Hartley, Iowa deems it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of buildings, to promote the conservation of energy resources; to promote reasonable access to solar and wind energy resources; and encourage the most appropriate use of land throughout the city, all in accordance with a the City of Hartley's comprehensive plan,

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

ARTICLE I Basic Provisions

Article 1: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Jurisdiction
- Section 1.3. Repeal and Saving Clause
- Section 1.4. Validity and Severability Clause
- Section 1.5. Interpretation of Regulations

Section 1.1. SHORT TITLE.

This ordinance shall be known and may be referenced as the “Hartley 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, Code of Iowa and amendatory acts thereto, this ordinance is adopted by the City of Hartley, Iowa governing the zoning of all lands within the corporate limits of the city and within a two mile extraterritorial zoning area.

Section 1.3. REPEAL AND SAVINGS CLAUSE.

Effective on the effective date of this ordinance, the previous zoning ordinance (Chapter 165 of the Hartley municipal Code of Ordinances) and amendments thereto are hereby 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.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such ruling shall not affect the validity of the ordinance as a whole or any part thereof 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. INTERPRETATION OF REGULATIONS.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law, other rules, regulations, or ordinances, the provisions of this ordinance shall govern. This ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this ordinance shall govern.

ARTICLE II Definitions

Article 2: Definitions

Section 2.1. General Definitions

Section 2.2. Specific Land Use Definitions

Section 2.1. GENERAL DEFINITIONS.

For the purpose of interpreting this ordinance the following words, terms and expressions are hereby defined.

Words used in the present tense shall include the future;

- Singular shall include 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;
- The word “includes” means including but is not limited to.

1. **ACCESSORY BUILDING:** A subordinate building or portion of the principal building, of which is incidental to that of the principal building.
2. **ACCESSORY USE:** Means A use which is:
 - incidental to the principal use of the premises;
 - is subordinate in area, extent, or purpose to the principal use served;
 - contributes to the comfort, convenience, or necessity of occupants of the principal use; and
 - is located on the same zoning lot as the principal building or use.
3. **ADDITION:** Any construction that increases the site coverage, height, length, width, or gross floor area of a structure.
4. **ALLEY:** A public way that affords only a secondary means of access to abutting property.
5. **ALTERATION (STRUCTURAL):** Any change, except those required by law or ordinance, in the supporting members of a building, such as bearing walls, partitions, columns, beams, or girders, not including openings in bearing walls, as permitted by the city’s Code or Ordinances.
6. **APARTMENT HOUSE:** See Dwelling, Multi-Family. A room or set of rooms occupied as a dwelling unit, which is part of a multi-family structure containing cooking and housekeeping facilities for each dwelling unit.
7. **ATTACHED:** Having one or more walls in common with a principal building, or joined to a principal building by a covered porch or passageway.
8. **BASEMENT:** That portion of a building that is either partly or completely below grade. (*Building Officials and Code Administrators (BOCA) Basic/National Building Code*).
9. **BLOCK:** That property abutting on one side of a street and lying within the two (2) nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.

10. **BUILDABLE AREA:** The building footprint established by the setback distances from the front, side and rear property lines as provided in this ordinance.
11. **BUILDING:** Any roofed structure supported by posts, columns, supports, walls or other structure and intended for the shelter, support, enclosure or housing of persons, animals, or property of any kind. When any portion thereof is separated by fire rated division walls from the ground up without openings, each portion of such structure is deemed a separate building. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structures, with a roof shall make them one building.
12. **BUILDING HEIGHT:** The vertical distance in a straight line from the curb level to the highest point of the roof, excluding towers, steeples and chimneys. Where a building is situated on ground above the curb level or where no curb grade is established, such height shall be measured from the ground adjacent to the main door entrance (typically the side of the building that is addressed).
13. **BUILDING, PRINCIPAL:** The building in which the primary use of the lot or parcel, on which it is located, is conducted.
14. **BUILDING WALL:** The wall of the principal building forming a part of the main structure. The foundation walls of porches, decks, steps, walks, and retaining walls or similar structures are not considered building walls under the provisions of this ordinance.
15. **CARPORT:** Space for the parking, housing or storage of vehicles of which is enclosed on not more than two sides by affixed or semi-permanent walls. Those structures identified as hoop buildings, portable or foldable buildings, tent buildings or fully enclosed steel buildings shall not be considered a carport for purposes of this ordinance. Carports attached to the principal building are considered a part of the principal building, and shall be of similar appearance or materials to the principal building. Freestanding carports are considered an accessory building.
16. **CITY:** The City of Hartley, Iowa.
17. **COMMISSION (OR PLANNING COMMISSION):** The Hartley Planning and Zoning Commission.
18. **COUNCIL:** The City Council of the City of Hartley, Iowa.
19. **CURB LEVEL:** The established curb grade adjacent to a lot.
20. **DECK:** A non-roofed structure open on two or more sides projecting from the front, side or rear wall of a building. Decks with a finished floor height of more than twelve (12) inches above the average grade of the ground at the perimeter of the deck are subject to required yard setbacks.
21. **DETACHED:** Fully separated from any other structure. Not attached.
22. **DRIVEWAY:** A surfaced area providing vehicular access between a street and an off-street parking area or parking structure (i.e. garage or carport).
23. **DWELLING:** Any building or portion thereof designed or used exclusively for residential purposes but not including a tent, cabin, trailer, or factory-built home not located within a manufactured home subdivision or mobile home park. However, a dwelling shall include any factory-built home constructed to comply with the Iowa State Building Code for modular factory built structures.
24. **DWELLING, SINGLE-FAMILY:** A detached building that is arranged, designed for or occupied exclusively by only one (1) family; having no party wall in common with an adjacent building.

25. DWELLING, TWO-FAMILY: A detached building that is arranged, designed for, or occupied exclusively by two (2) families with separate housekeeping and cooking facilities.
26. DWELLING, MULTIPLE-FAMILY: Any dwelling, building or portion thereof used by, designed or occupied exclusively for three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each; including apartment houses, apartment flats; but not automobile courts, trailer camps or motels.
27. DWELLING UNIT: A room or group of rooms that are arranged, designed or used as living quarters for the occupancy of one (1) family and containing independent cooking facilities.
28. 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.
29. ENCROACHMENT: Any obstruction of, or an illegal or unauthorized intrusion in a delineated floodway, right-of-way or adjacent lands.
30. ENGINEER, CITY: A duly qualified licensed engineer or firm designated by the City Council.
31. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by developers, public utilities or governmental agencies of underground or overhead gas, electrical, telecommunication, water or wastewater 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 conjunction with and necessary for the furnishing of adequate services by such public utilities, governmental agencies and/or for the public health, safety or general welfare, but not including buildings or special exception uses as established by this ordinance.
32. FACTORY BUILT-STRUCTURE: Is any structure, building, component, assembly or system that is made or assembled in manufacturing facilities, on or off the building site, for installation or assembly and installation, on the building site. Factory-built structures may also mean, at the option of the manufacturer, any structure or building made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Factory-built structure also means “factory-built unit”.
33. FAMILY: A person living alone, or group of persons related to the second degree of collateral consanguinity by blood, marriage, adoption, guardianship, or otherwise duly authorized custodial relationship as verified by official public records such as drivers licenses, birth or marriage certificates living together on the premises as one housekeeping unit and sharing common living, sleeping, cooking, and eating facilities; but does not including more than five (5) unrelated persons living together by joint agreement or occupying a dwelling unit on a nonprofit cost sharing basis.
34. FENCE: Any artificially constructed barrier of approved fencing material or combination of materials erected to enclose or screen areas of land.
35. FRONTAGE: All the property on one side of a street between two (2) intersecting streets (crossing or terminating), or between an intersecting street and the dead-end of the street, measured along the street line.
36. GARAGE: A building or a portion thereof in which one or more motor vehicles are owned and used by the occupants of the building or the renting or leasing of space as provided herein, but in which no business service or industry connected with the motor vehicles is carried on.

37. GARAGE, ATTACHED: A private garage attached to a main building by means of a common wall, breezeway or roof.
38. 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.
39. HOME OCCUPATION: Any accessory occupation, profession or activity conducted entirely within carried on in a dwelling unit or accessory buildings by the inhabitants thereof; and such use is incidental and secondary to the residential use and complies with the provisions of Section 12.15 of this ordinance.
40. HOUSEHOLD: A family living together in a dwelling with common access to all living and eating areas and all facilities within the dwelling.
41. HOUSING UNIT: See Dwelling Unit.
42. INCIDENTAL: Subordinate and minor in significance and bearing a reasonable relationship with the primary use.
43. JUNK (OR SALVAGE): All old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
44. JUNK VEHICLE OR JUNK MACHINERY: Any vehicle or other machines providing means of transportation or portions thereof not in running condition and/or not licensed for the current year as provided by law and not legally placed in storage with the Treasurer of O'Brien County, or any other non-operating vehicle or machinery situated within any yard of any lot or parcel and located in open view to the public for a period of more than thirty (30) days which, because of its defective or obsolete condition, or rotted, rusted or loose parts or in any other way constitutes a threat to the public health, welfare or safety.
45. JUNKYARD (or SALVAGE YARD): Any area of any lot or parcel three thousand square feet (3,000 sq.ft.) or more in size, where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, kept, stored or handled, including scrap metals or scrap materials, or the abandonment, dismantling or "wrecking" of machinery, motor vehicles or other vehicles, or parts thereof. Junkyards include but not limited to wrecking yards, used lumber yards, auto salvage yards and places utilized or intended for the storage of salvaged and structural steel materials and equipment; but not including those areas where such uses occur entirely within a completely enclosed building. A solid waste transfer station, recycling center or sanitary landfill is not considered a junk yard or salvage yard for purposes of this ordinance.
46. LAND USE: A description of how land is occupied or utilized.
47. LANDSCAPED: An area devoted to or developed predominantly with plant materials or natural features including lawn, gardens, trees, shrubs, and other plant materials; and also including accessory outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block or similar material (excluding driveways, parking, or storage areas), provided that the use of brick, stone or other inorganic materials shall not predominate over the use of natural materials.

48. **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.
49. **LOT:** Means A parcel of land as established by plat, subdivision or as otherwise permitted by law which may be owned, used, developed, or built upon and having its principal frontage upon a public street, place, private residence or on an officially approved plat whose area, occupied or to be occupied by a building and its accessory buildings, is of sufficient size to meet the open space requirements of this ordinance.

50. **LOT AREA:** The horizontal area bounded by the front, side and rear lot or property lines.

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

52. **LOT, CORNER:** A lot situated at the junction of two (2) or more intersecting streets.

53. **LOT, INTERIOR:** A lot other than a corner lot.

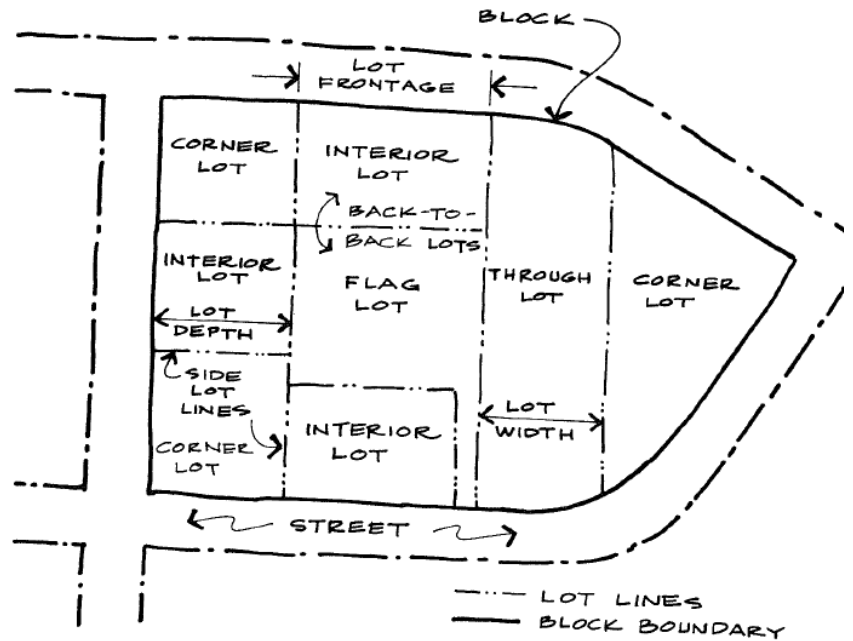
54. **LOT: THROUGH:** An interior lot having frontage on two parallel or approximately parallel streets; also known as a double frontage lot.

55. **LOT DEPTH:** The mean horizontal distance between the front and rear lot lines.

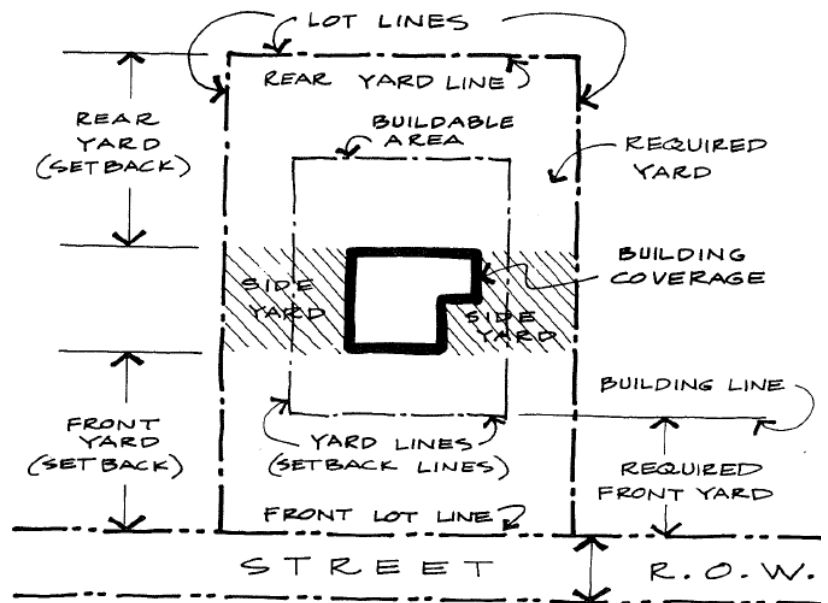
56. **LOT WIDTH:** The average horizontal distance between the side lot lines.

57. **LOT LINES:** The property lines bounding a lot.

58. **LOT LINE, FRONT:** In the case of an interior lot abutting on only one street, the front lot line is the street line (right-of-way line) of such lot. In the case of a through lot (double frontage), it may be such street line as elected by the owner to be the front line. On corner lots the front lot line is



Images Source: *The New Illustrated Book of Development Definitions*, Harvey S. Moskowitz & Carl G. Lindbloom



considered the line adjacent to the street upon which the lot has its least dimension.

59. LOT LINE, REAR: That boundary line which is opposite and most distant from the front lot line.
60. LOT LINE, SIDE: Any boundary lines not a front line or a rear lot line.
61. LOT OF RECORD: A lot which is a part of a legal subdivision of the City of Hartley, Iowa, the plat of which has been recorded in the office of the County Recorder of O'Brien 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 prior to the effective date of this ordinance.
62. MANUFACTURED HOME: A factory-built structure built under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, that is required by law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976 certifying that it is in compliance with the Federal Manufactured Housing Construction Act of 1974. (*Code of Iowa, Sec. 435.1*)
63. MANUFACTURED HOME COMMUNITY: The same as land-leased community defined in Sections 335.30A and 414.28A Code of Iowa. (*Code of Iowa, Sec. 435.1*) Any site or tract of land upon which two (2) or more occupied manufactured homes are parked and connected to utilities, either free of charge or for revenue purposes, and shall include any building, structures, or enclosure used or intended for use as part of the equipment of such manufactured home community. A manufactured home community or mobile home park shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students. The manufactured home community or a mobile home park must be classified as to whether it is a "residential" or "recreational" manufactured home community or mobile home park or both. The manufactured home community or mobile home parks residential landlord and tenant Act, Chapter 562B, Code of Iowa, only applies to "residential" manufactured home community or mobile home park. (*Code of Iowa, Sec. 435.1*)
64. MANUFACTURED HOME CONVERTED TO REAL ESTATE: An unencumbered manufactured home that is attached to a permanent foundation on real estate owned by the manufactured home owner, which has had the vehicular frame destroyed, rendering it impossible to reconvert to a mobile manufactured home. If a manufactured home is placed in a manufactured home community or a mobile home park, the home must be titled and is subject to the manufactured or mobile home square foot tax. If a manufactured home is placed outside a manufactured home community or a mobile home park, the home must be titled and is to be assessed and taxed as real estate. (*Code of Iowa, Sec. 435.1*)
65. MANUFACTURED HOME SUBDIVISION: A subdivision designed according to the Hartley Subdivision Regulations, and is designed only for the location of manufactured homes on lots owned by the manufactured home owner.
66. MOBILE HOME: Any vehicle without motive power used or so manufactured or constructed as to permit it 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 also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is not built to a mandatory building code,

contains no state or federal seals, and was built before June 15, 1976. (*Code of Iowa, Sec. 435.1*). All mobile homes shall be located within a mobile home park.

67. **MOBILE HOME PARK:** Any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer, or septic, and electrical services available. (*Code of Iowa, Sec. 435.1*)
68. **MODULAR HOME:** A factory-built structure which is manufactured or constructed to be used as a place of human habitation, and is constructed to comply with the Iowa State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7, Code of Iowa; and must display the seal issued by the state building code commissioner. If a modular home is placed in a manufactured housing community or mobile home park, the home is subject to the annual tax as required by Section 435.22, Code of Iowa. If a modular home is placed outside a manufactured housing community or mobile home park, the home shall be considered real property and assessed and taxed as real estate. (*Code of Iowa, Sec. 435.1*)
69. **NONCONFORMING USE:** A lawful use of any land, building, or structure not conforming to currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.
70. **NONCONFORMING STRUCTURE (OR BUILDING):** A structure or building in size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning regulations codified in this chapter, but which fails to conform to present requirements of the zoning district.
71. **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.
72. **PARKING LOT:** A parcel of land devoted to unenclosed parking spaces.
73. **PARKING SPACE:** An area, enclosed or unenclosed, having not less than one hundred eighty (180) square feet plus necessary maneuvering space for the parking of a motor vehicle, and connected with a street or alley that affords satisfactory ingress and egress for vehicles. Space 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.
74. **PERMANENT FOUNDATION (for manufactured housing or mobile homes):** A mobile home or manufactured housing located outside of a manufactured housing community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundations systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code. (*Code of Iowa, Sec. 103A.10 & 414.28*)
75. **PLACE:** An open unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.
76. **PLANNED UNIT DEVELOPMENT (PUD):** An area of minimum contiguous size, specified in this chapter, developed according to plan as a single entity and containing one or more structures or land uses with appurtenant or adjacent common areas.

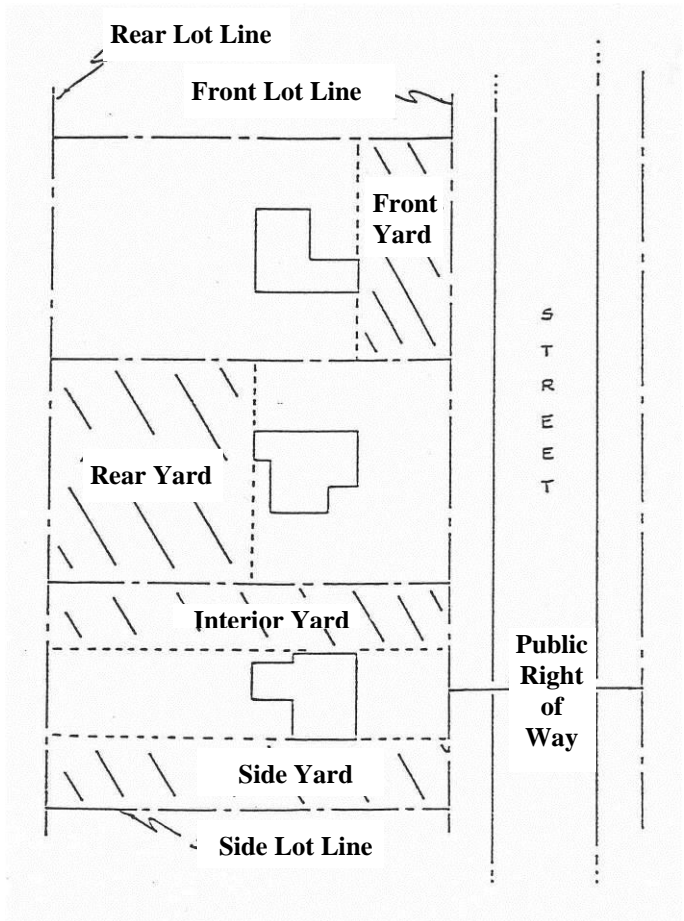
77. **PORCH, OPEN:** A roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building.
78. **PROHIBITED USE:** Any use that is not permitted in a zoning district.
79. **PROPERTY:** A lot, parcel, or tract of land together with buildings and structures located thereon.
80. **PUBLIC NOTICE:** The publication of the time and place of any public hearing for zoning purposes not less than seven (7) days or not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the city.
81. **RESIDENTIAL PURPOSES:** The intent to use and/or the use of a room or group of rooms for the sleeping, living and housekeeping activities for the same person or the same group of persons on a permanent or semi-permanent bases of an intended tenure of one month or more.
82. **SETBACK:** The required distance between any lot line and the supporting walls or structures of any building or deck more than 12” above the average grade.
83. **SETBACK LINE:** A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures and uses on the lot.
84. **SITE DEVELOPMENT REGULATIONS:** The combinations of controls that establish the maximum size of a building and its location on the lot. Components of site development 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.
85. **SITE PLAN:** A plan, prepared to scale, showing accurately and with complete dimensions, all of the buildings, structures and uses, and principal site development features including parking, access, and landscaping and screening proposed for a specific parcel of land.
86. **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.
87. **STORY:** That portion of a building contained between the surface of any floor and the surface of the next floor or a ceiling above it. A basement is counted as a story only when subdivided and used for dwelling purposes by other than a custodian employed on the premises.
88. **STORY, HALF:** A space under a sloping roof, which has the line of intersection of roof decking and exterior wall not more than four and one-half feet (4½’) above the finished floor of the top floor level.
89. **STREET:** Any public or private thoroughfare, other than an alley, which affords the principal means of access to abutting property.
90. **STREET LINE:** The dividing line between a lot, tract, or parcel of land and the right-of-way line of a contiguous road, street, or alley.
91. **STRUCTURE:** Anything built, constructed, moved, located or erected the use of which requires more or less fixed location on the ground, or attached to something having such more or less fixed location on the ground. Among other things structures include buildings, mobile or

manufactured homes not converted to real estate, billboards, decks, and carports. Attached uncovered steps and planters are not considered structures.

