

CITY OF TREYNOR

ZONING CODE

2006

(UPDATED APRIL 2011)

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CHAPTER 1 ADMINISTRATION

SECTION 101 - GENERAL

101.1 Title. These regulations shall be known as the *Zoning Code of the City of Treynor, Iowa*, hereinafter referred to as “this code.”

101.2 Intent. The purpose of this code is to safeguard the health, property and public welfare by controlling the design, location, use or occupancy of all buildings and structures through the regulated and orderly development of land and land uses within this jurisdiction.

101.3 Scope. The provisions of this code shall apply to the construction, addition, alteration, moving, repair and use of any building, structure, parcel of land or sign within the City of Treynor, Iowa, except work located primarily in a public way, public utility towers and poles, and public utilities unless specifically mentioned in this code.

Where, in any specific case, different sections of this code specify different requirements, the more restrictive requirement shall govern.

Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

In fulfilling these purposes, this ordinance is intended to benefit the public as a whole and not any specific person or class of persons. Although, through the implementation, administration and enforcement of this code, benefits and detriments will be enjoyed or suffered by specific individuals, such is merely a byproduct of the overall benefit to the whole community.

Therefore, unintentional breaches of the obligations of administration and enforcement imposed on the jurisdiction hereby shall not be enforceable in tort. If any portion of this code is held invalid for any reason, the remaining herein shall not be affected.

Exception: Existing buildings undergoing repair, alteration or additions and change of occupancy shall be permitted to comply with the provisions of the existing municipal code.

SECTION 102 - FEES

102.1 Fees. A fee for services shall be charged. All fees shall be set by the jurisdiction and schedules shall be available at the office of the code official.

SECTION 103 - EXISTING BUILDINGS AND USES

103.1 General. Lawfully established buildings and uses in existence at the time of the adoption of this code shall be permitted to have their existing use or occupancy continued, provided such continued use is not dangerous to life.

103.2 Additions, alterations or repairs. Additions, alterations or repairs shall be permitted to be made to any building or use without requiring the existing building or use to comply with the requirements of this code, provided the addition, alteration or repair conforms to that required for a new building or use.

103.3 Maintenance. All buildings or uses, both existing and new, and all parts thereof, shall be maintained. The owner or designated agent shall be responsible for the maintenance of buildings and parcels of land. To determine compliance with this section, the code official shall be permitted to cause any structure or use to be inspected.

103.4 Moved and temporary buildings, structures, and uses. Buildings or structures moved into or within the jurisdictions shall comply with the provisions of this code for new buildings and structures.

Temporary buildings, structures and uses such as reviewing stands and other miscellaneous structures, movable sheds, storage pods, canopies or fences used for the protection of the public shall be permitted to be erected or placed, provided a special approval is received from the code official for a limited period of time. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

103.5 Illegal uses. Uses that were illegally established prior to the adoption of this code shall remain illegal.

SECTION 104 - DUTIES AND POWERS OF THE ZONING CODE OFFICIAL

104.1 General. This section establishes the duties and responsibilities for the zoning code official and other officials and agencies, with respect to the administration of this code. The zoning code official and/or designee shall be referred to hereafter as “the code official.”

104.2 Deputies. The code official may appoint such number of technical officers and other employees as shall be authorized from time to time by the legislative body of the jurisdiction. The code official shall be permitted to deputize such employees as may be necessary to carry out the functions of this code.

104.3 Reviews and approvals. The code official shall be authorized to undertake reviews, make recommendations and grant approvals as set forth in this code.

104.4 Comprehensive plan. The code official shall assist the planning commission in the development and implementation of the comprehensive plan.

104.5 Administrative reviews and permits. Administrative reviews and permits shall be in accordance with Sections 104.5.1 through 104.5.4.

104.5.1 Review of building permits. All applications for building permits and amendments thereto shall be submitted to the code official for review and approved prior to permit issuance. Each application shall include a set of building plans and all data necessary to show that the requirements of this code are met.

104.5.2 Site plan reviews. The code official shall receive all applications for site plan review and review for completeness and prepare submittals for review by the appropriate body.

104.5.3 Conditional-use permits and variances. The code official shall receive all applications for conditional uses and variances or other plans as shall be permitted or approved as required by this code, review for completeness and prepare submittals for review by the appropriate body.

104.5.4 Amendments. All requests for amendments or changes to the comprehensive plan or this code or map shall be submitted to the code official for processing.

104.6 Interpretations. The interpretation and application of the provisions of this code shall be by the code official. An appeal of an interpretation by the code official shall be submitted to the board of adjustment, which, unless otherwise provided, is authorized to interpret the code, and such interpretation shall be considered final.

Uses are permitted within the various zones as described in this code and as otherwise provided herein. It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized.