92. **TEMPORARY STRUCTURE:** A structure without any foundation or footings, or that is not permanently attached to the ground, and is removed when the designated time period, activity or use has ceased.
93. **TRAVEL TRAILER (OR RECREATIONAL VEHICLE):** Any vehicle or structure so designed and constructed in such manner as used for living, sleeping, business or storage purposes; having no foundation other than wheels, blocks, skids, jacks, or skirting and so designed that it is or may be mounted on wheels and used as a conveyance on highways or streets, propelled or drawn by its own or other power, excepting a device used exclusively upon stationary rails or tracks. Such vehicle shall be customarily or ordinarily used for, but is not limited to vacation, recreation purposes, pickup campers, camping trailers, motor coach homes, converted trucks and buses, boats and boat trailers, and snowmobiles. Recreational vehicles are not intended as a place of permanent human habitation.
94. **TRAVEL TRAILER (OR RECREATIONAL VEHICLE) PARK:** Any area providing spaces for two (2) or more travel trailers, motor homes, camping trailers or tent sites for temporary occupancy for revenue purposes.
95. **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 Use:** Any use which is the primary function of a lot or structure.
 - b. **Permitted Use:** Any use permitted as a matter of right when conducted in accordance with the regulations established by this ordinance; of which fulfills the primary function of a household, establishment, institution, or other entity.
 - c. **Conditional Use:** A use allowable solely on a discretionary and conditional basis subject to a conditional use permit, and to all other regulations established by this ordinance.
 - d. **Accessory Use:** A use or activity located on the same lot and of a nature customarily incidental and subordinate to the principal use or building on the same site.
96. **VACANCY:** Any unoccupied land, structure, or part thereof available or suitable for occupancy.
97. **VARIANCE:** A 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 result of the actions of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship. As used in this ordinance, 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.
98. **YARD:** An open space on the same lot containing buildings, structures, landscaping and other such uses, unobstructed by any portion of a structure from the ground upward, except as those provided for in this ordinance. In measuring a yard for the purpose of determining the depth of a front yard or rear yard or the width of a side yard, the least distance between the lot line and the main building shall be used. A yard shall be measured exclusive of any public right-of-way.
 - a. **Front Yard:** An area of yard extending across the full width of the lot and measured between the front lot line and the principal building, exclusive of typical eave projections of not more

than two (2) feet. In the case of corner lots, the front yard shall be considered as the yard with the least dimension facing a street.

- b. **Interior Yard:** Any area of yard, not adjacent to a street, which is determined on the basis of an interior lot line.
- c. **Rear Yard:** An area of yard extending across the full width of a lot and measured between the rear lot line and the nearest point of the principal building other than steps. In the case of corner lots the rear yard is considered opposite from and parallel to the street upon which the lot has its least dimension.
- d. **Side Yard:** An area of 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 point of the principal building, exclusive of typical eave projections not more than two (2) feet.



- 99. **ZONING:** The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.
- 100. **ZONING ADMINISTRATOR:** A person or persons appointed by the Mayor and approved City Council to administer and enforce compliance with the provisions of this ordinance; and to issue zoning permits.
- 101. **ZONING PERMIT:** A permit issued and enforced by the Zoning Administrator, 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, special exception or authorized variance.
- 102. **ZONING DISTRICT:** A designated land classification, within which all lots and parcels are subject to a unified group of use and site development regulations set forth in this zoning ordinance.
- 103. **ZONING MAP:** A map delineating the boundaries of zoning districts.

Section 2.2. SPECIFIC LAND USE DEFINITIONS.

The purpose of specific land use definitions is to provide a consistent set of terms encompassing and defining land uses permitted by right or allowed by conditional use, and to provide a procedure for determination of the applicable land use definitions of any activity not clearly within any defined land use classification. In event of any question as to the appropriate use definition of any existing or proposed use or activity, the Zoning Administrator shall have the authority to determine the definition, subject to the right of appeal pursuant to Section 16.8. 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 land use definitions.

2.2.1. CONSERVATION LAND USE DEFINITIONS:

Conservation or environmental use types may include, but not limited to, biological productivity or uniqueness that may significantly alter the ecological integrity or character of the area.

1. *Critical Area*: A critical area is a natural feature in need of preservation from encroaching land uses. Such areas may include sensitive or prime agricultural soils as defined by the Natural Resource Conservation Service (NRCS), areas of excessive slope, natural marshes, wetlands, woodlands, floodplains as defined by FEMA, and land involved in other types of conservation or areas with restricted uses.
2. *Floodplain*: The channel and relatively flat area adjoining the channel of a natural stream or river that has historically been or may have the potential to be covered by flood waters.
3. *Undeveloped or Unimproved Land*: Land in its natural state before development, including land used for agricultural pasturage or in agricultural conservation practices.
4. *Water Control Structures, Irrigation or Retention Basins*: Manufactured structures intended to direct and/or control the water flow, drainage and percolation rate to aid in the prevention of flooding or to direct water away from developments or agricultural land.
5. *Wetland*: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.
6. *Wildlife Refuge/Preserve*: Areas designated for the protection and sustaining of wildlife habitat in which human activities are limited and the natural environment is protected.

2.2.2. AGRICULTURAL LAND USE DEFINITIONS:

Agricultural use types may include, but not limited to the following:

1. *Agriculture*: Any land, farm houses, farm barns, farm out-buildings, or other buildings or structures, which are primarily adapted, by reason of nature and area, for agricultural purposes, while so used.
2. *Animal Husbandry*: The care and breeding of domestic animals, cattle, swine, poultry, horses, sheep, goats or other similar animals. Such uses conducted in confined animal feeding operations are not permitted within the city limits of Hartley. Agricultural animals (not including usual domesticated pets) are not permitted within the city limits of Hartley.

3. *Crop Production*: The raising and harvesting of row crops or field crops on an agricultural or commercial basis, including incidental packing and processing.
4. *Farm*: for purposes of this ordinance, the term "farm" includes an area comprising ten (10) or more acres, which is used for the growing of the usual farm products such as vegetables, fruit and grain and their storage on the area; as well as for the raising of the usual farm poultry and animals, but not to include the storage of government grain. Farming does not include the commercial feeding of animals or poultry or confined animal operations.
5. *Farmstead*: A tract of land with a farm dwelling and/or related agricultural outbuildings, yards, windbreaks, wells or other improvements which are held and operated in conjunction with agricultural purposes. An existing farmstead shall be defined as the combination of farm dwelling, support dwelling and any farm accessory buildings.
6. *Farm Dwelling*: A dwelling located on a farm and occupied by the owner or operator of the farm or renter.
7. *Farm Dwelling, Support Housing*: The occupancy of living accommodations by one (1) agricultural employee and their family on the same property as the principal permitted residence, without regard to duration, which occurs in association with agricultural labor.
8. *Horticulture*: The growing of horticultural and floricultural, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales.
9. *Stable, Public or Commercial*: 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 but not limited to boarding stables or public stables.

2.2.3. RESIDENTIAL LAND USE DEFINITIONS:

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

1. *Condominium*: The use of a site for three (3) or more dwelling units intended for separate ownership; whereas the units are held in common ownership by the owners of each unit having an undivided interest in the common real estate.
2. *Congregate or Senior Housing*: A residential facility for four (4) or more persons fifty-five (55) years or over providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational and social facilities for the exclusive use of all residents including resident staff who may occupy a room in the facility.
3. *Cottage or Vacation Home*: A single unit dwelling used for seasonal purposes, vacations or vacationers occupancy, and not used as a residence for the entire year.
4. *Family Home (as per Chapter 414.22 Iowa Code)*: A community based residential home licensed as a residential care facility under Chapter 135C of the Iowa Code or as a child foster care facility under Chapter 237 of the Iowa Code to provide room and board, personal care, habilitation services, and supervision in an environment exclusively for not more than eight

- (8) persons with developmental disabilities and any support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.
5. *Group Residential*: The residential occupancy of living accommodations by groups of more than five (5) persons not defined as a family on a weekly or longer basis. Typical uses include but not limited to fraternity or sorority houses, dormitories, or residence halls.
 6. *Mobile Home or Manufactured Housing*: The residential occupancy of mobile homes or manufactured housing by families on a weekly or longer basis. Uses only include mobile home parks or subdivisions and manufactured housing communities.
 7. *Multiple Family Residential*: The use of a site for three (3) or more dwelling units, within one or more buildings.
 8. *Relocated Residential*: An existing, previously built residential structure, intended for occupancy, which has been moved into the community from a location outside of Hartley, or an existing residential structure that has been relocated from another location from within the community 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 a zoning permit prior to moving a building or structure into Hartley.
 9. *Residential Healthcare Facilities*: Any residential care services, intermediate care facility or skilled nursing home.
 - 1) *Residential Care Services*: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or extended care.
 - 2) *Assisted Living Facility*: Residences for primarily senior or retired persons that provide dwelling units, housekeeping services, meals, personal care, and supervision of self-administered medication. Assisted living facilities may also provide other services such as recreational activities, financial services, and transportation and these facilities are sometimes combined with other types of housing such as congregate apartment housing, senior housing, or residential care services.
 - 3) *Nursing Home*: A facility or unit equipped for the accommodation of individuals not requiring hospital care, but needing nursing care and related medical services, prescribed by and performed under the direction of persons licensed to provide such care or services in accordance with the law.
 10. *Single Family Residential*: The use of a site for only one (1) dwelling unit.
 11. *Townhouse Residential*: The use of a site for three (3) or more dwelling units constructed with common party walls separating dwelling units.
 12. *Two Family Residential (duplex or twin home)*: The use of a site for two (2) dwelling units on a single lot or parcel.

2.2.4. COMMERCIAL LAND USE DEFINITIONS:

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

1. *Administrative and Business Offices*: Office of private firms or organizations, which are primarily used for the provision of executive, management, or administrative services. Typical uses include but not limited to administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telemarketing, photocopy and reproduction, and offices of public utilities or associations.
2. *Agricultural Sales and Services*: Establishments or businesses engaged in sale 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 but not limited to nurseries, hay, feed and grain stores, and tree service firms.
3. *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 but not limited to new and used car dealerships, motorcycle, boat, trailer, and recreational vehicle dealerships.
4. *Automotive Sales and Rental*: Sales or rental of automobiles, noncommercial trucks, motorcycles, motor homes, trailers, and recreational vehicles including boats. Typical uses include but not limited to new and used auto dealerships, motorcycle or recreational vehicle dealerships, auto rental agencies, or trailer sales and rental agencies.
5. *Automotive Washing*: Washing and cleaning of automobiles, related light equipment, and trucks. Typical uses include but not limited to auto laundries, car washes, or truck washes. Does not include large truck cleanouts or wash outs.
6. *Bar*: Any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. Such uses include, but not limited to taverns, night clubs, cocktail lounges, and other such similar uses.
7. *Building Maintenance/Support Services*: Establishments primarily engaged in the provision of maintenance and custodial services to other businesses, along with businesses engaged in the sale, rental or repair of equipment and supplies used by professional establishments. Typical uses include but not limited to janitorial, maintenance and cleaning services, office equipment supply, business machine repair, or hotel equipment and supply firms.
8. *Business or Trade School*: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
9. *Community Center*: A place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.
10. *Commercial Auction Yards and Barns*: A place or structure where primarily, but not exclusively, livestock, fowl, poultry or other animals are offered for sale for profit to persons who bid in competition with each other.
11. *Commercial Garage*: A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, or storing motor vehicles, including incidentals.

12. *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. Uses include commercial parking lots or parking garages.
13. *Commercial Recreation*: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:
 - a) *Indoor Entertainment and Recreation*: Uses conducted within an enclosed building. Typical uses include but not limited to bowling alleys, ice and roller skating rinks, arcades, motion picture theatres, dance halls.
 - b) *Outdoor Entertainment and Recreation*: Uses conducted in open or partially enclosed or screened facilities. Typical uses include but not limited to sporting arena, swimming pools, tennis courts, racquetball courts, racing facilities, go-kart track, amusement park or driving range.
14. *Communication Services*: Establishments primarily engaged in the provision of broadcasting and information relay services accomplished through the use of electronic and telephonic mechanisms but exclude those classified as Major Utility Facilities. Typical uses include but not limited to telecommunication services; radio, television, cellular and other similar antennas, towers, or structures; and fiber optic lines and transmission facilities.
15. *Condominium or Business Storage Unit*: A building or series of buildings in which the storage units or floor area is owned independently; and whereas the structure and property is owned on a proportional basis or single ownership. These storage units are designed for individual storage of RVs, boats, watercrafts, snowmobiles, motorcycles, automobiles, antiques, toys, trailers, record storage or other similar uses. Condominium storage must be designed in a way that each unit maintains a separate entrance.
16. *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 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 but not limited to building materials stores, tool and equipment rental or sales, or building contractors.
17. *Consumer Repair Services*: Establishments primarily engaged in repair services to individuals or households, but excluding automotive and equipment uses. Typical uses include but not limited to appliance repair, watch/jewelry repair, or musical instrument repair.
18. *Convenience Storage*: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.
19. *Convenience Store*: An establishment engaged in the retail sale of food and household products, including gasoline. The repair, storage or servicing of vehicles shall be prohibited.
20. *Equipment Sales or Repair*: Sale or repair of trucks, tractors, construction equipment, agricultural implements, mobile homes and similar heavy equipment. Typical uses include but not limited to truck dealerships, construction or farm implement dealerships, truck or implement repair services, and machine shops, but exclude dismantling or salvage.

21. *Financial Services*: Establishments primarily engaged in the provision of financial and banking services. Typical uses include but not limited to banks, savings and loan institutions, loan and lending activities, and similar services.
22. *Funeral Services*: Establishments engaged in undertaking services such as preparing the human dead for burial, arranging, and managing funerals. Typical uses include but not limited to funeral homes, crematoriums or mortuaries.
23. *General Retail Sales*: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include but not limited to department stores, grocery stores, apparel stores, furniture stores, or establishments providing cleaning products; drugs, cards, stationery, books, tobacco, cosmetics, flowers, plants, hobby materials, toys, apparel, jewelry, fabrics, cameras, photography, electronics, sporting goods, kitchen supplies, home furnishing, appliances, art supplies, antiques, paint and wallpaper, carpeting and floor covering, decorating services, office supplies; bicycles; and automotive parts.
24. *Golf Course*: Land area and buildings containing golf course, club house, pro shop, restaurant and lounge, swimming pool and tennis courts and other services or buildings typically associated with a golf course.
25. *Health Recreation Facility*: An indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa or sauna, and athletic or recreation clubs.
26. *Hospital Services*: A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
27. *Kennel, Commercial*: A commercial establishment in which more than four (4) dogs or cats, or other domesticated non-farm animals and/or pets over the age of six months are housed, groomed, bred, boarded, trained, or sold all for a fee or compensation. Typical uses include but not limited to boarding kennels, pet motels, or dog training centers.
28. *Laundry, Self-Service*: Establishments primarily engaged in the provision of home-type washing, drying, and or ironing facilities for customers on the premises.
29. *Liquor Sales*: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include but not limited to liquor stores, bottle shops, or any licensed sales for off-site consumption.
30. *Maintenance and Service Facilities*: A facility supporting maintenance, repair, materials storage, and similar activities, including equipment service centers and similar uses having characteristics of commercial services, contracting or industrial activities.
31. *Medical Clinics/Offices*: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts licensed for practice by the State of Iowa.
32. *Personal Improvement Services*: Establishments primarily engaged in instructional, personal improvement and similar services of nonprofessional nature. Typical uses include but not

limited to photography studios, reducing salons, dance studios, handicraft and hobby instruction.

33. *Personal Services*: Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include but not limited to beauty and barbershops, seamstress, tailor, shoe repair shops, or apparel cleaning.
34. *Pet Services*: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include but not limited to pet stores, animal bathing facilities, or pet grooming shops.
35. *Professional Office*: Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, medicine, engineering and other occupations customarily considered a profession.
36. *Restaurant*: A use engaged in the preparation and retail sales of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty percent (50%) of the gross income. A general restaurant may include live entertainment. Typical uses include but not limited to restaurants, lounges, bar & grills, and other similar establishments with incidental alcoholic service.
37. *Service Station*: Any building or premises used for the dispensing and sale of automotive fuels, oils, tires, accessories and minor repairs. When the dispensing, retail sale or offering for retail sale is incidental to the conduct of a commercial garage, the premises is classified as an automotive repair service.
38. *Shopping Center*: A grouping of retail business and service uses on a single site with common parking facilities.
39. *Vehicle Storage*: Long term storage of operating or non-operating vehicles, including but not limited to automobiles, trucks, heavy equipment, motorcycles, boats, recreation vehicles and any other motor powered vehicles. Typical uses include but not limited to private parking lots, paid long term storage, lots marketing the sale of vehicles, but excludes dismantling or salvage.
40. *Veterinary Services*: Veterinary services for animals. Typical uses include but not limited to pet clinics, dog and cat hospitals, and veterinary hospitals.
41. *Visitor Habitation*: Establishments primarily engaged in the provision of lodging on a temporary basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
 - a) *Campground*: Facilities or an area providing spaces for two (2) or more travel trailers, recreational vehicles, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public. Typical uses include but not limited to campgrounds or recreational vehicle parks.
 - b) *Hotel-Motel*: A building or group of buildings containing guest rooms primarily intended or used for temporary occupancy to transient guests for compensation and provides parking for the guests. Other such accessory uses associated with a hotel-motel may include a swimming pool, restaurant, meeting/conference rooms, management office and quarters for the use of operating personnel.

- c) *Bed & Breakfast*: A private, owner-occupied dwelling, or portion thereof, providing sleeping rooms for rent to the general public. In any residential district, meals shall only be served to those taking lodging in the facility and the owners and employees of the operation.
 - d) *Boarding House*: A building, other than a hotel or motel, where for compensation and by arrangement, meals and lodging are provided for more than six (6) or more, but not exceeding twenty (20) persons.
 - e) *Lodging House*: A dwelling other than a hotel, club or fraternity house where lodging is furnished for compensation of six (6) or more persons, not family members, reside.
 - f) *Trailer (or Recreational Vehicle) Camp*: Any premises designed or used for occupancy by more than one family living in a trailer.
42. *Wind Energy Devices*: Wind Energy Conversion Systems (WECS) or other similar wind machines are those devices including but not limited to wind charger, windmill, wind turbine or wind generators that converts wind energy to a form of usable energy.

2.2.5. INDUSTRIAL LAND USE DEFINITIONS:

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

1. *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.
2. *Bulk Station/Fuel Storage*: The storage of any fuel source in above or below ground tanks for purposes of distribution, storage or for sale. Such uses may include, but are not limited to gasoline storage facilities, bulk storage, propane storage or natural gas storage sites.
3. *Custom Manufacturing*: Establishments engaged in on-site production of goods by hand manufacturing and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include but not limited to ceramics, candle making, custom gun or sporting goods assembly or custom jewelry.
4. *Fertilizer or Chemical Storage and/or Processing*: Those uses which promote the sale, storage, transfer or processing of agricultural, industrial or other chemicals used primarily as fertilizers for agricultural purposes.
5. *Heavy Industry*: A use engaged in the 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 manufacturing processes which involves hazardous or commonly recognized offensive conditions.
6. *Light Industry*: 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.
7. *Railroad Facilities*: Land, including the right-of-way, used by railroads for uses pertinent to the rail operations and maintenance. Includes but not limited to rail yards, equipment

servicing facilities, loading and unloading facilities and rail terminal facilities.

8. *Renewable Energy/Renewable Resources Industries*: Those industries or businesses engaged in use of products that are sustainable in the environment or in harnessing or capturing of renewable resources for energy purposes. Typical uses include but are not limited to biofuels, biomass, wind energy, solar energy, hydro power, and geothermal.
9. *Recycling Plant*: A facility, other than a junkyard, where recoverable resources such as paper products, glass, metal cans and other products are recycled, reprocessed, and treated to return the products to a condition in which they may be reused for production.
10. *Research and Production Services*: Establishments primarily engaged in research of an industrial or scientific nature, including animal or human products testing. Typical uses include but are not limited to animal or human research laboratories, research and development firms, or animal or human pharmaceutical research labs.
11. *Resource Extraction*: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are, but not limited to quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
12. *Sanitary Landfill*: An area of land designated for the disposal of garbage, refuse, waste, rubbish, and other solid or semisolid materials, of which are buried between layers of earth.
13. *Scrap and Salvage Services*: Places of business primarily engaged in the storage, sale or dismantling of used or waste materials not intended for reuse. Typical uses include but not limited to automotive scrap or storage yards, junkyards or salvage yards.
14. *Stockyards*: Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include but not limited to animal stockyards.
15. *Warehousing and Distribution (Limited)*: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include but not limited to wholesale distributors, storage warehouses or moving and storage firms.
16. *Warehousing and Distribution (General)*: Open-air storage, distribution and handling of materials and equipment. Typical uses include but not limited to grain elevators or open storage yards.

2.2.6. CIVIC/PUBLIC LAND USE DEFINITIONS:

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

1. *Aviation Facilities*: Landing fields, aircraft parking and service facilities, and related facilities for the operation, service, fueling, repair, storage, charter, and rental of aircraft.
2. *Cemetery*: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, crematoriums, mausoleums and mortuaries.
3. *Charitable Institution*: A public or semi-public institutional use of a charitable, philanthropic, benevolent, or religious character, but not including sheltering or caring of animals.
4. *Club or Lodge*: A use providing meeting, recreational, or social facilities for private or non-profit associations, primarily for use by members and guests.

5. *Cultural Services*: A library, museum, art gallery, or similar nonprofit use affording display, preservation or exhibition of objects of permanent interest in the arts and sciences.
6. *Daycare Center*: A facility, or use of a building or portion thereof, for daytime care of seven (7) or more individuals, or as indicated by the State of Iowa. This term may include day care centers for children or adults, and similar uses.
7. *Detention Facilities*: A publicly operated use providing housing and care for individuals confined by law.
8. *Educational Facilities*: A public, private, or parochial school, nonprofit institution or facility offering academic instruction at the elementary, secondary and collegiate levels.
9. *Government/Public Services*: Offices, administrative, clerical, governmental, or public services that deal directly with the citizen. Typical uses include but not limited to federal, state, county, and city offices, postal facilities, or other public or non-profit organizations directly benefiting the general public.
10. *Local Utility Services*: Essential services which are necessary to support principal development and involve only minor structures such as lines and poles.
11. *Major Utility Facilities*: Communication towers, antennas, generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants and similar facilities of public use, and firms having potentially significant impact upon surrounding uses.
12. *Park and Recreation Services*: Publicly or privately owned and operated parks, playgrounds, open spaces, swimming pools, and other related athletic fields or facilities.
13. *Pre-Kindergarten, Preschool, or Nursery School*: Any private agency, institution or place that provides, for compensation, supplemental parental care and/or educational work, other than overnight lodging, for six (6) or more unrelated children of pre-school age.
14. *Public Assembly*: Publicly owned or operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.
15. *Religious Assembly*: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, excluding primary or secondary educational facilities.
16. *Safety Services*: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

ARTICLE III Zoning Districts Established

Article 3: Zoning Districts Established

- Section 3.1. Zoning Districts
- Section 3.2. Boundaries and Official Map
- Section 3.3. Interpretations of Districts Boundaries
- Section 3.4. Road or Public Right-of-Way Vacation
- Section 3.5. Annexed Territory
- Section 3.6. General Regulations

Section 3.1. ZONING DISTRICTS.

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. For the purpose of this ordinance the city is hereby divided into zoning districts as follows:

Agricultural District	(A-1)
Single Family Residential District	(R-1)
Multiple Family Residential District	(R-2)
Downtown Commercial District	(C-1)
Highway Commercial District	(C-2)
Light Industrial District	(I-1)
Heavy Industrial District	(I-2)

Section 3.2. BOUNDARIES AND OFFICIAL ZONING MAP.

1. *Boundaries.* The boundaries of the districts are established as shown upon the map designated as the official zoning map of Hartley, Iowa. This map with all their notations, designations, references, and other information shown thereon, shall be as much a part of this zoning ordinance as if fully described and set forth herein.

2. *Zoning Maps Amendments.* Amendments, supplements, or changes of the boundaries of districts as shown on the official zoning map shall be made by ordinance amending the Hartley 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.

3. *Replacement of Zoning Map.* The official zoning map shall be on file in the City Clerk's office and made a part of this ordinance. 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 to supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such corrections shall have the effect of amending the original official zoning ordinance or any subsequent amendments thereof.

4. *Two-mile Extraterritorial Zoning Boundaries:* Except in those areas where a county zoning ordinance exists, the City of Hartley shall have the authority to extend zoning powers granted by Chapter 414, Code of Iowa, to the unincorporated area lying up to two (2) miles beyond its city limits. This extension of powers shall be made in accordance with the provisions of Section 414.23 of the Code of Iowa. The exemption from regulation granted by the Code of Iowa to property used for agricultural purposes shall apply to said unincorporated area. The specific regulations and districts created under this subsection hereunder shall be terminated by the establishment of county zoning, or at such date as mutually agreed upon by the city and county.

Section 3.3. 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 shown as approximately following the streets, highway, alley or lot lines shall be interpreted to be the boundaries;
2. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main set of tracks, or at the centerline of a single set of tracks.
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. In unsubdivided property where a district boundary divides a lot, the district boundary 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 final decision of zoning district boundaries shall be made by the Zoning Administrator, except as provided in Section 18.5 of this ordinance.

Section 3.4. 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 there forth be subject to all appropriate regulations of the extended district.

Section 3.5. ANNEXED TERRITORY.

All territory which is hereafter annexed into the City of Hartley after the effective date of this ordinance shall automatically be assigned the (A-1) Agricultural District, until a time the annexed land may be reviewed by the Planning Commission and recommended to the City Council to approve a zoning classification that best depicts the zoning classification based on the current use of the land.

Section 3.6. GENERAL PROVISIONS.

1. No buildings or structures or parts thereof shall be erected, constructed, reconstructed, remodeled, converted, structurally altered, enlarged, extended, raised, moved or used; nor shall any land or building be used which does not comply with the purpose or use, height and bulk regulations, yard area and density requirements and other provisions of this ordinance for the district in which the building or land is located.
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, except for use for public or utility purposes. No yard, part of a yard or other open space for the purpose of complying with this ordinance shall be considered as providing a yard or open space required under this ordinance for any other building, structure, or use.
3. 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 permitted in this ordinance.
4. No building shall be erected or structurally altered to the extent specifically provided herein except in conformity with off-street parking and loading regulations of this ordinance.
5. Any portion of a building that is covered by a roof shall be considered a part of the building.
6. No required yard shall be considered as providing a yard or open space for a building on any other lot. Every part of a yard shall be open to the sky, unobstructed except for accessory buildings and except as provided in Section 12.3 (Yard Regulations).
7. Any person proposing to perform any construction work, including the building or erecting of a structure, above or below grade; the installation of underground utilities; the construction of streets, sidewalks or parking lots, any major earth-moving project or any other construction; within two hundred (200) feet of any city water supply well, must obtain a special construction permit from the city. The person requesting the permit shall present a detailed plan of the proposed construction to the City Council for their review. This plan shall include all details necessary for construction, exact dimensions and proposed construction methods. The council may consult with the Iowa Department of Natural Resources to determine whether or not the proposed construction or the completed facility would possibly contaminate the wells. If, in the opinion of the City Council, the proposed construction constitutes a contamination hazard to the city's water supply, they may deny the granting of the construction permit. If the City Council approves the proposed construction, the construction permit may be granted, provided all other requirements of this ordinance, including licensing and fees as stated herein, have been met.
8. Any person proposing to purchase, rent or otherwise take control of a lot or building within two hundred (200) feet of any city water supply well must request the City Council to pass a resolution approving the use of the property in the manner intended by said person. Buildings used exclusively as residences shall be exempt from this requirement. The City Council shall recommend that such resolution be passed if, in their opinion, the use of the property by said person shall not constitute a water well contamination hazard.

These regulations shall be required in addition to any applicable federal, state and city health and building regulations.

ARTICLE IV Agriculture District (A-1)

Article 4: Agriculture District

- Section 4.1. Intent
- Section 4.2. Principal Permitted Uses
- Section 4.3. Conditional Uses
- Section 4.4. Permitted Accessory Uses
- Section 4.5. Site Development Regulations
- Section 4.6. Off-Street Parking
- Section 4.7. Sign Regulations
- Section 4.8. Zoning Permits Required

Section 4.1. INTENT.

The intent of the Agricultural District is to preserve land best suited for agriculture from the encroachment of incompatible uses and to preserve, in agricultural use, land suited to eventual development in other uses pending proper timing for economical and practical provisions of streets, utilities and other community facilities which may be provided or programmed as to ensure the orderly and beneficial conversion of these lands to nonagricultural use. The following regulations shall apply to the Agricultural District.

Section 4.2. PRINCIPAL PERMITTED USES.

In this district, unless otherwise specified in this ordinance, no building or premises shall be used and no building hereafter erected or structurally altered except for one or more of the permitted uses, and according to regulations given.

Agricultural Uses	Conservation Uses	Civic Uses
Agriculture Crop production Farmstead Farm Dwelling Farm Dwelling, Support Housing Horticulture Farms, including usual farm buildings and structures	Critical Area Floodplain Undeveloped or unimproved lands Water control structures, irrigation or retention basins Wetlands Wildlife refuge	Cemetery Local Utility Services Government/Public Services Religious Assembly
		Industrial Uses
		Railroad Facilities
		Residential Uses

Section 4.3. CONDITIONAL USES.

The following uses may be permitted in the (A-1) Agricultural District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses as provided for by Articles XVIII and XIX of this ordinance.

Agricultural Uses	Residential Uses	Civic Uses
Stables, public or commercial	Relocated Residential <i>When it is the owner or renter of a farm or associated with agricultural purposes.</i>	Aviation Facilities Major Utility Facilities Park and Recreation Services
Commercial Uses		Industrial Uses
Agriculture Sales and Service Commercial Auction Yards & Barns Communication Services Golf Course Outdoor Entertainment Kennel, Commercial Wind Energy Devices <i>(See Section 12.18 for additional regulations)</i>		Bulk Stations/Fuel Storage Fertilizer or Chemical Storage or Processing Resource Extraction Scrap and Salvage Services

Industrial conditional uses and major utility facilities shall be conducted in a manner and method approved by the Iowa Department of Public Health and the Iowa Department of Natural Resources.

Section 4.4. PERMITTED ACCESSORY USES.

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.

1. Private garage or carport
2. Barns and other agricultural related buildings
3. Private parking lots
4. Radio, television, satellite dish, and other similar receiving antennas *(for personal use)*
5. Personal utility sheds, garden buildings or greenhouses not used for commercial purposes
6. Roadside stands for the sale of agricultural products or other products produced on the premises
7. Kennel, private
8. Home occupations
9. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 12.12.

10. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 12.10.

Section 4.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (A-1) Agricultural District, and subject to the General Regulations in Article XII.

Lot Area -	1 acre - minimum lot area
Lot Width -	150 feet - minimum lot width
Front Yard -	50 feet - minimum required setback
Side Yard -	25 feet - minimum required setback
Rear Yard -	50 feet - minimum required setback
Street Side Yard (Corner Lot) -	50 feet – minimum required setback
Height -	35 feet maximum height for dwellings and accessory buildings. No limitation for other uses 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.
Residential Density -	Not more than one (1) principal residential dwelling unit per lot, and not more than one (1) agricultural support housing per lot.

No minimum requirements for local utility facilities and essential services, except that buildings 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 Residential Dwelling Standards outlined in Section 12.16.

Section 4.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (A-1) Agricultural District in accordance with the provisions of Article XIII of this ordinance.

Section 4.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (A-1) Agricultural District in accordance with the provisions of Article XIV of this ordinance.

Section 4.8. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 16.2 of this ordinance.

ARTICLE V

Single Family Residential District (R-1)

Section 5: Single Family Residential District

- Section 5.1. Intent
- Section 5.2. Principal Permitted Uses
- Section 5.3. Conditional Uses
- Section 5.4. Permitted Accessory Uses
- Section 5.5. Site Development Regulations
- Section 5.6. Off-Street Parking
- Section 5.7. Sign Regulations
- Section 5.8. Zoning Permits Required

Section 5.1. INTENT.

The intent of the Single Family Residential District is to provide for low density residential development with a limited number of institutional and recreational facilities permitted. The following regulations shall apply to the Single Family Residential District:

Section 5.2. PRINCIPAL PERMITTED USES.

Within the (R-1) Single Family Residential District, unless otherwise provided, only the following uses and structures shall be permitted by right.

Agriculture/Conservation Uses	Residential Uses	Civic Uses
Crop production Farm Farmstead Horticulture Critical Area Floodplain Undeveloped or unimproved lands Water control structures, irrigation or retention basins	Single Family Residential	Educational Facilities Government/Public Services Local Utility Services Park and Recreation Services Religious Assembly

Section 5.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (R-1) Single Family Residential District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses as provided for by Articles XVIII and XIX of this ordinance.

Residential Uses	Civic Uses	Commercial Uses
Cottage or Vacation Home Family Home Relocated Residential Two Family Residential	Charitable Institution Cultural Services Pre-Kindergarten, Preschool or Nursery School Major Utility Facilities Safety Services	Bed & Breakfast Inn Communication Services

Section 5.4. PERMITTED ACCESSORY USES.

The following accessory uses and structures shall be permitted.

1. Private garages or carports.
2. Personal recreational facilities including private swimming pools, athletic courts, etc.
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, as defined in Section 12.15.
8. Kennel, private
9. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 12.12. No basement shall be occupied as living quarters, except that a basement may be so occupied for no more than one year while the owner is constructing a dwelling above, provided that sanitary facilities are approved by the Zoning Administrator. After house construction, a basement may be used as living quarters.
10. Accessory uses and buildings in compliance with Section 12.10, and as determined by the Zoning Administrator to be appropriate, incidental and subordinate to the permitted and special exception uses and structures.

Section 5.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (R-1) Single Family Residential District, and subject to the General Regulations in Article XII.

- Lot Area - Single Family 6,000 square feet - minimum lot area
All other uses 8,000 square feet - minimum lot area
- Lot Width - 60 feet - minimum lot width,
except at entry points off cul-de-sacs.
- Front Yard - 30 feet - minimum required setback
- Side Yard - 7 feet - minimum required setback
- Rear Yard - 30 feet - minimum required setback

Street Side Yard (Corner Lot) -	30 feet – minimum required setback
Height -	35 feet - maximum height
Residential Density -	Not more than one (1) dwelling unit per lot, except for two family or duplex residential.

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 Residential Dwelling Standards outlined in Section 12.16. 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.

When a two family dwelling can be divided by a common party wall, the front, rear, and side yard requirements shall apply to the total building and not be required for each individual housing unit.

Section 5.6. OFF-STREET PARKING.

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 XIII of this ordinance.

Section 5.7. SIGN REGULATIONS.

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

Section 5.8. ZONING PERMIT REQUIRED.

Zoning permit shall be required in accordance with the provisions of Section 16.2 of this ordinance.

ARTICLE VI

Multiple Family Residential District (R-2)

Section 6: Multiple Family Residential District

- Section 6.1. Intent
- Section 6.2. Principal Permitted Uses
- Section 6.3. Conditional Uses
- Section 6.4. Permitted Accessory Uses
- Section 6.5. Site Development Regulations
- Section 6.6. Off-Street Parking
- Section 6.7. Sign Regulations
- Section 6.8. Zoning Permits Required

Section 6.1. INTENT.

The intent of the Multiple Family Residential District is to provide for a variety of multi-family living areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare; in addition to providing for those areas within the community which are compatible in character and density with the multiple family residential environment.

Section 6.2. PRINCIPAL PERMITTED USES.

Within the (R-2) Multiple Family Residential District, unless otherwise provided, only the following uses and structures shall be permitted by right.

Residential Uses	Civic Uses
Condominium Residential Congregate or Senior Housing Family Home Group Residential Mobile Home or Manufactured Housing Multiple Family Residential Residential Healthcare Facilities - Residential Care Services - Assisted Living Facilities - Nursing Home Single Family Residential Townhouse Residential Two Family Residential	Charitable Institution Cultural Services Daycare Center Educational Facilities Government/Public Services Local Utility Services Park and Recreation Services Pre-Kindergarten, Preschool or Nursery School Major Utility Facilities Religious Assembly Safety Services

Section 6.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (R-2) Multiple Family Residential District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses as provided for by Articles XVIII and XIX of this ordinance.

Residential Uses	Civic Uses	Commercial Uses
Relocated Residential	Club or Lodge Major Utility Facilities	Bed & Breakfast Inn Boarding House Communication Services

Section 6.4. PERMITTED ACCESSORY USES.

The following accessory uses and structures shall be permitted.

1. Private garages or carports.
2. Personal recreational facilities including private swimming pools, athletic courts, etc.
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. Clubhouse, swimming pool or other guest facilities when used in combination with a homeowners association, condominium, subdivision, or manufactured home community.
8. Home occupations, as defined in Section 12.15.
9. Kennel, private
10. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 12.12.
11. Accessory uses and buildings in compliance with Section 12.10, and as determined by the Zoning Administrator to be appropriate, incidental and subordinate to the permitted and conditional uses and structures.

Section 6.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (R-2) Multiple Family Residential District, and subject to the General Regulations in Article XII.

- | | |
|--------------|--|
| Lot Area - | Single Family 6,000 square feet - minimum lot area
Two Family 8,000 square feet - minimum lot area
Multi Family 10,000 square feet – minimum lot area (3 or more units) plus 2,000 sq. ft. per dwelling unit
All other uses 10,000 square feet – minimum lot area |
| Lot Width - | 50 feet - minimum lot width for residential uses
100 feet – minimum lot width for non-residential uses except at entry points off cul-de-sacs. |
| Front Yard - | 20 feet - minimum required setback |
| Side Yard - | 6 feet - minimum required setback |

Rear Yard -	20 feet - minimum required setback
Street Side Yard (Corner Lot) -	20 feet – minimum required setback
Height -	35 feet – maximum height for single and two family 50 feet - maximum height for multiple family residential and non residential uses

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 Residential Dwelling Standards outlined in Section 12.16. 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.

When any two family, multiple family residential, townhouse or condominium dwelling can be divided by a common party wall, the front, rear, and side yard requirements shall apply to the total building and not be required for each individual housing unit.

Section 6.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (R-2) Multiple Family Residential District in accordance with the provisions of Article XIII of this ordinance.

Section 6.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (R-2) Multiple Family Residential District in accordance with the provisions of Article XIV of this ordinance.

Section 6.8. ZONING PERMIT REQUIRED.

Zoning permit shall be required in accordance with the provisions of Section 16.2 of this ordinance.

ARTICLE VII Downtown Commercial District (C-1)

Article 7: Downtown Commercial District

- Section 7.1. Intent
- Section 7.2. Principal Permitted Uses
- Section 7.3. Conditional Uses
- Section 7.4. Permitted Accessory Uses
- Section 7.5. Site Development Regulations
- Section 7.6. Additional Regulations
- Section 7.7. Off-Street Parking
- Section 7.8. Sign Regulations
- Section 7.9. Zoning Permits Required

Section 7.1. INTENT.

The intent of the Downtown Commercial District is to provide for a commercial area consisting of a variety of retail stores and related activities to serve the general shopping needs of the trade area and to permit uses that will strengthen the central business district as the center of trade, commerce, services, governmental and cultural activities. The following regulations shall apply to this district.

Section 7.2. PRINCIPAL PERMITTED USES.

Within the (C-1) Downtown Commercial District, unless otherwise provided, only the following principal uses and structures shall be permitted by right.