Mixed uses/sites or any use not specifically mentioned or about which there is any question shall be administratively classified by comparison with other uses identified in the zones described in this code. If the proposed use resembles identified uses in terms of intensity and character, and is consistent with the purpose of this code and the individual zone's classification, it shall be considered as a permitted/non-permitted use within a general zone classification, subject to the regulations for the use it most nearly resembles. If a use does not resemble other identified allowable uses within a zone, it may be permitted as determined by the hearing body in public hearing as an amendment to this code pursuant to Section 109.3.

104.7 Liability. The code official, or designee, charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties described in this code, shall not be personally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the code official or employee because such act or omission performed by the code official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the enforcement agency shall be defended by the jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by the jurisdiction.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency or its jurisdiction be held as assuming any such liability by reason of the reviews or permits issued under this code.

104.8 Cooperation of other officials and officers. The code official shall be authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

SECTION 105 - PLANNING COMMISSION

105.1 General. This section addresses the duties and responsibilities of a planning commission, hereafter referred to as “the commission,” and other officials and agencies, with respect to the administration of this code.

105.2 Establishment of the commission. The establishment of the commission shall be in accordance with the policies and procedures as set forth in state law and the Treynor Code of Ordinances. The commission shall consist of the number of members as specified in state law. Additionally, one member of the legislative body shall be permitted to be appointed as liaison to the commission. Such member shall have the right to attend all meetings and take part in all discussions, but shall not vote on commission decisions.

105.3 Terms for members. The terms of office for the members of the commission shall be as set forth in state law and the Treynor Code of Ordinances. Members shall be permitted to be removed for cause upon written charges and after a public hearing before the legislative body of the jurisdiction, if such a hearing is requested.

105.4 Selection of members. All members shall be appointed and approved by the legislative body of the jurisdiction served. The terms of office for the commission members shall be staggered at intervals so as to provide continuity in policy and personnel. At least four (4) members of the commission shall be residents of the jurisdiction served. No more than one (1) member may be a resident within the two-mile extraterritorial jurisdiction of the city. Compensation of members shall be set by the legislative body of the jurisdiction. Any vacancy for the remaining term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved by the legislative body of the jurisdiction.

105.5 Chairperson election and rules adoption. The commission shall elect from its membership a chairperson. It shall also establish and adopt rules for its organization and transaction of business and shall keep a public record of its proceedings.

105.6 Commission secretary. A secretary to assist the commission shall be appointed by the commission. The secretary shall keep minutes of the commission meetings for public record and conduct all correspondence, including the notification of decisions. The secretary shall also certify records. The secretary shall prepare and submit the minutes of commission meetings to the chairperson and the commission.

105.7 Duties and powers. The duties and powers of the planning commission shall be in accordance with Sections 105.7.1 through 105.7.5.

105.7.1 Comprehensive plan. It shall be the duty of the commission, after holding public hearings, to create and recommend to the legislative body a comprehensive plan for the physical development of the jurisdiction, which shall be permitted to include areas outside its boundaries that bear consideration to the planning of the jurisdiction. The comprehensive plan shall include at least the following elements:

1. Official maps.
2. Growth and land use.

3. Commercial/industrial uses.
4. Transportation and utilities.
5. Community facilities.
6. Housing.
7. Environment.
8. Geologic/natural hazards.

The commission shall be permitted also to recommend amendments to the comprehensive plan regarding the administration or maintenance of this code.

105.7.2 Zoning code. It shall be the duty of the commission to develop and recommend to the legislative body a zoning code, in accordance with the guidelines of the comprehensive plan, establishing zones within the jurisdiction. Such a code shall be made in regards to the character of each district and the most appropriate use of land within the jurisdiction. The commission shall make periodic reports and recommendations to the legislative body.

105.7.3 Division of land regulations. It shall be the duty of the commission to develop and certify regulations governing the division of land. All divisions of land shall be in accordance with the adopted regulations.

105.7.4 Conditional-use permits. It shall be the duty of the commission to review conditional-use permit applications. The application shall be accompanied by maps, drawings or other documentation in support of the request. The granting of a conditional-use permit shall not exempt the applicant from compliance with other relevant provisions of related ordinances.

105.7.5 Official zoning map. The legislative body shall adopt an official zoning map for all areas included within the jurisdiction.

105.8 Appeals and hearings. Any person with standing aggrieved by any decision of the commission shall have the right to make such appeals as shall be permitted to be provided by this code or state law. Such appeals shall be based on the record.

SECTION 106 - COMPLIANCE WITH THE CODE

106.1 General. Upon adoption of this code by the legislative body, no use, building or structure, whether publicly or privately owned, shall be constructed or authorized until the location and extent thereof conform to said code.

SECTION 107 - BOARD OF ADJUSTMENT

107.1 General. This section addresses the duties and responsibilities of a board of adjustment, hereafter referred to as “the board,” and other officials and agencies, with respect to the administration of this code.

107.2 Establishment of the board. The establishment of the board shall be in accordance with the procedures and policies set forth in state law and the Treynor Code of Ordinances. The board shall consist of the number of members as specified in state law. Additionally, one member of the commission shall be appointed as liaison to the board. Such member shall have the right to attend all meetings and take part in all discussions, but shall not vote on board decisions.

107.3 Terms for members. The terms of office for the members of the board shall be as set forth in state law and Treynor Code of Ordinances. Members shall be permitted to be removed for cause upon written charges and after a public hearing before the legislative body of the jurisdiction, if such hearing is requested.

107.4 Selection of members. All members shall be appointed and approved by the legislative body of the jurisdiction served. The terms of office shall be staggered at intervals, so as to provide continuity in policy and personnel. At least four (4) members of the commission shall be residents of the jurisdiction served. No more than one (1) member may be a resident within the two-mile extraterritorial jurisdiction of the city. Compensation shall be set by the legislative body of the jurisdiction. Any vacancy for the remaining term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved by the legislative body of the jurisdiction.

107.5 Chairperson election and rules adoption. The board shall elect from its membership a chairperson. It shall also establish and adopt rules for its organization and the transaction of business and shall keep a public record of its proceedings.

107.6 Board secretary. A secretary to assist the board shall be appointed by the board. The secretary shall keep minutes of the board meetings for public record and conduct all correspondence, including the notification of decisions. The secretary shall also certify records. The secretary shall prepare and submit the minutes of board meetings to the chairperson and the board.

107.7 Duties and powers. The duties and powers of the board of adjustment shall be in accordance with Sections 107.7.1 through 107.7.3.

107.7.1 Errors. The board shall have the power to hear and decide on appeals where it is alleged that there is an error in any order, requirement, decision, determination or interpretation by the code official.

107.7.2 Variances. The board shall have the power to hear and decide on appeals wherein a variance to the terms of this code is proposed. Limitations as to the board’s authorization shall be as set forth in this code.

107.7.3 Variance review criteria. The board of adjustment shall be permitted to approve, approve with conditions or deny a request for a variance. Each request for a variance shall be consistent with the following criteria:

1. Limitations on the use of the property due to physical, topographical and geologic features.
2. The grant of the variance will not grant any special privilege to the property owner.
3. The applicant can demonstrate that without a variance there can be no reasonable use of the property.
4. The grant of the variance is not based solely on economic reasons.
5. The necessity for the variance was not created by the property owner.
6. The variance requested is the minimum variance necessary to allow reasonable use of the property.
7. The grant of the variance will not be injurious to the public health, safety or welfare.
8. The property subject to the variance request possesses one or more unique characteristics generally not applicable to similarly situated properties.

107.8 Use variance. The board of adjustment shall not grant a variance to allow the establishment of a use in a zoning district when such use is prohibited by the provisions of this code.

107.9 Decisions. The board shall be permitted to decide in any manner it sees fit; however, it shall not have the authority to alter or change this code or zoning map or allow as a use that which would be inconsistent with the requirements of this code. Provided, however, that in interpreting and applying the provisions of this code, the requirements shall be deemed to be the spirit and intent of the code and do not constitute the granting of a special privilege.

SECTION 108 - HEARING EXAMINER

108.1 General. This section addresses the duties and responsibilities of a hearing examiner, hereafter referred to as the “examiner,” and other officials and agencies with respect to the administration of this code.

108.2 Appointment of an examiner. The examiner shall be appointed and approved by the legislative body of the jurisdiction served. Compensation shall be set by the legislative body of the jurisdiction.

108.3 Duties and powers. The examiner shall hear and consider all applications for discretionary land rezones and use decisions as authorized by the legislative body by resolution. Such considerations shall be set for public hearing. The examiner shall be bound by the same standards of conduct as the commission and board, with respect to the administration of this code.

108.4 Decisions. The examiner shall, within 10 working days, render a decision. Notice in writing of the decision and the minutes of record shall be given to the code official for distribution as required. All decisions shall be kept in accordance with state regulations and such decisions shall be open to the public.

SECTION 109 - HEARINGS, APPEALS AND AMENDMENTS

109.1 Hearings. Upon receipt of an application in proper form, the code official shall arrange to advertise the time and place of public hearing. Such advertisement shall be given by at least one publication in a newspaper of general circulation within the jurisdiction. Such notice shall state the nature of the request, the location of the property, and the time and place of hearing.

Reasonable effort shall also be made to give notice by regular mail of the time and place of hearing to each surrounding property owner within a 200' radius of any point of the property line of the property subject to the hearing. A notice of such hearing shall be posted in a conspicuous manner on the subject property.

109.2 Appeals. Appeals shall be in accordance with Sections 109.2.1 through 109.2.3.

109.2.1 Filing. Any person with standing, aggrieved or affected by any decision of the code official shall be permitted to appeal to the examiner, board or commission by written request with the code official. Upon furnishing the proper information, the code official shall transmit to the examiner, board or commission all papers and pertinent data related to the appeal.