Commercial Uses		Civic Uses
Administrative/Business Offices Automotive Rentals Automotive Repair Services Automotive Washing Bed & Breakfast Inn Building Maintenance Services Business Support Services Cocktail Lounge Commercial Off-Street Parking Consumer Repair Services Convenience Store Financial Services Food Sales Funeral Services General Retail Sales Hospital Services	Hotel-Motel Indoor Entertainment Indoor Sports and Recreation Laundry Services Liquor Sales Medical Clinics and Offices Personal Improvement Services Personal Services Pet Services Professional Office Restaurant (Convenience) Restaurant (General) Retail Specialty Shop Service Station	Club or Lodge Cultural Services Government/Public Services Local Utility Services Park and Recreation Services Public Assembly Religious Assembly Safety Services
		Residential Uses
		Multiple Family or Apartment Residential <i>(only upper floors and/or as an accessory to commercial uses)</i>

Section 7.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (C-1) Downtown Commercial District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses as provided for by Articles XVIII and XIX of this ordinance.

Commercial Uses	Civic Uses	Industrial Uses
Automotive Sales Communication Services Condominium Storage Units Convenience Storage Construction Sales & Service Vehicle Storage Veterinary Services	Detention Facilities Pre-Kindergarten, Preschool or Nursery School Educational Facilities Major Utility Facilities Treatment Services	Custom Manufacturing Limited Warehousing and Distribution

Section 7.4. PERMITTED ACCESSORY USES.

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Private garages or carports
3. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the construction, and in compliance with Section 12.12.
4. Any other commercial use type not listed as a permitted use in the same district and complies with the following criteria.
 - a. Operated primarily for 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.
5. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or special exceptions, as permitted in Section 12.10.
6. Other necessary and customary uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate in size, use, and nature.

Section 7.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (C-1) Downtown Commercial District, and subject to the General Regulations in Article XII.

Minimum Lot Area -	No minimum required
Minimum Lot Width -	No minimum required
Maximum Height -	50 feet
Front Yard -	No minimum required
Side Yard -	No minimum, except 7 feet minimum setback if a side yard abutting a residential district
Rear Yard -	No minimum, except 10 feet minimum setback if a rear yard is abutting any “R” residential district, dedicated alley or public street.
Street Side Yard Setback -	No minimum required

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 7.6. ADDITIONAL REGULATIONS.

Principal permitted uses shall be permitted only under the following conditions. In the event a principal permitted use does not meet these criteria, the Board of Adjustment may approve a variance to one or more of the criteria stated below.

1. Such stores, shops or business establishments shall be wholly within enclosed buildings.
2. All goods produced on the premises, whether primary or incidental, shall be sold only as retail on the premises.
3. Such uses, operations and products shall not be objectionable, due to odor, dust, noise, vibration, electrical disturbance, danger from explosion or other similar causes.

Section 7.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (C-1) Downtown Commercial District in accordance with the provisions of Article XIII of this ordinance.

Section 7.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (C-1) Downtown Commercial District in accordance with the provisions of Article XIV of this ordinance.

Section 7.9. ZONING PERMIT REQUIRED.

Zoning permit shall be required in accordance with the provisions of Section 16.2 of this ordinance.

ARTICLE VIII

Highway Commercial District (C-2)

Article 8: Highway Commercial District

- Section 8.1. Intent
- Section 8.2. Principal Permitted Uses
- Section 8.3. Conditional Uses
- Section 8.4. Permitted Accessory Uses
- Section 8.5. Site Development Regulations
- Section 8.6. Off-Street Parking
- Section 8.7. Sign Regulations
- Section 8.8. Zoning Permits Required

Section 8.1. INTENT.

The intent of the Highway Commercial District is predominately for service, retail, and other non-residential uses that because of certain locational requirements and operational characteristics are appropriately located in close proximity to a major trafficway. Site development regulations are intended to ensure larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares. The following regulations shall apply to this district.

Section 8.2. PRINCIPAL PERMITTED USES.

Within the (C-2) Highway Commercial District, unless otherwise provided, only the following principal uses and structures shall be permitted by right.

Commercial Uses		Civic Uses
Administrative/Business Offices	General Retail Sales	Charitable Institution
Automotive Repair Services	Golf Course	Club or Lodge
Automotive Washing	Health Recreation Facility	Cultural Services
Automotive Sales or Rental	Hospital Services	Daycare Center
Bar	Hotel-Motel	Government/Public Services
Bed & Breakfast Inn	Indoor Sports & Entertainment	Local Utility Services
Building Maintenance Services	Laundry, Self-Service	Park and Recreation Services
Business Support Services	Liquor Sales	Public Assembly
Commercial Garage	Medical Clinics and Offices	Religious Assembly
Commercial Off-Street Parking	Personal Improvement Services	Safety Services
Community Center	Personal Services	
Construction Sales & Service	Pet Services	
Consumer Repair Services	Professional Office	
Condominium Storage Units	Restaurant	
Convenience Storage	Service Station	
Convenience Store	Shopping Center	
Equipment Sales or Repair	Vehicle Storage	
Financial Services	Veterinary Services	
Funeral Services		

Section 8.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (C-2) Highway Commercial District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses as provided for by Articles XVIII and XIX of this ordinance.

Commercial Uses	Civic Uses	Industrial Uses
Agricultural Sales & Services Business or Trade School Commercial Auction Yards and Barns Commercial Kennel Communication Services Vehicle Storage Wind Energy Devices <i>(See Section 12.18 for additional regulations)</i>	Detention Facilities Pre-Kindergarten, Preschool or Nursery School Educational Facilities Major Utility Facilities	Custom Manufacturing Limited Warehousing and Distribution Research and Production Services

Section 8.4. PERMITTED ACCESSORY USES.

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Private garages or carports
3. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the construction, and in compliance with Section 12.12.
4. 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 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.
5. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or special exceptions, as permitted in Section 12.10.
6. Other necessary and customary uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate in size, use, and nature.

Section 8.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (C-2) Highway Commercial District, and subject to the General Regulations in Article XII.

Minimum Lot Area -	10,000 square feet
Minimum Lot Width -	75 feet
Maximum Height -	50 feet, unless adjacent to a residential district, then 35 feet maximum height.
Front Yard -	40 feet - minimum front yard setback
Side Yard -	10 feet – minimum side yard setback
Rear Yard -	20 feet - minimum rear yard setback
Street Side Yard Setback -	40 feet - minimum 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 8.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (C-2) Highway Commercial District in accordance with the provisions of Article XIII of this ordinance.

Section 8.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (C-2) Highway Commercial District in accordance with the provisions of Article XIV of this ordinance.

Section 8.8. ZONING PERMIT REQUIRED.

Zoning permit shall be required in accordance with the provisions of Section 16.2 of this ordinance.

ARTICLE IX Light Industrial District (I-1)

Article 9: Light Industrial District

- Section 9.1. Intent
- Section 9.2. Principal Permitted Uses
- Section 9.3. Conditional Uses
- Section 9.4. Permitted Accessory Uses
- Section 9.5. Site Development Regulations
- Section 9.6. Off-Street Parking
- Section 9.7. Sign Regulations
- Section 9.8. Zoning Permits Required

Section 9.1. INTENT.

The intent of the Light Industrial District is to provide for a wide range of business uses and structures that have high standards of performance and can locate near certain residential and business uses. The district regulations are designed to permit the development of certain manufacturing or industrial operations which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, physical appearance or similar factors. Industrial operations within this district should be in an enclosed building, although storage yards or facilities may be located outside. No residential uses are permitted in this district. The following regulations shall apply to this district.

Section 9.2. PRINCIPAL PERMITTED USES.

Within the (I-1) Light Industrial District, unless otherwise provided, only the following principal uses and structures shall be permitted by right; except those uses which by reason of odor, dust, fumes, smoke, noise or obnoxious characteristics would be injurious to the public health, safety, and general welfare of the city.

Commercial Uses	
Administrative and Business Offices	Convenience Storage
Agricultural Sales and Service	Convenience Store
Automotive Repair Services	Equipment Sales or Repair
Automotive Sales and Rentals	General Retail Sales
Automotive Washing	Maintenance and Service Facilities
Building Maintenance/Support Services	Laundry, Self-Service
Business or Trade School	Personal Improvement Services
Commercial Garage	Pet Services
Commercial Off-Street Parking	Professional Office
Communications Services	Service Station
Condominium or Business Storage Unit	Vehicle Storage
Construction Sales and Services	Veterinary Services
Consumer Repair Services	

Industrial Uses	Civic Uses
Biotechnology Production and/or Manufacturing Custom Manufacturing Light Industry Limited Warehousing and Distribution General Warehousing and Distribution Research and Production Services	Charitable Institution Club or Lodge Cultural Services Detention Facilities Government/Public Services Local Utility Services Park and Recreation Services Public Assembly Safety Services

Section 9.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (I-1) Light Industrial District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses as provided for by Articles XVIII and XIX of this ordinance.

Industrial Uses	Commercial Uses	Civic Uses
Bulk Station/Fuel Storage Railroad Facilities Recycling Plant Resource Extraction Scrap and Salvage	Commercial Auction Yards and Barns Commercial Kennel Outdoor Entertainment and Recreation Wind Energy Devices <i>(See Section 12.18 for additional regulations)</i>	Educational Facilities Major Utility Facilities

Section 9.4. PERMITTED ACCESSORY USES.

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Water retention ponds and stormwater basins
3. Private garages or carports
4. Small scale solar collectors or wind energy devices designed for private use and attached to the roof or other portion of the principal or accessory structure, so long as the device does not present a hazard or negative impacts to neighboring properties.
5. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the construction, and in compliance with Section 12.12.

6. Any other commercial or industrial 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 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, not a separate business activity.
7. Accessory buildings, structures and uses customarily incidental and subordinate to the principal permitted uses or conditional uses of this district, as permitted in Section 12.10.
8. Other necessary and customary uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate in size, use, and nature.

Section 9.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (I-1) Light Industrial District, and subject to the General Regulations in Article XII.

Minimum Lot Area -	10,000 square feet
Minimum Lot Width -	75 feet
Maximum Height -	50 feet.
Front Yard -	30 feet – minimum front yard setback
Side Yard -	10 feet – minimum side yard setback
Rear Yard -	20 feet - minimum rear yard setback
Street Side Yard Setback -	30 feet - minimum 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 9.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (I-1) Light Industrial District in accordance with the provisions of Article XIII of this ordinance.

Section 9.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (I-1) Light Industrial District in accordance with the provisions of Article XIV of this ordinance.

Section 9.8. ZONING PERMIT REQUIRED.

Zoning permit shall be required in accordance with the provisions of Section 16.2 of this ordinance.

ARTICLE X Heavy Industrial District (I-2)

Article 10: Heavy Industrial District

- Section 10.1. Intent
- Section 10.2. Principal Permitted Uses
- Section 10.3. Conditional Uses
- Section 10.4. Permitted Accessory Uses
- Section 10.5. Site Development Regulations
- Section 10.6. Additional Regulations
- Section 10.7. Off-Street Parking
- Section 10.8. Sign Regulations
- Section 10.9. Zoning Permits Required

Section 10.1. INTENT.

The intent of the Heavy Industrial District is to provide areas for activities and uses of a heavy industrial character. In the best interest of the city, certain uses in the I-2 district shall be subject to conditional approval or denial to insure that proper safeguards are taken. No residential uses are permitted within this district. The following regulations shall apply to this district.

Section 10.2. PRINCIPAL PERMITTED USES.

Within the (I-2) Heavy Industrial District, unless otherwise provided, only the following principal uses and structures shall be permitted by right; except those uses which by reason of odor, dust, fumes, smoke, noise or obnoxious characteristics would be injurious to the public health, safety, and general welfare of the city.

Industrial Uses	Commercial Uses	Civic Uses
Biotechnology Production and/or Manufacturing	Administrative/Business Offices	Detention Facilities
Custom Manufacturing	Agricultural Sales and Services	Government/Public Services
Heavy Industry	Automotive Repair Services	Local Utility Services
Light Industry	Automotive Washing	Major Utility Facilities
Limited Warehousing and Distribution	Building Maintenance Services	Park and Recreation Services
General Warehousing and Distribution	Commercial Garage	Safety Services
Railroad Facilities	Commercial Off-Street Parking	
Recycling Plant	Commercial Kennel	
Renewable Energy/Renewable Resources	Communications Services	
Research/Production Services	Condominium or Business Storage Units	
	Construction Sales and Services	
	Convenience Storage	
	Equipment Sales or Repair	
	Maintenance/Service Facilities	
	Professional Office	
	Service Station	
	Vehicle Storage	

Section 10.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (I-2) Heavy Industrial District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses as provided for by Articles XVIII and XIX of this ordinance.

Industrial Uses	Commercial Uses	Civic Uses
Bulk Station/Fuel Storage Fertilizer or Chemical Storage and/or Processing Resource Extraction Scrap and Salvage Services Stockyards	Adult Entertainment <i>(See Section 12.17 for additional regulations)</i> Commercial Auction Yards and Barns Outdoor Entertainment and Recreation Wind Energy Devices <i>(See Section 12.18 for additional regulations)</i>	

Limited commercial/retail uses may be permitted by conditional use within the Heavy Industrial District (I-2) when intended to serve the needs of a businesses’ tenants/employees only. Such commercial/retail uses would include: eatery, café, health club, convenience store, bakery shop, gift shop, post office substation, photo studio, barbershop/stylist, or other appropriate use as determined by the Board of Adjustment.

Section 10.4. PERMITTED ACCESSORY USES.

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Water retention ponds and stormwater basins
3. Private garages or carports
4. Small scale solar collectors or wind energy devices designed for private use and attached to the roof or other portion of the principal or accessory structure, so long as the device does not present a hazard or negative impacts to neighboring properties.
5. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the construction, and in compliance with Section 12.12.
6. Any other commercial or industrial 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 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, not a separate business activity.

7. Accessory buildings, structures and uses customarily incidental and subordinate to the principal permitted uses or conditional uses of this district, as permitted in Section 12.10.
8. Other necessary and customary uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate in size, use, and nature.

Section 10.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (I-2) Heavy Industrial District, and subject to the General Regulations in Article XII.

Minimum Lot Area -	20,000 square feet
Minimum Lot Width -	100 feet
Maximum Height -	75 feet
Front Yard -	30 feet – minimum front yard setback
Side Yard -	10 feet – minimum side yard setback
Rear Yard -	20 feet - minimum rear yard setback
Street Side Yard Setback -	30 feet - minimum setback

All heavy industrial principal buildings and all industrial accessory buildings or structures shall be located at least fifty feet (50') from any residential district boundary or dwelling unit, except in the instance where such heavy industrial property is separated by a natural or man made buffer such as a railroad right-of-way, roadway, creek, or other natural feature. In such instances where a buffer exists, then the standard minimum yard setback requirements shall apply. No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Section 10.6. ADDITIONAL REGULATIONS.

Certain uses may be permitted in the (I-2) Heavy Industrial District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent permitted uses. Nonconforming uses of residential structures may be permitted to be enlarged, extended, reconstructed or structurally altered if such non-conforming residential structure existed prior to the adoption of this ordinance. Residential dwellings are not encouraged to expand or be located within the I-2 district

Section 10.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (I-2) Heavy Industrial District in accordance with the provisions of Article XIII of this ordinance.

Section 10.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (I-2) Heavy Industrial District in accordance with the provisions of Article XIV of this ordinance.

Section 10.9. ZONING PERMIT REQUIRED.

Zoning permit shall be required in accordance with the provisions of Section 16.2 of this ordinance.

“QUICK REFERENCE GUIDE” HARTLEY ZONING DISTRICT SETBACK REGULATIONS

Zoning District	Maximum Height	Minimum Lot Area	Minimum Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Street Side Yard (Corner Lot)
A-1 Agriculture	35 ft. (dwellings or accessories) No height for principal uses	1 acre (43,560 sq.ft.)	150 ft.	50 ft.	25 ft.	50 ft.	50 ft.
R-1 Single Family Residential	35 ft.	SF 6,000 sq.ft. TF 8,000 sq.ft. Other uses 10,000 sq.ft.	60 ft.	30 ft.	7 ft.	30 ft.	30 ft.
R-2 Multiple Family Residential	35 ft. SF 35 ft. TF 50 ft. MF	SF 6,000 sq.ft. TF 8,000 sq.ft. MF10,000sqft Other uses 10,000 sq.ft.	50 ft. Residential 100 ft. Other Uses	20 ft.	6 ft.	20 ft.	20 ft.
C-1 Downtown Commercial	50 ft.	none	none	none	None 7 ft. if next to residential	None 10 ft. if next to residential	None
C-2 Highway Commercial	50 ft. 35 ft. if next to residential	10,000 sq.ft.	75 ft.	40 ft.	10 ft.	20 ft.	40 ft.
I-1 Light Industrial	50 ft.	10,000 sq.ft.	75 ft.	30 ft.	10 ft.	20 ft.	30 ft.
I-2 Heavy Industrial	75 ft.	20,000 sq.ft.	100 ft.	30 ft.	10 ft.	20 ft.	30 ft.

Note: SF= Single Family Residential; TF= Two Family Residential; MF= Multiple Family; sq.ft. = Square Feet

ARTICLE XI Site Plans

Article 11: Site Plans

- Section 11.1. Intent
- Section 11.2. Scale
- Section 11.3. Legal Information
- Section 11.4. Site Plan

Section 11.1. INTENT.

Site plans are required for review and approval for construction of any principal use or conditional use in any district or elsewhere by this ordinance, and shall comply with and illustrate the following. Accessory uses, buildings and structures, interior remodeling projects, and those exterior projects that do not change the size, cubic content or building footprint are exempt from site plan requirements. Although site plans according to these provisions are not required for such accessory uses or other remodeling or interior projects, it does not imply that such uses are exempt from the zoning permit process and any site drawings or plans required of the zoning permit application.

Section 11.2. SCALE.

Site plans shall be drawn at a scale that legibly shows and accurately depicts the proposed improvements, but not less than 1" = 100'. Five (5) copies of the site plan shall be submitted with the zoning permit application.

Section 11.3. LEGAL INFORMATION.

The site plan shall include the following legal information:

1. Owner's name, date of application and legal description of said property to be improved.
2. Applicant's name, requested land use and zoning.
3. If the applicant is other than the legal owner, the applicant's interest shall be indicated and the legal owners' authority to appeal shall be submitted in a certified legal form.

Section 11.4. SITE PLAN.

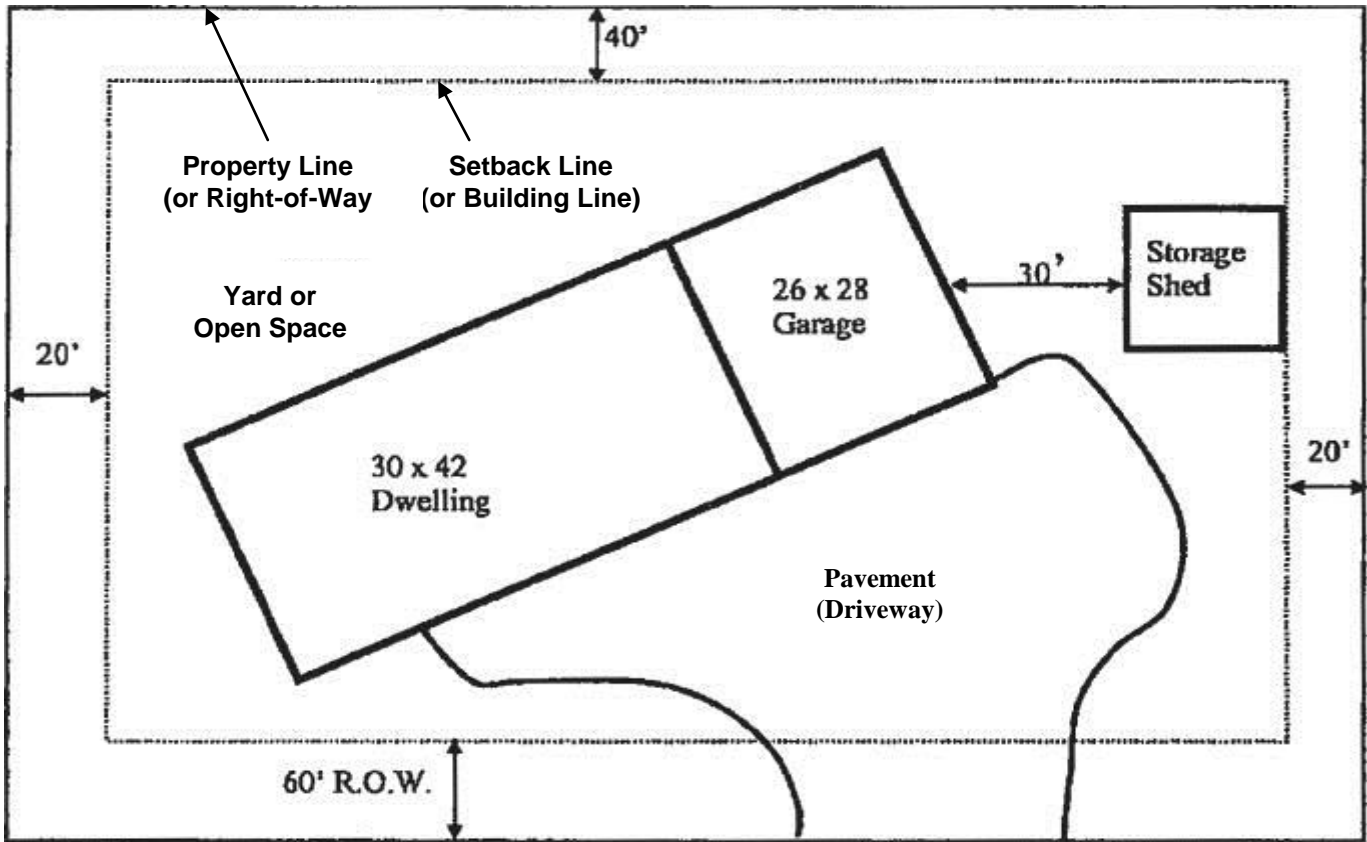
The site plan shall include and clearly illustrate, but not be limited to, the following:

1. Property boundary lines, dimensions and total area.
2. The availability and location of existing utilities.
4. The square feet of all proposed buildings.
5. If substantial topographic change is proposed, contour lines at intervals of not more than one foot (1') may be requested by city staff.
6. Existing buildings, rights-of-way, street improvements, easements, or drainage ways.
7. Parking areas, number of parking spaces proposed and type of surfacing to be used.
7. Erosion or sediment control plan, and proposed storm water management to be used
8. Type of structure proposed
9. Number and size of dwelling units, if applicable
10. Buffers, landscaping, permanent retaining walls and other information deemed necessary to illustrate compliance with the requirements of this ordinance

- 11. Walkways, lighting, fences, signs, monuments and other man-made features
- 12. Traffic considerations and any other considerations pertinent to the proposed use may be requested by city staff

A preliminary site plan may be submitted for preliminary or tentative land use approval, providing, however, that a final site plan shall be submitted, reviewed and approved as being in compliance with the provisions of this ordinance. Such separate plans shall be in substantial agreement with one another both as to design and quantities. A survey of property may be ordered by the Zoning Administrator if the current lot lines are in question or in doubt of location. In the event of an ordered survey, all four or more lot pins that are required for a lot must be located by a certified land surveyor and clearly marked. No construction permit will be issued until all required action has been taken.