109.2.2 Time limit. An appeal shall only be considered if filed within 10 working days after the cause arises or the appeal shall not be considered. If such an appeal is not made, the decision of the code official shall be considered final.

109.2.3 Stays of proceedings. An appeal stays all proceedings from further action unless there is immediate danger to public health and safety.

109.3 Amendments. This code shall be permitted to be amended, but all proposed amendments shall be submitted to the code official for review and recommendation to the commission.

109.4 Voting and notice of decision. There shall be a vote of a majority of the board and commission present in order to decide any matter under consideration. Each decision shall be entered in the minutes by the secretary. All appeals shall be kept in accordance with state regulations and such appeals shall be open to the public. Notice in writing of the decision and the disposition of each appeal shall be given to the code official and each appellant by mail or otherwise.

SECTION 110 - VIOLATIONS

110.1 Unlawful acts. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or land or cause or permit the same to be done in violation of this code. When any building or parcel of land regulated by this code is being used contrary to this code, the code official shall be permitted to order such use discontinued and the structure, parcel of land, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the code official after receipt of such notice to make the structure, parcel of land, or portion thereof, comply with the requirements of this code.

SECTION 111 - PERMITS AND APPROVALS

111.1 General. All departments, officials and employees that are charged with the duty or authority to issue permits or approvals shall issue no permit or approval for uses or purposes where the same would be in conflict with this code. Any permit or approval, if issued in conflict with this code, shall be null and void. Fees for permits shall be established in Chapter 155 of the City Code of Treynor and/or by resolution of the City Council. (*Ord. 148 – April 2011*)

111.2 Expiration or cancellation. Each license, permit or approval issued shall expire after 90 days if no work is undertaken or such use or activity is not established, unless a different time of issuance of the license or permit is allowed in this code, or unless an extension is granted by the issuing agency prior to expiration. (*Ord. 148 – April 2011*)

Failure to comply fully with the terms of any permit, license or approval shall be permitted to be grounds for cancellation or revocation. Action to cancel any license, permit or approval shall be permitted to be taken on proper grounds by the code official. Cancellation of a permit or approval by the commission or board shall be permitted to be appealed in the same manner as its original action.

111.3 Validity of licenses, permits and approvals. For the issuance of any license, permit or approval for which the commission or board is responsible, the code official shall require that the development or use in question proceed only in accordance with the terms of such license, permit or approval, including any requirements or conditions established as a condition of issuance. Except as specifically provided for in this code and conditions of approval, the securing of one required review or approval shall not exempt the recipient from the necessity of securing any other required review or approval.

- A. Any permit issued shall have a construction start date not to exceed 90 days from permit issuance.
- B. Any permit shall be valid for a limited number of days following commencement of construction.
 - 1. Primary residence or structure – 365 days (180 days to be enclosed with an outward appearance of completion).
 - 2. Accessory building – 120 days
 - 3. Fence, deck or retaining wall – 60 days
 - 4. Sign – 30 days

C. Permit shall be void when the specified completion time expires, unless an extension of the permit has been granted. All work on the project must cease on the date that the permit becomes void.

D. Permit extensions – Upon application to the City Council, the first 90 day extension may be granted at the discretion of the City Council with good cause, without a fee. A second 90 day extension may be granted at a fee of 20% of the cost of the original building permit. A third extension shall not be granted.

However, permit extensions shall not be allowed for accessory buildings, fences, decks, retaining walls and sign permits. A new permit application and fee shall be required. It shall be at the City Council's discretion whether a new permit shall be granted.

E. Unapproved change or variation to the plans submitted with the original application shall automatically void the permit. For any changes or variations to the original application, a new application must be filed with a new fee included and a new permit must be approved by the Planning & Zoning Board and the City Council.

(Add A-E Ord. 148 – April 2011)

CHAPTER 2 DEFINITIONS

SECTION 201 - GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in other adopted codes of the City of Treynor, Iowa, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 202 - GENERAL DEFINITIONS

ACCESSORY BUILDING: An incidental subordinate building located on the same lot as the main building or dwelling. An accessory building for example, a detached garage or shed, shall not exceed 30 feet x 24 feet, or be in excess of 15 feet high, based on existing grade at the time of the permit application. Accessory buildings may be used in all zoning districts. Accessory buildings under the brand name "*Cover-All Shelter Systems*", or those that use vertical steel siding, typical of an agricultural setting, may not be used in residential zones. Accessory buildings shall be a single story structure with no basement. Accessory buildings may not be designed or used for habitation: no sewer or floor drain may be connected directly or indirectly to City sanitary sewer. Accessory buildings are subject to set back and lot coverage limitations. *(Ord. 149 revised definition – April 2011)*

ACCESSORY USE: A use conducted on the same lot as the primary use of the structure to which it is related; a use that is clearly incidental to, and customarily found in connection with, such primary use.