Sample Site Plan



ARTICLE XII General Regulations

Article 12: General Regulations

- Section 12.1. Intent
- Section 12.2. Lot of Record
- Section 12.3. Yard Regulations
- Section 12.4. Steps, Decks and Patios
- Section 12.5. Fences and Hedges
- Section 12.6. Buildings to Have Access
- Section 12.7. Use of Public Right-of-Way
- Section 12.8. Lot Frontage Continuity
- Section 12.9. Height Modifications
- Section 12.10. Accessory Buildings
- Section 12.11. Portable Accessory Buildings & Storage Structures
- Section 12.12. Temporary Buildings and Uses
- Section 12.13. Service Station/Gasoline Stations/Convenience Stores
- Section 12.14. Recreational Vehicles
- Section 12.15. Home Occupations
- Section 12.16. Residential Dwelling Standards
- Section 12.17. Adult Entertainment Businesses
- Section 12.18. Wind Energy Devices

Section 12.1. INTENT.

These additional regulations are applicable in all zoning districts and may qualify, supplement and/or modify the zoning district regulations set forth elsewhere in this ordinance. In event of any conflict in provisions, the more restrictive provision shall apply unless specifically indicated to the contrary.

Section 12.2. LOT OF RECORD.

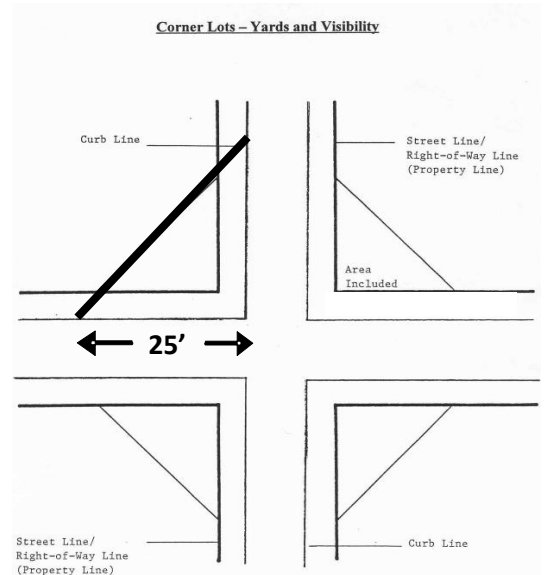
In any residential zoning district, every single family dwelling hereafter erected may be located on a lot of record regardless of the size of the lot provided all other requirements of this ordinance are met. Only one principal building will be permitted on one lot of record, except in a planned unit development. Any lot of record at the time of passage of this ordinance shall maintain the required front, side, and rear yards on each side of the dwelling. However, where two (2) or more vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into one zoning lot and shall thereafter be maintained in common ownership and shall be so joined and developed for the purpose of forming an effective and conforming zoning lot. For the purpose of this section, the razing of a building on a substandard lot shall constitute the formation of a vacant lot.

Section 12.3. YARD REGULATIONS.

1. *Projecting Overhang or Structure.* The ordinary horizontal projection from buildings including eaves, sills, fascia, cornices, roof overhang, chimneys, unenclosed balconies, vestibules, or other similar architectural and ornamental features, except for gutters, may project or extend not more than three feet (3') into any required yard. Fire escapes and outside stairways may project not more than four feet (4') into the rear yard, where otherwise permitted in this ordinance.

2. *Yard Encroachments.* Air conditioning units, propane or other fuel tanks, heat pumps, or other such similar devices may not encroach into the required side yard.
3. *Through Lots (or Double Frontage Lots).* Lots having a double frontage, extending from street to street, shall provide the required front yard on both streets.
4. *Lots on Half Streets.* If the lot faces upon a half-street, no portion of the front yard may be included within the future extended width of the street.

5. *Corner Lots.* The required side yard on the street side of a corner lot 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.
6. *Vision Clearance on Corner Lots.* On a corner lot of any dwelling or vacant lot in any district, except the (C-1) Downtown Commercial District, no foliage, fence, sign or other structure shall extend or be erected in such a manner that will obstruct vision between a height of two feet (2') and ten feet (10') above the ground within the triangular area formed, by connecting a point at the center of the curb radius with two points that are twenty-five (25) feet from the center of the curb radius as measured along the curb.



7. *Utilities.* Nothing in this ordinance shall have the effect of prohibiting utility service lines.
8. *Swimming Pools.* Private swimming pools shall be allowed only in rear yards and shall not be closer than five (5) feet to side or rear lot lines.

Section 12.4. STEPS, DECKS AND PATIOS.

Steps providing access to the ground level of a dwelling may encroach no more than three feet (3') into the side yard, except that in no instance shall steps be permitted to encroach closer than five feet (5') of any side lot line. Steps are permitted to encroach no more than four feet (4') into any required front or rear yard. Open terraces or patios may project ten (10) feet into the front yard.

Deck floors higher than twelve inches (12") above the average grade of the ground shall conform to required yard setbacks. An open unenclosed deck may project no more than ten feet (10') into a front yard. No covered patios, or other similar type covered structures may project into the required front yard or street side yard on a corner lot.

Uncovered patios or other concrete slab structures constructed on the ground, or less than 12 inches above the average grade of the ground, shall be allowed within the required front, side, or rear yards. Concrete slab structure built on the ground or uncovered patios shall be permitted to be constructed to the side or rear lot lines. Furthermore, within the front yard, uncovered patios or other slab concrete shall not extend more than ten feet (10') beyond either side of a driveway.

Section 12.5. FENCES, WALLS AND HEDGES.

Fences and hedges shall not exceed more than four feet (4') in height in any required front yard, subject to further restrictions listed in Section 12.3.6 above. Fences less than four (4) feet in height may be located on any part of a lot. Except as provided above, fences shall not exceed six feet (6') in height in any required side or rear yards, subject to further restrictions herein. Fences, walls, or hedges placed on lot lines must have the express written permission of the adjoining property owner and Zoning Administrator. In the event the permission of the adjoining property owner is not obtained, fences and hedges shall be no closer than three feet (3') from the lot or property line and four (4) feet from the alley line.

1. In the case of retaining walls and supporting embankments, the above height requirements shall apply only to that part of the wall above the ground surface of the retained embankment.
2. Fences in excess of six feet (6') will be allowed in the cases of tennis courts and swimming pools, subject to Board of Adjustment approval. Private swimming pools in any residential district shall be completely surrounded by a fence or wall not less than six feet (6') in height and at least four feet (4') from each side of the pool. Such fence or wall shall be non-climbable and shall be constructed sufficiently strong and of such structural design as to make the pool inaccessible to small children.
3. Fences shall not be constructed of corrugated tin, metal, or fiberglass; sheet metal or fiberglass, or non-treated wood products. Fences may be constructed from treated wood products; non-decomposing natural wood products such as cedar, redwood, etc.; chain link, molded plastic or wrought iron. The Board of Adjustment may approve other materials as presented. Fences should be constructed in an orderly and neat manner as to accent and compliment the natural landscape of the property. All fences shall be subject to a completed and approved zoning permit.
4. Determining the maximum height for fences and walls shall be made by measuring from the natural grade of the lot adjacent to the fence to the top of the finished fence structure.
5. If one side of the fence is considered less attractive because of structural members, etc., the less desirable side of the fence shall be directed toward the developing property or away from the public thoroughfare. In all cases, access shall be provided to the unenclosed property or Right of Ways for maintenance purposes.
6. Disputes between two adjacent property owners concerning plantings, trees, bushes or hedges obstructing views, sunlight or air shall be considered a civil matter between parties and shall be resolved in a court of law as a civil proceeding.

Section 12.6. 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 road; or shall be on a lot or parcel having deeded access or easement to a public street or road.

Section 12.7. 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, or used for storage or display purposes. In the single family

residential zoning district, no public right-of-way may be used to provide parking spaces required by this ordinance.

Section 12.8. LOT FRONTAGE CONTINUITY.

Where fifty percent (50%) or more of the buildings on one side of the street in the same block are used exclusively for residence purpose, then no part of any new building shall project beyond a line joining the two adjacent 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 greater than 25% more or less than the minimum for the district in which it lies. When less than fifty percent (50%) of the street frontage in the same block is improved with buildings, the required minimum yard setbacks shall be observed.

Section 12.9. HEIGHT MODIFICATIONS.

Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, stacks, tanks, water towers, grain elevators, farm buildings, stage towers or scenery lofts, ornamental towers, flagpoles, wind generators, or other wind powered electrical devices and similar mechanical apparatuses may be erected to a height not in conflict with any other applicable regulations. These buildings, 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 not be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of the flying public. Radio or television towers may be erected to a height in accordance with city and federal regulations.

Public, semi-public, government buildings, hospitals 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 (1') in addition to the minimum yard requirements, for each two feet (2') of additional building height above the height limit otherwise provided in the district in which the building is constructed.

Section 12.10. ACCESSORY BUILDINGS OR STRUCTURES.

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. 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 or use may be erected, placed, constructed, moved, 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 be considered part of the principal building and conform to the bulk regulations of the lot. In this instance, attached shall be considered a shared roof line or a shared common wall.
2. In any residential zoning district, accessory buildings shall not occupy more than thirty percent (30%) of a rear yard. Residential accessory buildings shall be limited to a maximum of three (3) total buildings, including a garage; however, in the instance of small rear yards this regulation shall not prohibit the construction of at least one garage not to exceed six

hundred (600) square feet gross building area and at least one accessory storage building not to exceed one hundred twenty (120) square feet gross building area.

3. Accessory buildings shall be at least two (2) feet from any side or rear lot line. Overhangs or any part of an accessory building may not encroach, hang or protrude over the property line.
4. No accessory building in any district shall be erected within ten (10) feet of any principal building.
5. A common drive and/or joined garage between two properties is permissible.
6. No accessory building shall be erected, placed, located or moved into any front yard.
7. If a detached garage faces an alley, it shall be at least ten (10) feet from the rear property line.
8. Accessory buildings shall not be used for dwelling purposes.
9. Accessory buildings shall not be permanently erected, placed, located or constructed on any required, permanent, or utility easement.
10. Accessory buildings shall not exceed twenty feet (20') in height in residential districts and twenty-five feet (25') in height in commercial or industrial districts. Under no circumstance shall the elevation of the accessory building exceed the height of the principal building or structure on the property.
11. Accessory buildings shall be cohesive and fit within the general character, design and appearance of the neighborhood as a whole.
12. Accessory buildings, including siding and roofing materials, shall not be constructed from galvanized metal. This is not to exclude the use of standing seam metal roofs or other fabricated or painted metal roof shingles or siding.
13. Safety or Physical Handicap Issues. In a circumstance in which a fence, ramp, or similar structure is required for safety or access due to a bona fide personal physical handicap, an accessory structure may be permitted to encroach up to ten feet (10') within the required front yard, provided such accessory structure is approved by the city council. The council may condition its approval upon an agreement that the accessory structure be removed if the person with disability no longer resides at the dwelling.

Section 12.11. PORTABLE ACCESSORY BUILDINGS AND STORAGE STRUCTURES.

1. "Storage Structure" shall mean one of the following definitions:

Membrane storage structure: A temporary structure consisting of a frame covered with a plastic, fabric, canvas, aluminum or other non-permanent material, which is used to provide temporary storage for vehicles, boats, recreational vehicles or other personal property. The term also applies to structures commonly known as hoop buildings or tent garages; but shall not apply to carports permanently or physically attached to the ground or other structure or temporary tents and canopies used for special events such as weddings or graduations.

On-demand or on-site storage structure: Any portable or permanent storage container, storage pod, storage unit, receptacle or other portable structure that is used for the storage of

personal or commercial property, which is located outside an enclosed building. The term does not include normal sheds, garages, outbuildings or membrane storage structures.

2. The term “storage structure” shall not apply to a truck trailer or semi-trailer while it is actively being used for the transportation of materials, inventory or equipment and is temporarily located adjacent to a loading dock. A storage structure may be used as a construction site trailer but only during construction on the site.
3. *All Residential zoning districts.*
Temporary membrane storage structures are not permitted on any residential properties. A permanent membrane storage structure with a hard roof (such as a carport structure) may be permitted on any property if the structure is permanently attached to the ground, concrete driveway or hard surface, or permanently attached to a principal or accessory structure. A temporary portable on-demand or on-site storage structure may be kept within the yard areas on any residential property for a maximum of 30 days for purposes of packing, shipping or moving materials from a permanent structure.
4. *All Commercial, Industrial and other zoning districts.*
A permanent or temporary storage structure for other than residential purposes is permitted but shall be located on the property within the permitted rear or side yard areas so as not to obstruct any drive access or block required off-street parking spaces. Where a business or industry is located on a through lot or corner lot, any on-site storage structure must be screened appropriately from adjoining properties or streets. Membrane storage structures may be permitted for temporary storage or seasonal promotion or sale of products.

Section 12.12. TEMPORARY BUILDINGS AND USES.

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

1. *Temporary Use Types:* The following types of temporary uses may be authorized by the Zoning Administrator, subject to specific limitations herein and additional conditions as may be established by the Zoning Administrator.
 - a. Special sales, including garage sales, porch sales, basement sales, moving sales, auctions, swap meets, flea markets, parking lot sales or similar activities shall be operated not more than seven (7) days in the same month or more than fourteen (14) days in the same year.
 - b. Temporary building(s) associated with construction work may be permitted in any district during the period that construction is in progress, but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of the work.
 - c. Religious, patriotic, or historic assemblies, displays, or exhibits.
 - d. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities not closer than 200 feet to an existing residential dwelling.
 - e. Outdoor art and craft shows and exhibits.
 - f. Temporary use of trailer units or similar portable structures for nonresidential uses, and limited to a maximum period of 6 months per calendar year.
 - g. Additional similar uses determined to be temporary by the Zoning Administrator.

2. *Required Conditions of Temporary Use:*

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. The Zoning Administrator may establish additional conditions as deemed necessary to ensure land use compatibility and to minimize negative impacts on nearby uses, including but not limited to time 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 and Authorization:* The Zoning Administrator may authorize a temporary use only when, in his judgment, the temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site; will be compatible with nearby uses in the general vicinity and will not create traffic hazards or otherwise interrupt or interfere with the normal conduct of uses in the vicinity. Any temporary use authorized by issuance of a zoning permit 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 12.13. SERVICE STATION/GASOLINE STATIONS/CONVENIENCE STORES.

Gasoline service stations and convenience stores shall be subject to the following regulations:

1. *Location of Ingress and Egress.* No gasoline service station, convenience store or automobile repair shop shall have any entrance or exit for vehicles within one hundred-fifty feet (150') as measured along the public street from which there exists an assembly hall, theatre, school, public playground, church, chapel, hospital, public library, community building, or similar institution. Such access shall not be closer to any intersection than forty feet (40').
2. *Location of Oil Drainage Pits and Hydraulic Lifts.* All oil drainage pits and hydraulic lifts shall be located within an enclosed structure.
3. *Bulk Fuel Storage.* All inflammable liquids shall be stored when in bulk form in underground tanks, subject to such rules and regulations as may from time to time be prescribed by ordinance.
4. *Gasoline Dispensing Pumps.* No gasoline filling station shall hereafter be erected so that any pump, holder or other equipment shall be located within twenty five feet (25') of any street right-of-way line.

Section 12.14. RECREATIONAL VEHICLES.

For the purposes of this section, the term “recreational vehicles” shall mean a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. Such vehicles include, but are not limited to, travel trailers, motor homes, fifth-wheel trailers, pickup campers, camping trailers, converted trucks and busses, self-contained campers, boats, personal watercraft, snowmobiles, trailers, and other recreational based vehicles designed for carrying or housing persons.

1. Recreational vehicles are permitted within designated campgrounds or recreational vehicle parks.
2. Recreational vehicles may be parked or stored (long term use or more than 30 consecutive days) within the side yard, rear yard or within an enclosed garage.

3. No recreational vehicle shall be parked or stored within the required setback in any residential district for more than forty-eight (48) hours in any seven (7) day period.
4. Recreational vehicles shall not be used for human occupancy in any residential district at any time.
5. Recreational vehicles shall not be used for business purposes in any zoning district.

Section 12.15. HOME OCCUPATIONS.

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

1. The use must be clearly incidental and secondary to the use of the dwelling unit 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.
2. 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 any outside area).
3. Is carried on by one or more members of the immediate family dwelling therein, and does not employ more than one (1) unrelated person living outside of the residence.
4. The home occupation shall not generate customer related vehicular traffic substantially in excess of the normal anticipated residential neighborhood traffic.
5. Provided that there is no display of goods visible from the street and no advertising on the premises other than one flush mounted, non-illuminated sign not to exceed four (4) square feet in area, and carrying only the name and occupation of any occupant of the premises.
6. In addition to one flush mounted sign allowed in item 5 above, home occupations shall be permitted to have one (1) yard sign, of the same size and height above, but not illuminated.
7. Home occupations may not occupy more than thirty percent (30%) of the main floor area of the principal dwelling unit. This regulation shall not apply to day care services. Daycare services, for purposes of a home occupation, are permitted according to state regulations.
8. Buildings or premises occupied with home occupations shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance or excessive parking.
9. The following businesses or occupations shall not be permitted as home occupations: animal hospitals, animal breeding or kennels, clinics, hospitals, tea rooms, tourist homes, contractor's yards, junk yards, restaurants, rental outlets, or automotive or motorcycle repair.

Section 12.16. RESIDENTIAL DWELLING STANDARDS.

All single family dwelling units intended for residential occupancy placed, erected, assembled or constructed after the effective date of this section shall meet and comply with the following minimum standards:

1. *Structure Size:* Each dwelling shall have a main body with a minimum dimension of not less than 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 nine hundred (900) square feet.
3. *Foundation:* All residential structures shall have a continuous and complete frost protected perimeter foundation of the main body. Except that a perimeter foundation shall not be required for a mobile or manufactured home if a perimeter foundation is incompatible with the structural design of the building. For such a mobile or manufactured home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. 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 shall be permanently attached to the foundation.
4. *Emergency Escape and Rescue:* Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required according to current state and federal code size requirements in each sleeping room.
5. *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 for residential roofing material, such as “standing seam” or embossed or textured metal.
 - c. Unfinished or corrugated sheet metal (including galvanized) 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 that have a pitched roof shall have a minimum roof pitch of 3:12. This requirement shall not apply to mobile or manufactured housing if the structure complies with 42 U.S.C., Section 5403.
6. *Wheels, Axles or Towing Device:* No residential structure shall have attached wheels, axles, or a towing device.
7. *Exemption:* The provisions of this section shall not apply to mobile homes or manufactured housing placed in a mobile home park or subdivision in compliance with the remaining regulations in this ordinance.

Section 12.17. ADULT ENTERTAINMENT BUSINESSES.

The City of Hartley finds that adult entertainment businesses 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 the community. Such adult entertainment businesses, because of their very nature, have a detrimental effect on both existing uses surrounding them and adjacent

residential areas. Adult entertainment businesses often times have serious objectionable operational characteristics, thereby contributing to blight and downgrading the quality of life in the adjacent area.

The concern over sexually-transmitted diseases is a legitimate health concern of Hartley citizens that demands reasonable regulation of adult entertainment businesses in order to protect the health and well-being of the community. The community wants to prevent such 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 area and deter the spread of blight. It is not the intent of these regulations to suppress any free speech activities protected by the First Amendment, but to address the secondary effects of adult entertainment businesses as well as the problems associated with such establishments.

1. Adult Entertainment Defined. Adult entertainment establishments consisting of, including, or having the characteristics of any or all of the following.
 - a. *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.
 - b. *Adult Entertainment Business:* Any establishment, including bookstores, novelty store, video stores, cabarets, nightclubs, bar, restaurants, motels, hotels, picture theatres or any other building or place of establishment offering adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below. It further means any premises that feature topless dancers, go-go dancers, strippers, male or female impersonators, or other similar entertainers for observation by patrons. Adult entertainment establishments further mean those places to which are arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area for the purposes of viewing adult-oriented motion pictures, or adult entertainment dancing.
 - c. *Operators:* Any person, partnership, or corporation operating, conducting, maintaining or owning any adult-oriented establishment.
 - d. *Specified Anatomical Areas:* Less than completely and opaquely covered female or male genitals or buttocks, and the fully exposed female breasts.
 - e. *Specified Sexual Activities:* Simulated or actual acts of:
 - (i) showing of specified anatomical areas in a state of sexual stimulation or arousal;
 - (ii) actual or simulated acts of sexual intercourse, sodomy, sado-masochism; or
 - (iii) fondling or erotic touching of specified anatomical areas.

2. Locational Requirements and Restrictions.

An adult entertainment business shall be permitted within the City of Hartley only in the I-2 Heavy Industrial zoning district upon receipt of a site plan in accordance with Article XI and a conditional use permit in accordance with the procedures set forth in Article XIX; 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 upon which the proposed adult entertainment business is to be located, to the nearest point of the parcel of property or zoning district 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.
- d. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any public park or playground.
- e. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any other adult entertainment business.

3. Development Design Standards.

It shall be unlawful for an owner of an adult entertainment business to allow merchandise or activities to be visible from a point outside the business. Furthermore, adult entertainment businesses shall not allow the exterior portion 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. In addition to the sign regulations identified elsewhere in these zoning regulations, 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.

4. 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.

5. 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 entertainment business at any time the establishment is open for business. The operator is responsible for monitoring public entrances at all times during regular business hours.

Section 12.18. WIND ENERGY DEVICES.

1. *Purpose.* The purpose of this section is to oversee the permitting of wind energy devices and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a wind energy systems.

2. *Definitions.*

- a. Commercial Wind Energy Device – any wind energy device with a nameplate capacity of more than 100kw of which its primary intent is to generate electrical power to be sold to utility or power companies.
- c. Owner/Developer - the individual or entity that intends to own and operate the wind energy system in accordance with this ordinance.
- d. Rotor Diameter - the cross sectional dimension of the circle swept by the rotating blades.
- e. Total Height - the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
- f. Tower - a monopole, freestanding, or guyed structure that supports a wind generator.
- g. Wind Energy Device – any equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, wire, inverter, batteries or other components used in the system. The term wind energy device often refers to and includes wind towers, wind turbines, wind generators, windmills or wind energy conversion systems.
- h. Meteorological Tower (or Met Tower) - any meteorological, measuring or surveying equipment erected on or attached to any tower, monopole, or guyed structure to verify the wind and weather resources found within a certain area. Meteorological towers are also subject to permitting on both temporary and permanent structures.
- i. Small Wind Energy Device - a wind energy system that is used to generate electricity and has a nameplate capacity of 100kw or less. Wind energy devices with a generating capacity of 20kw or less may be used for residential or personal use. A wind energy device with a generating capacity between 20kw and 100kw is considered small wind energy for commercial/industrial applications. A wind energy device is considered “small” only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supply by a utility company, excess electrical power generated and not presently needed for on-site use may be used by a utility company in accordance with Section 199, Chapter 15.11(5) Iowa Administrative Code.

3. *Wind Energy Location and Height Requirements.*

Commercial wind energy devices shall not be permitted within any defined residential zoned district. Commercial wind energy devices shall be limited to a total height of 250 feet within 1,320 feet of any residential zoned district. No height limitations shall apply in all other zoning districts, except that no wind energy device, meteorological tower or other associated structures shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport.

Small wind energy devices are exempt from any zoning height limitations, except that no wind energy device, meteorological tower or other associated structures shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport.

4. *Wind Energy Setback Requirements.*

Commercial wind energy devices shall be set back a distance equal to 110% of its total height from any public right of way, overhead utility lines or adjacent property lines not under the same ownership unless written consent is granted by the property owner or entity with jurisdiction over the street, utilities or adjacent properties. With that stated, those wind energy devices that are located on land adjacent to property under the same ownership may have the property line setback requirement waived; however, the setbacks still apply to overhead utility lines and public right-of-ways. A greater setback may be required to minimize shadow flicker, nuisance noise, and other possible documented effects to humans living in these dwellings.

Small wind energy devices located on a freestanding pole or other tower structure must maintain a setback distance equal to 110% of its total height from any public street or road right-of-way, overhead utility lines or adjacent property lines not under the same ownership unless written permission is granted by the property owner or entity with jurisdiction over the street, utilities or adjacent properties.

5. *Wind Energy Placement or Spacing.*

Commercial wind energy device spacing will vary depending on common industry practice and manufacturer specifications. The owner/developer shall consider the public interest and the natural environment, and maintain the intent and purpose of this ordinance.

Small wind energy devices designed for residential or personal use shall be erected on either a freestanding pole or tower. In all residential zoned districts, no small wind energy device or accessory structures shall be permitted within the front yard.

6. *Utility notification and interconnection.*

Commercial wind energy devices that connect to the electric utility shall comply with all local, state and federal regulations regarding the connection of energy generation facilities.

Small wind energy devices shall not be installed until evidence has been given that the utility company has authorized interconnection of the small wind device to its electric distribution or transmission, under an agreement approved by and subject to regulation adopted by the Iowa Utilities Board. Small wind energy devices not connected to a public utility system shall be exempt from this requirement.

7. *Electrical Wires.* All electrical wires associated with any wind energy device, other than wires necessary to the operation of the wind turbine itself shall be located underground. In the instance of commercial wind energy projects, transmission lines or high capacity electrical lines from substations transferring cumulative energy resources from a wind energy project shall not be required to be placed underground.

8. *Lighting.* Any wind energy device shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

9. *Appearance, Color, and Finish.* Any wind energy device shall remain painted or finished the color or finish applied by the manufacturer, unless approved in the conditional use permit.

10. *Signs.* All signs shall be prohibited other than the manufacturer or installer's identification sign and appropriate warning signs.

11. *Sound.* Sound produced by any wind energy devices under normal operating conditions, as measured at the property line shall not produce sound at a level that would constitute a nuisance. Industry standards support that wind energy noise should not exceed 50dba at a distance of 1,250 feet. Sound levels, however, may be exceeded during short term events out of anyone's control, such as utility outages and/or severe wind storms.

12. *Electromagnetic Interference.* Any wind energy device shall be designed and constructed so as not to cause radio and television interference. If it is determined that the wind energy device is causing electromagnetic interference, the owner shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities.

13. *Conditional Use Permit.*

Commercial wind energy devices, wind energy towers or meteorological towers erected in any zoning district may be granted as a conditional use and approved by the Board of Adjustment after a public hearing. The Zoning Administrator shall perform an assessment of the issues raised as a result of erecting wind energy devices and issuing conditional use permits in the zoning district prior to any public hearing and any action by the Board of Adjustment.

Small wind energy devices designed, marketed and sold explicitly for personal or private residential or business applications, which has a nameplate capacity of 100kw or less shall be considered a conditional use in all zoning districts.

14. *Wind Energy Permit Requirements.*

A zoning compliance permit shall be required for the installation of any wind energy device. The application for zoning permit will be accompanied by a detailed site plan for the wind energy device. A site plan and other such plans and manufacturer's specifications shall show the dimensions, arrangements, descriptive data, site layout and other information essential to an understanding of the use and construction of the proposed wind energy device. A site plan shall include the following at a minimum:

- Location of the proposed wind energy device(s)
- Wind energy device specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed)
- Tower foundation blueprints or drawings and tower blueprint or drawing
- Site layout, including location of property lines, wind turbines, electrical wires, connection points with electrical grid, and related accessory structures.
- Documentation of land ownership or legal control of the property.
- FAA Permit Application, if applicable.

15. *Notification.* The owner/developer shall be responsible for obtaining and submitting to Hartley a listing of the names and last known addresses of the owners of all property within 200 feet of the parameter of the total project development site containing wind energy device(s). Prior to the public hearing for such conditional use permit, notice shall be given by ordinary mail to all adjacent property owners and those within 200 feet of the proposed wind energy site.

16. *Review and Approval.* Within 60 days of receiving the permit application for a wind energy device, the Board of Adjustment shall schedule a public hearing regarding the conditional use permit. Notice shall be given to the public no less than 7 days and no more than 20 days prior to the public hearing by publication in the official city newspaper. Approval of the conditional use permit for a wind energy device shall be valid for a period no longer than two (2) years from the date of such permit, unless construction has commenced or the Board of Adjustment specifically grants a longer period of time for the building permit. The approval and issuance of a conditional use permit for the construction or installation of any wind energy device, under this ordinance, shall not relieve any permittee, applicant or owner from compliance with all legal requirements nor relieve the permittee, applicant or owner of any liability for damage or loss resulting from the placement, construction or maintenance of such wind energy device. The City assumes no liability whatsoever by virtue of the issuance of a conditional use permit for wind energy devices.

17. *Mitigation of Damages.* In the event there are any damages that occur during construction or maintenance of any wind energy device, the owner/developer shall be fully responsible to mitigate and correct any damages to public streets or infrastructure.

18. *Discontinuance or Abandonment.* Any wind turbine that is out-of-service for a continuous 1 year period will be deemed to have been abandoned and discontinued for use. At such time the wind turbine is determined to be abandoned the owner shall remove the wind turbine at the owner's expense within 6 months of receipt of notice. If the owner fails to remove the wind turbine, the Zoning Administrator may pursue legal action to have the wind turbine removed at the owner's expense and such costs will be assessed against the property.

ARTICLE XIII Off Street Parking

Article 13: Off Street Parking

Section 13.1.	Intent
Section 13.2.	General Parking Area and Surface Requirements
Section 13.3.	Off Street Parking Requirements
Section 13.4.	Computation of Parking Spaces
Section 13.5.	Location and Type of Parking
Section 13.6.	Off Street Loading Requirements

Section 13.1. INTENT.

It is the intent of this article to prevent traffic congestion and to provide for proper traffic safety. After the effective date of this ordinance, in all districts, except the (C-1) Downtown Commercial District, 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 where review of the site plans and intended land use indicate the requirements are inadequate, a greater requirement may be required by this ordinance.

Section 13.2. GENERAL PARKING AREA AND SURFACE REQUIREMENTS.

1. Dwellings shall provide parking spaces on the lot occupied by the main building; or garage space in the main building; or as a separate or accessory building, sufficient to accommodate one motor car for each family or dwelling unit.
2. All buildings and structures erected and all uses of lands in all districts established after the effective date of this ordinance shall provide parking as required under this section, unless a building permit has been issued and construction is begun at least six (6) months prior to the effective date of this ordinance.
3. Provisions of this section do not apply in the Downtown Commercial District (C-1).
4. A “parking space” shall be not less than 200 square feet.
5. All off street parking spaces required by this section shall be located on the same lot of the use it serves or on land adjacent to or within three hundred feet (300’) of the principal use lot.
6. Enclosed parking areas or garages shall qualify to meet the minimum parking space requirements under this section.
7. 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, easements, leases, or contract documents to establish such a joint use area.
8. All yard area except the required front yard for residential districts may be used for off street parking, except that portion of the driveway lying within the front yard may be used to satisfy the off street parking requirements of this ordinance.

Section 13.3. OFF STREET PARKING REQUIREMENTS.

At the time of construction, alteration, moving 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, except within the (C-1) Downtown Commercial District.

1. Single Family Residential: 2 spaces
2. Two Family Residential (Duplex): 2 spaces per dwelling unit
3. Multi-Family Residential: 1.5 spaces per dwelling unit
(includes condominiums and townhouses)
4. Mobile/Manufactured Home Residential: 1 space per mobile/manufactured home and 1 space designated as a guest/visitor parking area per unit
5. Group Residential: 1 space for each two (2) bedrooms
6. Convalescent Services: 1 space for each eight (8) patient beds, plus
(includes nursing home/assisted living) 1 space for each employee on the largest shift
7. Hotel/Motel and Bed & Breakfast: 1 space per guest room and five (5) additional spaces
8. Hospital/Healthcare facilities: 1 space for each four (4) patient beds, plus 1 space for each two (2) employees on the largest shift
9. Public Assembly/Religious Assembly: 1 space for each four (4) seats of seating
(includes churches, auditoriums, movie, theaters, community center, etc) capacity provided or 1 space per five hundred (500) square feet of gross floor area, whichever is greater
10. General Retail Sales/ Professional Office: 1 space per 300 feet of gross floor area
11. Restaurants/Café's/Lounges/Bars: 1 space for each four (4) seats plus 1 space for each two (2) employees or 1 space per 300 ft. of gross floor area, whichever is greater
12. Educational Facilities: 1 space per regular employee and
(includes preschools/nurseries/daycares) 1 space for every ten (10) seating capacity provided in the largest group assembly.
13. Campgrounds, camp site or RV parks: One (1) space per one (1) camping or RV site
14. Industrial/Manufacturing/Research: 1 space for every two (2) employees on the largest shift.
15. Salvage Yards/Scrap Yards/Junk Yards: One (1) space per one hundred (100) sq. ft. of display or floor area
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 13.4. COMPUTATION OF PARKING SPACES.

In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the number of parking spaces which shall be provided will be determined by the Zoning Administrator. 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. Where fractional spaces occur, the parking spaces required shall be increased to be the next whole number.

Whenever a building or use constructed or established after the effective date of the ordinance is changed 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 percent (10%) 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.

Section 13.5. LOCATION AND TYPE OF PARKING.

All required off-street parking areas of more than five (5) spaces shall be surfaced with asphalt, concrete, or other such hard surfaced materials as approved by the Zoning Administrator so as to provide a durable parking surface. Parking areas shall be graded and drained to dispose of surface water on the lot, and shall be arranged and marked to provide for orderly ingress and egress. Any lighting used to illuminate off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land. In cases when commercial or other non-residential parking lots adjoin a residential district, parking areas shall be at least five feet (5') from the property line and effectively screened by the use of a fence, hedge, or other similar methods.

Section 13.6. OFF STREET LOADING REQUIREMENTS.

At the time of construction, alteration, or enlargement of any structure or 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 of no less than ten feet (10') in width and thirty feet (30') in length for each 10,000 square feet of building area. Loading space shall be arranged in such a way as not to obstruct traffic upon the public street. Such loading space may occupy all or any part of any required side or rear yard open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10') from said district and be effectively screened from view.

ARTICLE XIV Sign Regulations

Article 14: Sign Regulations

Section 14.1.	Intent
Section 14.2.	Definitions
Section 14.3.	Exempt Signs
Section 14.4.	Sign Requirements
Section 14.5.	Conditional Uses for Signs
Section 14.6.	General Sign Regulations
Section 14.7.	Sign Permits
Section 14.8.	Unsafe Signs and Removal of Signs

Section 14.1. INTENT.

This article is established to protect and promote health, safety, general welfare and order within the City of Hartley through the establishment of 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 media to persons situated within or upon public rights-of-way or private properties. Hereafter, no sign shall be erected, re-erected, constructed, altered or maintained, except as provided by this code and after a permit has been issued by the Zoning Administrator, except a permit shall not be required for the following temporary or exempt signs as noted in Section 17.3.

Section 14.2. DEFINITIONS.

For the purpose of this ordinance, certain terms, phrases, words and their derivatives shall be construed as specified in this article or as specified in the zoning ordinance. Where terms are not defined, they shall have their ordinarily accepted meanings within the context in which they are used. Words in the singular include the plural and the plural the singular.

1. *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.
2. *Billboard (Off-Premises Sign)*: As used in this ordinance billboards shall include all structures, regardless of the materials used, 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 painted itself, pictures or other pictorial reading material which advertise a business or attraction which is not carried on, manufactured, grown or sold on the premises where said signs or billboards are located.
3. *Curb Line*: is the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the city engineer.
4. *Display Surface*: is the area made available by the sign structure for the purpose of displaying the advertising message.
5. *Erect*: To build, construct, attach, hang, or suspend; and includes the painting of wall signs.
6. *Facing (or surface)*: The surface of the sign upon; against or through which the message is displayed or illustrated on the sign.

7. *Marquee*: is a permanent roofed structure attached to and supported by the building and projecting over public property.
8. *Person*: Any one being, firm, partnership, association, corporation, company or organization of any kind.
9. *Projection*: is the distance by which a sign extends over public property or beyond the building line.
10. *Sign*: Any 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, persons, institution or business.
 - a. *Address Sign*: A sign identifying street address only, whether written or numerical form.
 - b. *Awning Sign*: 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. Awning signs shall not encroach more than four (4) feet out in front of a building. Permanent awnings may be lighted (from the backside); however, awning signs shall not have any flashing, strobe, or otherwise intermittent light emitting from the awning sign.
 - c. *Campaign Sign*: Signs or posters announcing the candidate seeking political office, advertising political issues or the data pertinent thereto. These signs shall remain for no longer than forty-five (45) days prior and one (1) day after the election for which they were intended and shall be removed by the owner of the property on which they are located. All signs shall be confined to private property and shall not be attached to trees, utilities or rocks.
 - d. *Construction Sign*: A sign placed at construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
 - e. *Combination Sign*: A sign incorporating any combination of the features of pole, projecting and roof signs.
 - f. *Directional Sign*: A sign erected on public or private property which bears the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.
 - g. *Electric Sign*: is any sign containing electrical wiring, but not including signs illuminated by an exterior light source.
 - h. *Flashing Sign*: Any illuminated sign that has artificial light or color that 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.
 - i. *Free Standing Sign*: Any sign or sign structure, not securely attached to the ground or to any other structure. This shall not include trailer signs as defined in this section
 - j. *Governmental Sign*: A sign which is erected by a governmental unit.
 - k. *Ground Sign*: A billboard or similar type of sign that is supported by one or more uprights, poles or braces in or upon the ground other than a combination sign or pole sign, as defined by this ordinance.

- l. *Illuminated Sign*: Any sign that has character, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
- m. *Information Sign*: Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.
- n. *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.
- o. *Non-Conforming Sign*: A sign which lawfully existed at the time of the passage of this ordinance but which does not conform to the regulations of this ordinance.
- p. *Pole Sign*: A sign wholly supported by a sign structure in the ground.
- q. *Projecting Sign*: A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
- r. *Real Estate Sign*: A business sign placed upon a property advertising that particular property for sale, for lease or for rent.
- s. *Roof Sign*: A sign erected upon or above a roof or parapet of a building or structure.
- t. *Swinging Sign*: A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
- u. *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.
- v. *Wall Sign*: Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.
11. *Sign Structure*: Any structure that supports or is capable of supporting a sign as defined in this ordinance. A sign structure may be a single pole and may or may not be an integral part of the building.
12. *Temporary Sign*: Any sign, banner, pendant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time only.

Section 14.3. EXEMPT SIGNS.

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

1. Official notices authorized by a court, public body or public safety official.
2. Memorial plaques, building identification signs and building cornerstones when made an integral part of the building or structure.
3. Any flag or flagpoles a government or a noncommercial institution, such as a school.
4. Religious symbols and seasonal decorations within the appropriate public holiday season.
5. Address signs identifying street address only, whether in written or numerical form.