ADULT-USE BUSINESS: Also referred to as an "ADULT-USE" means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or other commercial business designed to sell, rent or otherwise exhibit sexually orientated entertainment.

AGRICULTURE: The tilling of the soil, raising crops, farm animals, livestock, horticulture, gardening, beekeeping and aquaculture.

ALLEY: Any public way or thoroughfare more than 10 feet, but less than 20 feet, in width, which has been dedicated to the public for public use.

ALTERATION: Any change, addition or modification in construction, occupancy or use.

AMUSEMENT CENTER: An establishment offering five or more amusement devices,

Including but not limited to, coin-operated electronic games, shooting galleries, table games and similar recreational diversions within an enclosed building.

APARTMENT HOUSE: A residential building designed or used for three or more dwelling units.

AUTOMOTIVE REPAIR, MAJOR: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.

AUTOMOTIVE REPAIR, MINOR: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.

AUTOMOTIVE SELF-SERVICE MOTOR FUEL DISPENSING FACILITY: That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles by persons other than a service station attendant. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted also to include a free-standing automatic car wash.

AUTOMOTIVE SERVICE MOTOR FUEL DISPENSING FACILITY: That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.

BASEMENT: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

BED AND BREAKFAST HOME: A single family dwelling which provides overnight lodging for guests on a rental basis, in which the owner resides and in which guest families are served breakfast, and providing the ratio of off-street parking shown in Table 801.2.1.

BED AND BREAKFAST INN: A commercial facility used primarily for guest lodging, usually with several rooms for that purpose, and providing the ratio of off-street parking shown in Table 801.2.1. A bed and breakfast inn is subject to the same licensing, inspection and taxation requirements as hotels, motels and restaurants.

BOARD: The Board of Adjustment of the City of Treynor.

BOARDING HOUSE: A dwelling containing a single dwelling unit and not more than 10 guestrooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than 1 week.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, MAIN: A building in which the principal use of the site is conducted.

BUILDING, TEMPORARY: A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

BUILDING CODE: The *International Building Code* promulgated by the International Code Council, or as otherwise adopted by the jurisdiction.

BUILDING HEIGHT: The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

BUILDING LINE: The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

BUSINESS OR FINANCIAL SERVICES: An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

CANOPY: A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

COMMERCIAL, HEAVY: An establishment or business that generally uses open sales yards, outside equipment storage or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumberyards, construction specialty services, heavy equipment suppliers or building contractors.

COMMERCIAL, LIGHT: An establishment or business that generally has retail or wholesale sales, office uses, or services, which do not generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services or restaurants.

COMMERCIAL CENTER, COMMUNITY: A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A community commercial center shall provide for the sale of general merchandise, and may include a variety store, discount store or supermarket.

COMMERCIAL CENTER, CONVENIENCE: A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A convenience commercial center shall provide a small cluster of convenience shops or services.

COMMERCIAL CENTER, NEIGHBORHOOD: A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A neighborhood commercial center shall provide for the sales of convenience goods and services, with a supermarket as the principal tenant.

COMMERCIAL CENTER, REGIONAL: A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and

services. A regional center shall provide for the sale of general merchandise, apparel, furniture, home furnishings, and other retail sales and services, in full depth and variety.

COMMERCIAL RETAIL SALES AND SERVICES: Establishments that engage in the sale of general retail goods and accessory services. Businesses within this definition include those that conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor “sidewalk” promotions); businesses specializing in the sale of either general merchandise or convenience goods.

COMPREHENSIVE PLAN: The declaration of purposes, policies and programs for the development of the jurisdiction.

CONDITIONAL USE: A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

CONDOMINIUM: A single-dwelling unit in a multiunit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

CONGREGATE RESIDENCE: Any building or portion thereof that contains facilities for living, sleeping and sanitation as required by this code, and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence shall be permitted to be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses.

COURT: A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

DAY CARE, FAMILY: The keeping for part-time care and/or instruction, whether or not for compensation, of six or less children at any one time within a dwelling, not including members of the family residing on the premises.

DAY CARE, GROUP: An establishment for the care and/or instruction, whether or not for compensation, of seven or more persons at any one time. Child nurseries, preschools and adult care facilities are included in this definition.

DENSITY: The number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

DRIVEWAY: A private access road, the use of that is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

DWELLING UNIT: Any building, or portion thereof, which contains living facilities, including provisions for sleeping, eating and sanitation, as required by this code, for not more than one family, or congregate residence for six or less persons.