6. Real estate signs are permitted in any district, advertising the sale, lease or rental of premises or buildings on which they are located. In any A-1, R-1 or R-2 District, they shall be at least twenty feet (20') from the street lot line, or not more than five feet (5') in front of the principal building; and no more than nine (9) square feet in area. In the C-1, C-2 and I-1, I-2 Districts, they shall not exceed sixteen (16) square feet.
7. Construction Signs announcing the names of architects, engineers, contractors, future use, and other individuals or firms involved with the construction, alteration, or repair of such building (but not including any advertisement of any product). Such signs shall be confined to the site of the construction, alteration or repair and shall be removed when construction is completed or abandoned. One (1) sign, not to exceed 32 sq. ft. shall be permitted.
8. Campaign Signs as allowed by Section 68A.406-yard signs, Code of Iowa. Campaign signs shall remain for no longer than forty-five (45) days prior and one (1) day after the election for which they were intended and shall be removed by the owner of the property on which they are located. All campaign signs shall be confined to private property and shall not be attached to trees, utilities or rocks.
9. Informational, directional or warning signs intended to facilitate the movement of vehicles and pedestrians or authorized by federal, state or municipal governments.
10. Government signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs of scenic or historical points of interest, and the like; when signs are erected by order of a public officer or city employee.
11. Directory signs which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one directory sign per zoning lot not to exceed two square feet per business or occupant.
12. Temporary signs including portable or moveable signs, search lights, banners, pendants, and similar devices shall be allowed in addition to the sign limitations of this ordinance for continuous periods not to exceed thirty (30) consecutive days.

Section 14.4. SIGN REQUIREMENTS.

1. Agriculture and Residential Districts (A-1, R-1 & R-2). Signs pertaining to principal uses are allowed in residential districts subject to the following regulations.
 - a. Off-premises signs are not permitted.
 - b. No sign may be lighted that impairs the vision of the driver of any motor vehicle.
 - c. Signs shall not encroach or extend over public right-of-way.
 - d. No sign may obscure or physically interfere with a traffic control sign, signal or device.
 - e. Signs for non-residential or business uses in any residential district shall not exceeding sixteen (16) square feet and not closer than fifteen (15) feet from the street property line.
 - f. Announcement signs on bulletin boards are permitted upon the premises of a charitable, religious, or public institution for its own use, provided that such signs or boards do not exceed sixteen (16) square feet in area and placed twenty feet (20') or more from the street line, or not more than five feet (5') in front of the principal building.

- g. In the R-2 Districts, boarding or rooming house signs are permitted, not exceeding six (6) square feet in area and placed twenty feet (20') or more from the street line, or not more than five feet (5') in front of the principal building.
 - h. Home occupation signs shall be permitted pursuant to Section 12.15 of this ordinance.
 - i. All flashing, internally illuminated or audible signs are prohibited in all residential districts.
2. Commercial and Industrial Districts (C-1, C-2, I-1 & I-2). Signs pertaining to principal uses are allowed in commercial and industrial districts subject to the following regulations.
- a. Off-premises signs are permitted in C-2, I-1 and I-2 districts and not permitted in C-1 district.
 - b. Off-premises signs shall comply with the setbacks of the districts in which they are located. Other bulk regulations do not apply. Off-premises signs are governed by state and federal regulations along highways, where zoning exists.
 - c. Within any C-1 Downtown Commercial district, permits for the construction of new signs on buildings shall include only those that project no more than one foot (1') beyond the front face or integral part of the building, including canopies, except identification signs of less than two (2) square feet of surface area attached to the building.
 - d. No sign may be lighted that impairs the vision of the driver of any motor vehicle.
 - e. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
 - f. No sign may imitate or resemble a traffic control sign, signal or device.
 - g. No sign may obscure or physically interfere with a traffic control sign, signal or device.
 - h. Signs shall be limited to those (a) identifying uses conducted within the building; (b) necessary for directional purposes; (c) used to advertise the sale or lease of real property on buildings on which displayed; (d) identifying a commercial enterprise by name or symbol.
 - i. The total allowable area of all use identification signs on any building of a business establishment shall be determined by permitting two (2) square feet of sign area for each one (1) horizontal feet of the building wall displaying such sign or signs.
 - j. The total area of signs, independent and not an integral part of a building, shall not exceed 200 square feet.
 - k. For the purposes of this section, the sign area allowed by sections i and j above shall:
 - i. For freestanding letters, be computed by taking the area enclosed within the smaller rectangle needed to completely encompass each word or insignia of the sign.
 - ii. For signs other than freestanding letters, be computed by taking the total area of the facing or the total area within the outer edge of any existent border of the sign.
 - l. Service stations shall be limited to three square feet of sign area for each lineal foot of street frontage occupied by such use. Where a service station has frontage on more than one street, only one street frontage may be used to compute the allowable sign area. In no case however, shall the total of all signs for any one service station exceed 250 square feet.
 - m. Free standing signs are permitted if they do not block the view of oncoming traffic,

conform to the Iowa DOT regulations, and are located entirely on private property, of which no part of the sign shall be located on or overhang onto a public right-of-way or public or private easement, except within the C-1 Downtown Commercial district.

Section 14.5. CONDITIONAL USES FOR SIGNS.

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

Section 14.6. GENERAL SIGN REGULATIONS.

1. *Interference.* No sign 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, telegraph, TV cable, or other buried fiber optic wires or supports thereof. No sign shall be erected, located or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
2. *Signs not to constitute a traffic hazard.* No sign or other advertising structure as permitted by this article shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, color or intensity shall create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP", "LOOK", "WARNING", "DANGER", or any other word, phrase, symbol or character in such manner as to mislead or confuse traffic.
3. *Signs for public use, warning or traffic awareness.* Nothing in this chapter shall be construed as prohibiting the use of the regular road marking or traffic regulating signs, or the regular warning signs on electric poles, or signs warning the public where street excavation or repairing or other construction constituting a public hazard is in progress.
4. *Illumination.* All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets.
5. *Signs in Right-of Way.* No signs other than government signs shall be erected or temporarily placed within any public rights-of-way except as may be specifically provided herein.
6. *Clearance.* All signs, except wall-mounted signs, located over public rights-of-way or any public or private access route (sidewalk, mall, etc.) shall be located a minimum of twelve feet (12') above grade level, shall not exceed forty (40) square feet in size. No sign or part thereof shall be erected or maintained so as to prevent or deter ingress or egress from any building.
7. *Signs Required by Law.* All signs required by law shall be permitted in all districts.
8. *Back to Back Signs.* If a free-standing sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed thirty (30°) degrees. If the angle is greater than 30°, the total area of both sides added together shall be the calculated sign area.
9. *Temporary Signs.* The temporary use of portable or moveable signs, search lights, banners,
10. *Animated Signs.* Animated signs may be allowed as a conditional use requiring a hearing before the Board of Adjustment.

11. *Electronic Message Board Signs.* Electronic message board signs that display time and temperature or provide changing messages are permitted provided such signs do not flash.

Section 14.7. SIGN PERMITS.

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 permit fee.

1. *Application for Sign Permit.* The permit application shall contain information on location of the proposed sign structure, the names and addresses of the sign owner and of the sign erector, drawings showing the design, size, and location of the sign and such other pertinent information as the Zoning Administrator may require ensuring compliance with the ordinances of the city. Signs located along a State primary highway a State sign permit will also need to be included with the application.
2. *Sign Fees.* Fees for sign permits will be established by resolution of the City Council
3. *Nullification.* A sign permit will become null and void if the work authorized under a sign permit has not been completed within six (6) months after date of issuance of said permit.
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.

Section 14.8. UNSAFE SIGNS AND REMOVAL OF 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 easily read. All parts and supports of signs 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 authorized agent after written notice by the City of Hartley. Such notice shall include a statement explaining the alleged 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 in compliance with the order, said sign or other advertising structure may be removed or altered at the expense of the permit holder or owner of the property. 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 the Board'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, the removal of such sign may be ordered without notice to the permit holder.

Obsolete signs no longer advertising a bona fine business, activity, campaign or political signs, business, product or service produced or conducted on the premises shall be removed within ninety (90) days from date of notice provided by the City of Hartley. The owner of the property for which such sign is located shall have ninety (90) days from date of notice to remove any such sign. If after the expiration of the ninety (90) day period, the sign has not been removed, the city may cause the sign to be removed and any expenses may be charged back to the property owner.

ARTICLE XV

Nonconforming Uses

Article 15: Nonconforming Uses

- Section 15.1. Intent
- Section 15.2. Nonconforming Lots of Record
- Section 15.3. Nonconforming Uses and Structures in All Zoning Districts
- Section 15.4. Nonconforming Uses of Structures and Land in Combination
- Section 15.5. Repairs or Replacing Damaged Buildings
- Section 15.6. Uses Approved as Conditional Uses
- Section 15.7. Change of Tenancy or Ownership

Section 15.1. INTENT.

It is the intent of this ordinance to permit legal nonconforming lots, structures, or uses of land and structures to continue until they are removed but not to encourage their continuance. It is recognized that there currently exists or will be created by the adoption of this ordinance, structures and uses of land and structures within the various zoning districts of this ordinance or amendments thereto which were lawful prior to the adoption of this ordinance, but which would be prohibited, regulated, or restricted under provisions of this zoning ordinance. Any use, structure, or building existing at the time of passage of the zoning ordinance or in a district changed by future amendment may be continued as provided in this section even though it is not conforming to the provisions of this ordinance. 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 construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance.

Section 15.2. NONCONFORMING LOTS OF RECORD.

In any district in which single family dwelling are permitted uses, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in that district. The yard dimensions and other bulk regulations for the district in which such lot is located shall apply. Variance of area, width, and yard requirements shall be obtained through action of the Board of Adjustment.

Two or more nonconforming lots, or portions thereof, that are contiguous in frontage and under the same ownership shall be considered to be an unsubdivided parcel for purposes of this ordinance. No portion of said parcel shall be sold and then used which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

Section 15.3. NONCONFORMING USES OR STRUCTURES IN ALL ZONING DISTRICTS.

Where at the effective date of adoption or amendment of this ordinance, existing structures or premises devoted to a use not permitted by this ordinance in the district in which such structure

or premise is located shall not be enlarged, extended, reconstructed, substituted, or structurally altered, except when required by law, unless:

1. The use is changed to a use permitted in the district in which such structure or premises is located.
2. A nonconforming use of a structure may be changed to another nonconforming use of the same or more restrictive classification, provided no structural alterations are made.
3. If a nonconforming use, building or structure is discontinued for a period of more than one (1) year, any future use shall conform to the provisions of this ordinance.
4. No such nonconforming use or structure 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.
5. Nonconforming structures may be structurally altered or enlarged in conformity with the lot area, lot width, yard, and height requirements (Site Development Regulations) of the district in which such use is located. Such construction shall be limited to buildings on lots of record in the same ownership prior to the effective date of this ordinance. The structural alteration or enlargement of structures shall not change the nature of the nonconforming use that existed prior to the effective date of this ordinance. Any variance must be obtained through action of the Board of Adjustment.
6. The following uses existing at the time of passage of the zoning ordinance codified in this ordinance are conforming: any use owned, erected or maintained by the city, county, township or any other public agency; public and semi-public uses such as churches, parks, playgrounds, private schools having a curriculum equivalent to that of public schools; community centers, railroad tracks and yards; facilities of public utility companies; accessory buildings and uses customarily incident to any of the above; but not grain storage bins or elevators in any residential district.

Section 15.4. NONCONFORMING USES OF STRUCTURES AND LAND IN COMBINATION.

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. 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.
2. 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 finds the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require conditions and safeguards in accordance 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.

3. 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.
4. When a nonconforming use of any structure or structures and land in combination, is discontinued or ceases to exist for a period of one (1) year or longer, the use of the same shall conform thereafter to the uses permitted and bulk regulations established for the district in which it is located.
5. 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. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty percent (50%) of the replacement cost at time of destruction.

Section 15.5. REPAIRS OR REPLACING DAMAGED BUILDINGS.

If a nonconforming building or structure is damaged by fire, flood, explosion, wind, war, riot, or any other natural disaster or act of God, to an extent of less than fifty percent (50%) of its replacement value, it may be repaired and/or restored to its previous use if within one (1) year of the loss. Under no circumstances shall a nonconforming building or structure that is repaired, restored or reconstructed be enlarged from its size prior to the damage causing its repair, restoration, or reconstruction. Otherwise it shall be restored only in conformity with the provisions of this ordinance.

Nothing in this ordinance shall prevent the restoration to safe condition, or strengthening of any part of any building or structure declared to be unsafe by the Zoning Administrator, or from complying with requirements of law.

Section 15.6. USES APPROVED AS CONDITIONAL USES.

Any use for which a conditional use permit is granted as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in any such district. Any addition or expansion of a conditional use shall be with approval of the Board of Adjustment.

Section 15.7. 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 without affecting the conformity or nonconforming status of such land, use or structure.

ARTICLE XVI Zoning Enforcement

Article 16: Zoning Enforcement

- Section 16.1. Zoning Administrator
- Section 16.2. Zoning Permit Required
- Section 16.3. Zoning Compliance
- Section 16.4. Application for Zoning Permit
- Section 16.5. Construction and Use to be as provided in Application, Plans and Permit
- Section 16.6. Fees
- Section 16.7. Conditional Uses
- Section 16.8. Administrative Appeals
- Section 16.9. Interpretation

Section 16.1. ZONING ADMINISTRATOR.

The Hartley City Council shall appoint a Zoning Administrator, and it shall be the duty of said administrator to enforce this ordinance. Such administrator may be a person holding other appointive office in the city or in another governmental agency. Once the Zoning Administrator is appointed by the City Council that appointment becomes perpetual until such further decision and notification is made. Additionally, termination of the Zoning Administrator and/or certain duties or responsibilities shall also be upon order of the City Council. Appeal from any decision or action of the Zoning Administrator may be made to the Board of Adjustment, as provided in Section 16.8 of this ordinance.

Section 16.2. ZONING PERMIT REQUIRED.

After the adoption of this zoning ordinance, any new construction or new or changed use of land shall require a written zoning permit from the Zoning Administrator stating that the building and use or sign complies with the provisions of this ordinance. Any zoning permit, under which no construction work has been commenced within one (1) year after the date of issue of said permit, shall expire by limitation; and no work or operation shall take place under such permit after such expiration.

Section 16.3. ZONING COMPLIANCE.

If the Zoning Administrator finds 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 this ordinance.

Section 16.4. APPLICATION FOR ZONING PERMIT.

Each application for a zoning permit shall be accompanied by a basic sketch or plan drawn to scale, showing the dimensions of the lot to be built upon. Additionally, a licensed surveyor's plat of the property may be required if requested by the Zoning Administrator. Such sketch or surveyed site plan shall show the size and location of the building or buildings to be erected and

such other information as deemed necessary for the proper enforcement of this ordinance, including type of construction and estimated cost. A careful record of all such applications and plans shall be kept in the office of the Zoning Administrator, and copies shall be furnished on request or anyone having a proprietary or tenancy interest in the building or sign permit. Zoning or sign permits should be issued by the City to complying applicants within ten (10) days after application is made, unless additional information is needed or requested or additional procedures required. All zoning related fees including permits shall be set by resolution of the City Council.

Section 16.5. CONSTRUCTION & USE TO BE AS APPROVED IN APPLICATION, PLANS & PERMIT.

Zoning permits and sign permits issued on the basis of plans and applications, approved by the Zoning Administrator, authorize only that use, arrangement and construction. Failure to comply with the use, arrangement and construction authorized by a permit shall be deemed a violation of this ordinance and punishable as provided in Article XVII, Violation and Penalty.

Section 16.6. FEES.

Before receiving a zoning permit the owner or the owner's agent shall pay to the city the permit fee as provided by resolution of the City Council. Tax levying governmental agencies shall be exempted from paying said fees. Fees for zoning permits issued after the construction, alteration, placement or moving has begun shall be double the original fee.

Section 16.7. CONDITIONAL USES.

A zoning permit for a conditional use may be issued by the Zoning Administrator after review and upon order of the Board of Adjustment.

Section 16.8. 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, that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property. In the event the Zoning Administrator shall make and file such certificate, this 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 a 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.

Section 16.9. INTERPRETATION.

All questions of interpretation and enforcement shall be first presented to the Zoning Administrator, or that person's assistant, and such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator.

ARTICLE XVII

Violation and Penalty

Article 17: Violation and Penalty

Section 17.1. Violation and Penalty

Section 17.2. Restraining Order

Section 17.1. VIOLATION AND PENALTY

Unless provided elsewhere in this ordinance or the city's Code or Ordinances, any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or approved plan shall be guilty of a municipal infraction. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists enforcement of this ordinance, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor; or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction and punishable by civil penalty as provided herein (*Code of Iowa, Sec. 331.307[3]*). Each day that a violation is permitted to exist constitutes a separate violation.

A municipal infraction for a zoning violation in Hartley, Iowa is punishable under the following civil penalties: (*Code of Iowa, Sec. 331.307[1]*)

First offense – not less than \$100 and not to exceed \$750.00, plus court costs

Second and repeat offenses – not less than \$100 and not to exceed \$1,000.00, plus court costs

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 17.2. RESTAINING 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 Hartley to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

ARTICLE XVIII

Board of Adjustment

Article 18: Board of Adjustment

- Section 18.1. Conformation of the Board of Adjustment
- Section 18.2. Proceedings of the Board of Adjustment
- Section 18.3. Hearings, Appeals & Notice
- Section 18.4. Stay of Proceedings
- Section 18.5. Powers and Duties
- Section 18.6. Variances
- Section 18.7. Court Appeals

Section 18.1. CONFIRMATION OF THE EXISTING BOARD OF ADJUSTMENT.

The members of the existing Board of Adjustment are hereby confirmed to continue their appointed terms of office. The Board of Adjustment, hereinafter referred to as the Board, consists of five (5) members, each appointed by the Mayor, subject to approval by the City Council, and two (2) members appointed by the O'Brien County Board of Supervisors pursuant to Section 414.23 of the Code of Iowa. All members shall be elected to five (5) year terms. Vacancies shall be filled in the same manner for the unexpired term of the member whose office becomes vacant. The members of the Board shall serve without pay and may be removed for cause, upon written charges, after a public hearing. The Zoning Administrator shall be an ex-officio member. Absence by any member for three consecutive meetings without prior excuse from the Chairman of the Board of Adjustment shall be deemed as sufficient cause for removal.

Section 18.2. PROCEEDINGS OF THE BOARD OF ADJUSTMENT.

The Board of Adjustment shall, from time to time, subject to the approval of the City Council, adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this ordinance. The Board shall elect a Chairperson, Vice Chairperson and Secretary. Such Chairperson or, in the absence of the Chairperson, the Vice Chairperson may administer oaths and compel the attendance of witnesses. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public. The presence of a majority of the entire Board shall constitute a quorum even in the instance of absentee members or during conflicts of interest. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question. Subject to the approval of the City Council, the Board may employ such clerical and technical assistance as may be needed to carry on its work. It shall have the power to call upon any City official or department for assistance in the performance of its duties, and it shall be the duty of any such official or department to render such assistance as may reasonably be expected.

Section 18.3. HEARINGS, APPEALS AND NOTICE.

Appeals may be taken to the Board by any person or persons aggrieved, or by any public officer, department, board, bureau, corporation or others affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, not to exceed sixty (60) days, by filing with the Zoning Administrator and with the City Clerk, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall then transmit to the Board all papers

constituting the record upon which the action appealed from was taken. The Board shall fix reasonable time for the hearing of an appeal. It shall give public notice of such hearing, as well as due notice to the interested parties. At the hearing, any party may appear in person, by agent, by attorney or appeal within a reasonable time. The Board of Adjustment shall make written findings of fact and conclusions of law, separately stated, on all issues presented in any adjudicatory proceeding. The concurring vote of three-fourths ($\frac{3}{4}$) of the members shall be necessary to approve, modify, or reverse any decision on action of the Zoning Administrator. A fee to be determined by resolution of the City Council shall be paid to the City Clerk at the time the notice of appeal is filed.

Section 18.4. STAY OF PROCEEDINGS.

An appeal stays all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board, after filing the notice of appeal with them, that by reason of facts stated in the certificate, a stay would, in the Zoning Administrator's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order granted by a Court of Record, upon notice to the Zoning Administrator and on due cause shown. The final disposition of any appeal shall be recorded in writing by the Board, either reversing, modifying or confirming the decision of the Zoning Administrator.

Section 18.5. 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. **Interpretation of Zoning Map:** Where the street or lot layout on the ground actually varies from the street and lot lines as shown on the zoning map, the Board shall interpret the zoning map and the provisions of this ordinance in such a way as to carry out the intent and purpose of this ordinance in that district.
3. **Conditional Uses:** To hear and decide only such conditional uses as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance, and as provided for in Article XIX, Conditional Uses.
4. **Zoning Permit Extensions:** To extend the time limit, where a zoning permit was issued by the Zoning Administrator; and where no construction work has been started for one (1) year.
5. **Appeals:** In exercising the above powers, the Board may reverse or affirm, wholly or in part, or modify, the decision or action appealed from; and may make such order, requirements, decisions, or determination as ought to be made, with all of the powers of the Zoning Administrator
6. **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 regulations of this ordinance would result in an unnecessary hardship.