All single family dwellings structures located in Treynor, Iowa shall be subject to the following standards:

1. For all building permits issued after June 5, 2006, dwelling structures shall have

a minimum width for any building elevation of not less than twenty-four feet (24'), shall contain a full basement and shall contain a finished living area of not less than the following:

- a. Single family, one story – 1,100 square feet;
 - b. Single family, multi-story – 900 square feet first story with a minimum total finished area of 1,500 square feet (excluding basement); (*Ord. 149 - April 2011*)
 - c. Single-family, split level, split foyer or split entry – 1,100 square feet first story with a minimum finished area of 1,500 square feet, and (*Ord. 149 - April 2011*)
 - d. Multi-family – 600 square feet per unit.
2. Dwelling structures shall be roofed in a gable or hip style and shall include an over hang of at least twelve inches (12"); and
 3. Dwelling structures shall be sided with material other than flat or corrugated sheet metal. No opening in the main building perimeter greater than six inches (6") shall be visible above the adjacent grade; and
 4. Dwelling structures shall be placed on a permanent frost-free foundation system that is provided for by the International Building Code for this region of the country, or as provided for by the recommendation of the manufacturer of the dwelling unit in accordance with nationally approved standards and compliant with Chapter 414.28 of the Code of Iowa.

DWELLING, SINGLE FAMILY: A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family.

DWELLING, TWO FAMILY: A building designed or arranged to be occupied by two families living independently, with the structure having only two dwelling units.

DWELLING, MULTIPLE UNIT: A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums, or offered for rent.

EASEMENT: That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

FACE OF BUILDING, PRIMARY: The wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

FAMILY: An individual or two or more persons related by blood, marriage or adoption, or a group not to exceed four (4) unrelated persons living together as a single housekeeping unit.

FAMILY HOME: A community-based residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa, or as a child foster care facility under Chapter 237 of the Code of Iowa to provide room and board, personal care, rehabilitation services, and

supervision in a family environment exclusively for not more than five (5) persons with a developmental disability or brain injury and any necessary support personnel.

FLOOR AREA, GROSS: The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the centerline of dividing walls; this includes courts and decks or porches when covered by a roof.

FLOOR AREA, NET: The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

FRONTAGE: The width of a lot or parcel abutting a public right-of-way measured at the front property line.

GARAGE, PRIVATE: A building or a portion of a building not more than 30 feet x 24 feet (720 square feet) in area, or be in excess of 15 feet high, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept. When attached to the main building, the garage shall become part of the main building by definition. When the garage is not attached to the main building, it shall be considered an accessory building by definition.

GRADE (ADJACENT GROUND ELEVATION): The lowest point of elevation of the existing surface of the ground, within the area between the building and a line 5 feet (1524 mm) from the building.

GROUP CARE FACILITY: A facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol; this does not include day care centers, family day care homes, Family Homes as defined by Chapters 135C or 237 of the Code of Iowa, foster homes, schools, hospitals, jails or prisons.

HABITABLE SPACE (ROOM): Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

HOME OCCUPATION: The partial use of a dwelling unit for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes.

HOSPITAL: An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

HOUSEHOLD PETS: Refer to Chapter 55 – Animal Protection and Control, Code of Ordinances, Treynor, Iowa.

INDUSTRIAL OR RESEARCH PARK: A tract of land developed according to a master site plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to ensure a harmonious integration into the neighborhood.

JURISDICTION: As used in this code, jurisdiction is the City of Treynor, Iowa.

KENNEL: Means “boarding kennel” or “commercial kennel”, as defined in Chapter 162 of the Code of Iowa.

KITCHEN: Any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

LAND LEASED COMMUNITY: Any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of the land leased community.

(Code of Iowa, Sec. 414.28A)

Land Leased Communities as defined above will only be allowed in an approved Residential (R) - Division 5 District – Land Leased Communities.

LANDSCAPING: The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features and contouring of the earth.

LEGISLATIVE BODY: The City Council of the City of Treynor, Iowa.

LIVESTOCK: Means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus, poultry and rabbits. Refer to Chapter 55 – “Animal Protection and Control”, Code of Ordinances, Treynor, Iowa.

LOT: A single parcel of land occupied or intended for occupancy by one or more main buildings together with accessory buildings, and having its principal frontage upon a street. The boundaries of the lot shall be determined by its lot lines. The adjoining street or road right-of-way, whether established by easement or under public or private ownership shall not be considered as part of the lot area for purposes of this code.

LOT, CORNER: Means a lot abutting upon two (2) or more streets at their intersection.

LOT COVERAGE (MAXIMUM): The maximum amount of Lot Coverage in an area zoned Residential shall not exceed forty percent (40%). The following shall be included for lot coverage purposes: principle and accessory buildings, permanent swimming pools, tennis and basketball courts, cement or brick slabs (not including sidewalks and driveways built in accordance with the ordinance specification), patios, garages, storage sheds and decks. Note all setback regulations still need to be met.

LOT, DEPTH OF: Means the mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: Means a lot having frontage on two non-intersecting streets, as distinguished from a corner lot.

MANUFACTURING, HEAVY: All other types of manufacturing not included in the definitions of light manufacturing and medium manufacturing.

MANUFACTURING, LIGHT: The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

MANUFACTURING, MEDIUM: The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles.

MANUFACTURED HOME: A factory-built structure built under authority of 42 U.S.C. Section 5403, that is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on, or after June 15, 1976. If a manufactured home is placed in 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 mobile home park, the home must be titled is to be assessed and taxed as real estate.

When placed outside a mobile home park a manufactured home shall not be constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

(Code of Iowa, Sec. 435.1(3))

MANUFACTURED HOME, SPECIAL CARE: A home used as a temporary dwelling for a family member who is in need of special, frequent and routine care by reason of advanced age or ill health.

MOBILE HOME: Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle 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(5))

Mobile homes as defined above will only be allowed in approved Residential (R) - Division 4 Districts - Mobile Home Park.

MOBILE HOME, EXISTING: Any mobile home existing outside of a manufactured home community or mobile home park shall be exempt from the permanent foundation requirements of this code until such a time that it is moved, changed, added to or modified, or otherwise altered from its current placement. Existing mobile homes outside of a manufactured home community or mobile home park will be assessed and taxed as real estate.

(Code of Iowa, Sec. 435.35)

MOBILE HOME PARK: Any site, lot, field or tract of land open which three (3) or more mobile homes, manufactured homes, or modular homes, or a combination of any of these homes are placed on developed spaces and operated as a for-profit enterprise with individual water, sanitary sewer, natural gas and electrical services available.

MODEL HOME: A dwelling temporarily used as a sales office for a residential development under construction; said home is being used for on-site sales and not for general real estate business.

MODULAR HOME: A factory-built structure built on a permanent chassis which is manufactured to be used as a place of human habitation; is constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code Commission.

Additionally, a modular home shall meet all of the following requirements:

1. Is designed only for erection or installation on a site-built permanent foundation;
2. Is not designed to be moved once so erected or installed;
3. Is designed and manufactured to comply with the International Building Code and with the Iowa State Building Code;
4. To the manufacturer's knowledge, is not intended to be used other than on a site-built permanent foundation.

MORTUARY, FUNERAL HOME: An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.

MOTEL, HOTEL: Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

NONCONFORMING LOT: A lot whose width, area or other dimension did not conform to the regulations when this code became effective.

NONCONFORMING SIGN: A sign or sign structure or portion thereof lawfully existing at the time this code became effective, which does not now conform.

NONCONFORMING STRUCTURE: A building or structure or portion thereof, lawfully existing at the time this code became effective, which was designed, erected or structurally altered for a use that does not conform to the zoning regulations of the zone in which it is located.

NONCONFORMING USE: See "Use, nonconforming."

OPEN SPACE: Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

PARK: A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

PARKING LOT: An open area, other than a street, used for the parking of automobiles.

PARKING SPACE, AUTOMOBILE: A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

PERSON: A natural person, heirs, executors, administrators or assigns, and includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PLANNED UNIT DEVELOPMENT (PUD): A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

PLOT PLAN: A plot of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

“POOLS (SWIMMING), (Refer also to the Chapter 156 “Swimming Pools”, Code of Ordinance, City of Treynor, Iowa)

Private swimming pool: A “swimming pool” is any artificial basin of water which has a capacity of five hundred (500) gallons or more or has a depth of three (3) feet or more. A “permanent swimming pool” is any artificial basin of water which remains in place or otherwise not removed throughout the year. Additionally, any swimming pool located on a property before May 1 and/or after October 1 of any year shall be considered a permanent swimming pool. All other swimming pools shall be considered a “temporary swimming pool”. A private swimming pool shall include in-ground, above-ground, and on-ground swimming pools. *(Ord. 149 - April 2011)*

Power safety cover: A pool cover that is placed over the water area, and is opened and closed with a motorized mechanism activated by a control switch.

Private swimming pool, indoor: Any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure. Indoor swimming pools shall be considered part of the main building by definition.

Private swimming pool, outdoor: Any private swimming pool that is not an indoor pool. Outdoor swimming pools shall be considered an accessory building by definition.

Public swimming pool: Any swimming pool other than a private swimming pool.

PUBLIC IMPROVEMENT: Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

PUBLIC SERVICES: Uses operated by a unit of government to serve public needs, such as police (with or without jail), fire service, ambulance, judicial court or government offices, but not including public utility stations or maintenance facilities.

PUBLIC UTILITY STATION: A structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste or hazardous waste.

PUBLIC WAY: Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

QUASI-PUBLIC: Essentially a public use, although under private ownership or control.

QUORUM: A majority of the authorized members of a board or a commission.

RECREATION, INDOOR: An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller-skating or ice-skating, billiards, pool, motion picture theatres, and related amusements.

RECREATION, OUTDOOR: An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for recreational activities.

RECYCLING FACILITY: Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metals, paper, rags, tires and bottles, and other such materials.