Section 18.6. VARIANCES.

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

1. A written application for a variance shall be filed with the Zoning Administrator. The application shall include the following:
 - a. Name and address of the owner and/or 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. An abstractor's certificate or listing showing the names and mailing addresses of the owners of all adjacent property up to two hundred feet (200') of the property for which the variance is requested.
 - f. Site plan prepared in accordance with Article XI, if requested by the Board.
 - g. A fee, to be determined by resolution of City Council, shall accompany the application.
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 a public hearing shall be given to property owners within two hundred feet (200') of the subject property through ordinary mail in writing and by publication in a newspaper of general circulation in the city. Such notice shall be at least seven (7) days prior to the hearing and shall contain the time and location of such hearing. In the event that there is more than one property owner for any parcel of property, it shall be sufficient to notify only one owner of each parcel by ordinary mail.
4. The public hearing shall be held. Any party may appear in person or by agent or attorney.
5. Before making any findings in a variance case, the Board may grant a variance if it makes affirmative findings of fact on each of the following criteria.
 - a. That in granting the variance there will be no reasonable precedent for others to follow, which would make future enforcement of this ordinance more difficult; and that no injustice, injury or discrimination will result to other property owners in not granting them the same or similar privilege.
 - b. That need for the variance is based upon the peculiar conditions of the property only, and not the individual; and that granting of the variance is to be given only in extreme cases when refusal to do so would result in a peculiar unnecessary hardship on a property owner, without appreciable injury to the neighborhood.
 - c. That peculiar unnecessary hardship to the individual is distinguished from general loss or disadvantage frequently suffered by several owners in a district due to zoning; where such zoning is justified by gain in the general welfare.

- d. That in granting the request, the Board shall determine that the proposed change will not impair an adequate supply of light and air to existing property; or increase congestion in the public streets; or increase the public danger of fire and safety; or materially diminish or impair established property values within the surrounding area; or in any other respect, impair the public health, safety, comfort, morals and general welfare of the town.
6. Every change granted or denied by the Board shall be accompanied by a written finding of fact, based upon testimony and evidence, specifying the reason for granting or denying the variation.
7. That the variance is not contrary to the nature, intent and general objectives of this ordinance and the comprehensive plan of the City.
8. *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 XVII of this ordinance.
9. *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 zoning compliance permit is issued and construction is commenced.
10. *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.
11. *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 18.7. COURT APPEALS.

Any person or persons, corporation, public officer, department, board or bureau of the City aggrieved by a decision of the Board of Adjustment may present to a court of record a petition consistent with state laws and particularly Chapter 414, Code of Iowa, claiming that such decision or act of the Board is illegal wholly or in part, and specifying the grounds of the illegality. Any costs of reversed court action shall be paid by the City and not individual members of the Board. Otherwise, all decisions of the Board shall be final immediately upon filing.

ARTICLE XIX Conditional Uses

Article 19: Conditional Uses

Section 19.1.	Requirements
Section 19.2.	Jurisdiction
Section 19.3.	Application for a Conditional Use Permit
Section 19.4.	Procedures
Section 19.5.	Standards
Section 19.6.	Revocation
Section 19.7.	Supplemental Standards
Section 19.8.	Planned Unit Development – As a Conditional Use

Section 19.1. REQUIREMENTS.

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

Section 19.2. JURISDICTION.

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

Section 19.3. APPLICATION FOR CONDITIONAL USE PERMIT.

An application for a conditional use permit may be initiated by a property owner or the owner's authorized agent by filing an application with the Zoning Administrator upon forms prescribed for the purposes. The application shall be accompanied by a site plan in accordance with Article XI, and other such plans and data showing the dimensions, arrangements, and other materials constituting an understanding of the proposed use in relation to the standards set forth herein. The application shall be accompanied by a fee determined by resolution of the City Council. Application for a special exception use permit shall include the following:

1. Name and address of the owner and/or applicant.
2. Address and legal description of the property.
3. If the applicant is not the legal property owner, a statement indicating the applicant is the authorized agent of the property owner.
4. An abstractor's certificate or listing showing the names and mailing addresses of property owners within two hundred feet (200') of property for which the conditional use is requested.
5. A statement describing the nature and operating characteristics of the conditional use, including any data pertinent to the findings required for approval of the application.

Section 19.4. PROCEDURES.

The Board of Adjustment shall not grant a conditional use permit unless and until the following procedures have been fulfilled:

1. Before issuing a conditional use permit for certain uses as provided in this ordinance, the Zoning Administrator shall refer the plans and application to the Planning Commission for study and recommendation to the Board of Adjustment. In such case, the Zoning Administrator shall file a duplicate copy with the City Clerk.
2. After receiving the application, the Planning Commission shall have forty-five (45) days for study and recommendation to the Board. If the recommendation is not received within that time, the Board may act without a recommendation.
3. Within thirty (30) days of receipt of the Planning Commission's recommendation, the Board of Adjustment shall hold a public hearing in regards to the conditional use 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 of public hearing shall be given to property owners within two hundred feet (200') of the subject property through ordinary mail and by publication in a newspaper of general circulation in the city. Such notice shall be at least seven (7) days prior to the hearing and shall contain the time and location of such hearing. In the event that there is more than one property owner for any parcel of property, it shall be sufficient to notify only one owner of each parcel by ordinary mail.
4. In granting any conditional use, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Article XVII.
5. The concurring vote of three (3) members of the entire Board of Adjustment grants a conditional use permit, even in the event of absentee members or conflicts of interest.
6. No order of the Board of Adjustment granting a conditional use permit shall be valid for a period longer than one (1) year from the date of such order, unless the Board specifically grants a longer period of time or a zoning permit is obtained within the one (1) year period and construction is commenced.

Section 19.5. STANDARDS.

The Board of Adjustment shall grant no conditional use permit unless such Board shall find:

1. The establishment, maintenance, or operation of the conditional use will not be unreasonably detrimental or endanger the public health, safety, morals, or general welfare of the city.
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish or impair property values in the neighborhood.
3. If relocating dwellings, buildings or other principal use structures, the proposed use aesthetically blends in with neighboring properties and special attention is given to architectural style, size and existing condition of the proposed use.

4. The establishment of the conditional use will not impede normal and orderly development of the surrounding property for uses permitted in the district.
5. Adequate utilities, roads, drainage, and necessary facilities are or will be provided.
6. Adequate measures are or will be taken to provide ingress and egress so designed as to minimize traffic congestion on 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 fire suppression equipment or other safety devices.
8. The use shall not include unreasonably objectionable noise due to volume, frequency, or beat unless muffled or otherwise controlled.
9. The use shall not include vibrations discernible without instruments on adjoining properties.
10. The use shall not involve any malodorous gas or matter discernible on adjoining properties.
11. The use shall not involve any air pollution by fly-ash, dust, vapors, or other substances harmful to human health, animals, vegetation or other causes soiling, discomfort, or irritation.
12. The use shall not involve direct or substantial reflected glare which is visible from adjoining properties or from any public street, road, or highway.
13. The use shall not involve any activity substantially increasing the burden on public utilities or facilities unless provisions are made for any necessary adjustments.
14. The use shall generally follow the city's comprehensive plan and future community goals.
15. The proposed use shall not interfere with the reasonable enjoyment or use of neighboring permitted uses. If such interference is found, increased setbacks or screening may be required.
16. The use shall not cause any permanent, irreparable environmental damage to the parcel or neighboring lands.
17. The conditional use shall be used in accordance with all other permits as issued.
18. The conditional use permit may be reviewed after a specified period of time for compliance and for possible review, revision or additional conditions, if warranted.

Section 19.6. REVOCATION.

The issuance of a conditional use permit by the Board of Adjustment shall entitle the owner to continue to operate the use so long as the owner remains in compliance with the terms and conditions of this ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the conditional use permit. If such permit is granted, it does expressly grant to the city 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 conditional use permit. In the event an owner or property occupants shall violate any term, condition, limitation, regulation or safeguards listed in the conditional use permit, the permit shall become null and void and the owner or occupant shall be deemed to be in violation of this ordinance.

Section 19.7. SUPPLEMENTAL STANDARDS.

In addition to the general standards outlined in Section 19.5 above, specified uses shall adhere to the following supplemental standards for specific activities:

1. **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 Heavy Industrial (I-2) district with a conditional use permit. The application for a conditional use permit shall meet the minimum requirements described herein.
 - a. The yards shall be at least five hundred feet (500') from any residential building not belonging to the owner or operator of the salvage yard.
 - b. Outdoor yards shall be screened by a solid wall or uniformly painted solid fence not less than eight feet (8') in height, or in lieu thereof, a landscape buffer strip fifty feet (50') wide may be planted with deciduous and evergreen trees and large shrubs to provide a solid and opaque landscape screen at least ten feet (10') high. If a landscape buffer strip is planted, a temporary fence of at least eight feet (8') in height must be constructed and left in place until the trees and shrubs are large enough to screen the salvage yard.
 - c. Off-street parking and service areas may be located outside of the screened or fenced areas.
2. **Open-Air Sales Display and Storage:** All open-air sales display and storage, including new or used farm implement and equipment sales and storage, new or used truck, machinery, or equipment sales and storage, or outdoor storage of industrial use materials or supplies shall require a conditional use permit.
 - a. The open-air sales, display, and storage area shall be surfaced, preferably with a hard surfacing material, but at a minimum with granular, aggregate, or crushed stone or rock.
 - b. The side and rear lot lines, when abutting properties used for residential dwellings, shall be required to be screened with a wall or fence with its surface at least fifty (50) percent solid and at least eight feet (8') in height. The fence shall not be required to extend beyond the front yard setback line.
 - c. All lighting shall be designed and arranged so that they do not focus or glare directly on adjacent residential properties or public streets.
 - d. No lighted flashing signs or revolving beacon lights shall be permitted.
 - e. Open-air storage yards or display areas shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.
3. **Communication Towers:** The purpose of this section is to provide for the licensing and regulation of contractors engaged in the construction of "communications towers" in the city; to require permits for "communications towers"; and to enact standards applicable to "communications towers" in the city or the unincorporated area lying up to two (2) miles beyond its city limits (Ordinance No 155 – September 13, 1989).

The provisions of this section apply to all “communications towers” in the city or the unincorporated area lying up to two (2) miles beyond its City Limits (Ordinance No 155 – September 13, 1989).

Definitions:

COMMUNICATIONS TOWERS: For purposes of this section, the term “communications tower” shall mean any independent structure with a height of more than thirty-five feet (35’) above ground level and is used for transmitting or receiving wireless communications.

CONTRACTOR: For purposes of this section, the term “contractor” shall mean any person or entity who engages in the placement or construction of any communications tower in the City of Hartley or the unincorporated area lying up to two (2) miles beyond its City Limits (Ordinance No 155 – September 13, 1989).

ENGINEER: For purposes of this section, the term “engineer” shall mean a registered professional engineer certified under the laws of the State of Iowa.

Contractor’s License: No person shall engage in the construction or erection of a communications tower in the city unless licensed pursuant to this section. A contractor’s license will be issued by the City Clerk upon submission of a written application on forms obtained from the City Clerk and upon fulfilling the fee, bonding and insurance requirements specified herein. The licensing period shall be from February 1 to January 31.

- a. Fee: The license fee for a contractor’s license for the licensing period, or any part thereof, shall be twenty dollars (\$20.00).
- b. Surety Bond: A surety bond in the amount of ten thousand dollars (\$10,000.00) shall be filed in favor of the City. Such bond must run throughout the licensing period and shall be conditioned upon the faithful compliance of all ordinances, rules or regulations of the City applicable to communications towers.
- c. Insurance: Assumption of Liability: Any person licensed as a contractor must file proof of liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) per person, three hundred thousand dollars (\$300,000.00) per occurrence, and one hundred thousand dollars (\$100,000.00) for property damage with City Clerk and must agree, in writing on forms provided by the City Clerk, to hold the City harmless from any and all damages claimed by reason of negligence, incompetence or omission on the part of the contractor in the performance of its work.

Communications Tower Permit: No communications tower shall be placed in the city or the unincorporated area lying up to two (2) miles beyond its city limits (Ordinance No 155 – September 13, 1989) without a permit issued by the city.

- a. Application: Application for a communications tower permit shall be made to the City Clerk on forms provided by the City for that purpose.
- b. Conditional Use Permit: No communications tower permit shall be issued until the proposed location of the tower has been approved by the grant of a conditional use permit by the Board of Adjustment.

- c. Permit: A permit for the construction and maintenance of a communication tower shall be issued to the owner of the tower as specified in the application only upon compliance with all applicable ordinances of the city. The permit shall be of indefinite duration and shall remain in effect so long as the tower remains in compliance with all applicable city ordinances. A communications tower permit may be revoked by the City Council upon notice to the owner and following opportunity for a hearing before the City Council, for a violation of any applicable city ordinance, state statute or regulation, or federal statute or regulation. The issuance of a permit under this section shall not relieve any permittee from compliance with all legal requirements, nor relieve the permittee of any liability for damage or loss resulting from the placement, construction or maintenance of the tower. The city assumes no liability whatsoever by virtue of the issuance of a communications tower permit. The permit shall be maintained at the tower site.
- d. Permit Fee: The fee for each permit issued under the provisions of this section shall be two hundred dollars (\$200.00).

Communications Tower Regulations: All communications towers located in the city or the unincorporated area lying up to two (2) miles beyond its city limits (Ordinance No 155 – September 13, 1989) shall be subject to the following regulations:

- a. Engineer’s Certification: Applications for a communications tower permit shall include detailed plans and specifications certified by an engineer. Upon completion of construction, the engineer shall further certify that the tower has been constructed in conformity with the plans and specifications.
- b. Minimum Setback: The minimum distance from the base of the tower to the closest property line of the tower site shall not be less than sixty percent (60%) of the tower height.
- c. Enclosure: The tower base shall be completely enclosed by a fence or wall six feet (6’) in height designed, constructed and maintained to prevent unauthorized access to the tower.
- d. EMF Emissions: All towers shall be operated in compliance with standards adopted by the Federal Communications Commission concerning electromagnetic field emissions.
- e. Maximum Height: No tower shall exceed a height of two hundred feet (200’).

Joint Use: In order to avoid unnecessary duplication of communications towers in the city or the unincorporated area lying up to two (2) miles beyond its city limits (Ordinance No 155 – September 13, 1989), businesses engaged in wireless communications towers are required to consider joint or multiple use of all existing and proposed towers. An application for a communications tower permit shall include a verification that the applicant has considered use of existing towers and shall include a detailed explanation establishing that the use of an existing tower is economically or technically not feasible. Each owner of a tower placed and constructed pursuant to a permit issued under this ordinance shall, to the extent technically feasible, lease tower capacity to other wireless communication providers at commercially reasonable rates and terms.

Abandoned or Obsolete Towers: Towers that become abandoned or obsolete shall be removed within one (1) year of the discontinuance of use for wireless communications.

Section 19.8. PLANNED UNIT DEVELOPMENT – AS A CONDITIONAL USE.

Planned Unit Developments (PUD's) are intended to accommodate a wide variety of use types in accordance with the city's comprehensive plan. The purpose of PUD regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets, utilities and public spaces; and to preserve the natural and scenic qualities of open areas. PUD's are intended to encourage innovative, well-designed projects that achieve a high level of low impact development, environmental sensitivity, energy efficiency, safety, and aesthetics. Each PUD will be applied for and reviewed as a conditional use within the zoning district in which it is located.

1. A planned unit development to be eligible under this section shall:
 - a. Follow the city's comprehensive plan and the regulations of this ordinance.
 - b. Provide an effective and unified means of treating development for preservation of scenic features and amenities of the site and the surrounding area.
 - c. Design its space allocation, orientation, landscaping, circulation and other features as to produce an environment of stable and desirable character, complimenting the design and values of the neighborhood.
 - d. Encourage a more creative and efficient development of land and its improvements.
 - e. Allow for a mixture of uses in an integrated and well-planned area.
 - f. Ensure concentration of open space into more usable areas and preservation of the natural resources of the site including wetlands, woodlands, steep slopes, and scenic areas.
 - g. Facilitate economic provisions of streets and public utilities.
 - h. Encourage low impact developments.
2. One lot or tract of two (2) acres or more may contain two (2) or more related buildings, planned as a single project. Such buildings may be commercial, institutional, industrial, residential or a combination of all four. They may be dwelling groups, shopping center, or buildings used for industrial purposes.
3. Open spaces that are parallel or within 45° of parallel, shall have a minimum dimension of twenty feet (20') for one-story buildings; thirty feet (30') for two-story buildings, and forty feet (40') for three or more story buildings.
4. The buildings shall conform to the height limitations of the district in which they are located.
5. Required front and rear yard sizes of the district need not apply, except yards lying on the perimeter of said project, shall have the same requirements as those of the district; and the average total area per family is equal to the area requirements of the district excluding streets. The equivalent of two or more lot areas may be combined into one or more open areas, serving more than one dwelling unit.
6. The entire project is to be planned as a unit, the purpose being a more flexible use of the land. Before issuing a permit, the Zoning Administrator shall refer the plans and application to the Planning Commission for recommendation to the City Council. Preliminary plans shall be submitted before final plans are drawn. If approved, zoning permits may be issued, even though their use and space requirements may not separately conform in all respects to other sections of this ordinance.

ARTICLE XX

Changes and Amendments

Article 20: Changes and Amendments

- Section 20.1. Procedures
- Section 20.2. Initiation
- Section 20.3. Application for Change in Zoning District Boundaries
- Section 20.4. Protest Provisions
- Section 20.5. New Application

Section 20.1. PROCEDURES.

The City Council may, from time to time, on petition or on recommendation of the Planning Commission, after public notice and hearing as provided by law, amend, supplement or change the regulations or the district boundaries herein or subsequently established. Where any proposed amendment, supplement or change does not originate with the Planning Commission, the proposal shall be submitted to the Commission and its recommendations obtained. The Planning Commission shall have forty-five (45) days in which to submit its report to the City Council. Prior to making recommendation to the City Council, the Planning Commission shall hold at least one public hearing on the text amendment or rezoning request. 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 thirty (30) days following receipt of the recommendation of the Planning Commission, 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 at least seven (7) days, according to State of Iowa Statute, prior to the date established for such hearing. Such notice shall include the time and place of the public hearing. In no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice. Additionally, a notice of the public hearing shall be given to the owners and residents of property within the area included in such proposed change, to adjacent property owners up to two hundred feet (200') of the property for which the change is requested through certified mail in writing at least ten (10) days prior to the hearing. In the event there is more than one property owner for any parcel of property, it shall be sufficient to notify only one owner of each parcel by certified mail.

Within thirty (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 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 concurrence.

Section 20.2. INITIATION.

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

1. The Planning Commission or the City Council may initiate a text amendment.
2. The Planning 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. Whenever the owners of fifty percent (50%) or more of the area of the lots in any district or part hereof, desire any amendment, supplement or change in any provisions of this chapter, applicable to such area, they may file a petition with the City Clerk, requesting the City Council to make such amendment. Such petition shall immediately be transmitted to the Planning Commission for investigation and report.

Section 20.3. 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. Such petitions for zoning change or amendment shall be accompanied by a map or a diagram, showing the area affected and the boundaries of the area. Each application filed shall be accompanied by a fee as determined by resolution by the City Council and shall contain the following information. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant. The petition or application shall include:
 - 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, a 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. An abstractor's listing or certificate showing the names and addresses of all lot owners as recorded in the office of the County Recorder or Auditor within a distance of two hundred feet (200') outside of the boundaries of said area for which the change is requested.
 - h. A statement of the reasons why the applicant feels the present zoning classification is no longer appropriate and why the new zoning classification is justified.
2. Upon receipt of the application by the Zoning Administrator a copy shall be forwarded immediately to the Planning 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 comprehensive land use plan.
 - d. Whether there is intent on the part of the applicant to develop the property to be rezoned.

Section 20.4. PROTEST PROVISION.

If a written protest against any proposed amendment, supplement or change shall have been presented to the City Council, signed by the owners of twenty percent (20%) or more either of the area of lots included in the change or of those immediately adjacent in the rear, extending the depth of one lot, or not to exceed two hundred feet (200'); or of those extending within a distance of two hundred (200) feet along the street frontage of same block, such amendment shall not become effective except by the favorable vote of three-fourths ($\frac{3}{4}$) of all members of the City Council, even in the instance of absentee members or during conflicts of interest.

Section 20.5. NEW APPLICATION.

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

ARTICLE XXI
Effective Date

Section 21.1. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its adoption and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa.
(Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3)

ZONING ORDINANCE OF THE CITY OF HARTLEY, IOWA

Passed and approved of the first consideration on _____, 2013

Passed and approved of the second consideration on _____, 2013

Passed and approved of the third and final consideration on _____, 2013

Adopted on _____, 2013

Published on _____, 2013

Mayor, City of Hartley

Attest:

Hartley City Clerk/Administrator