REGISTERED DESIGN PROFESSIONAL: An architect or engineer registered or licensed to practice professional architecture or engineering as defined by statutory requirements of the professional registration laws of the state in which the project is to be constructed.

REHABILITATION CENTER (HALFWAY HOUSE): An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and halfway houses for prison parolees and juveniles.

RELIGIOUS, CULTURAL AND FRATERNAL ACTIVITY: A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

RENOVATION: Interior or exterior remodeling of a structure, other than ordinary repair.

RESTAURANT: An establishment that sells prepared food for consumption. Restaurants shall be classified as follows:

Restaurant, fast food: An establishment that sells food already prepared for consumption, packaged in paper, Styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.

Restaurant, general: An establishment that sells food for consumption on or off the premises.

Restaurant, take-out: An establishment that sells food only for consumption off the premises.

SCHOOL, COMMERCIAL: A school establishment that provides teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school or modeling school).

SETBACK: The minimum required distance between the property line and the building line.

SIGN: An advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service, including the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

SIGNS, COMMUNITY: Temporary, on-or off-premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung from light poles or on buildings. These signs are solely of a decorative, festive and/or informative nature announcing activities, promotions or events with seasonal or traditional themes having broad community interest, and which are sponsored or supported by a jurisdiction-based nonprofit organization.

SITE PLAN: A plan that outlines the use and development of any tract of land.

STORY: That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 4 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

STREET: Any thoroughfare or public way not less than 16 feet in width which has been dedicated.

STREET, PRIVATE: A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

SUBDIVISION: The division of land into two (2) or more lots, parcels, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, building development or lease. The term subdivision includes re-subdivision, property split or lot line adjustment.

Re-subdivision: All re-subdivisions of subdivided land not classified as either a property split or property line adjustment, including but not limited to any size subdivision, which may include new public or private streets, the extension of any public facilities, or the creation of any public improvements.

Property Split: A subdivision of a lot or parcel of land into no more than two (2) lots or parcels nor includes new public or private streets, the extension of any public facilities, or the creation of any public improvements..

Property Line Adjustment: A subdivision of one (1) or more lots or parcels, which when adjusted create no additional lots or parcels.

THEATER; A building used primarily for the presentation of live stage productions, performances or motion pictures.

USE: The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

USE, CHANGE OF: The change within the classified use of a structure or premise.

USE, NONCONFORMING: A use that lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform with the use regulations.

USE, PRINCIPAL: A use that fulfills a primary function of a household, establishment, institution or other entity. The principal use of any property shall be that which is contained in the main building on said property.

USE, TEMPORARY: A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, storage pods, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

VARIANCE: A deviation from the height, bulk, setback, parking or other dimensional requirements established by this code.

WAREHOUSE, WHOLESALE OR STORAGE: A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

YARD: An open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from two and one-half (2 ½) feet above the ground upward except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot lines and the main building shall be used.

YARD, FRONT: A yard extending across the front of a lot and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch. on corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension except where the owner shall elect to front the main building on the street parallel to the lot line having the greater dimension.

YARD, REAR: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots, the rear yard shall be in the rear of the front yard.

YARD, SIDE: A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof, except on the street side or a corner lot, the side yard shall extend from the required front yard to the rear lot line.

CHAPTER 3 USE DISTRICTS

SECTION 301 - DISTRICT CLASSIFICATIONS

301.1 Classification. In order to classify, regulate and restrict the locations of uses and locations of buildings designated for specific areas; and to regulate and determine the areas of yards, courts and other open spaces within or surrounding such buildings, property is hereby classified into districts as prescribed in this chapter.

SECTION 302 - MINIMUM AREAS FOR ZONING DISTRICTS

302.1 Minimum areas. The minimum areas that may constitute a separate or detached part of any of the following zoning districts on the zoning map or subsequent amendments to said zoning map shall be as shown in Table 302.1. When a nonresidential district is directly across the street from or abuts the district with the same or less restrictive classification, the area of the land directly across the street or abutting the property may be included in the calculations in meeting the minimum district size requirements.

**TABLE 302.1
MINIMUM AREAS FOR ZONING DISTRICTS**

ZONING DISTRICT	MINIMUM AREA (a) OF THE DISTRICT
A, Division 1	5 acres
A, Division 2	10 acres
C, Division 1	2 acres
C, Division 2	2 acres
I, Division 1	5 acres
I, Division 2	10 acres
R, Division 1	No Minimum
R, Division 2	No Minimum
R, Division 3	No Minimum
R, Division 4	2 acres
R, Division 5	2 acres

SECTION 303 - ZONING MAP

303.1 General. The boundaries of each zoning district are to be indicated upon the official zoning map as approved by the legislative authority. Said map and subsequent amendments thereto shall be considered as a part of this code.

SECTION 304 - ANNEXED TERRITORY

304.1 Classification. Unless otherwise stated and approved by resolution, any territory hereafter annexed shall automatically, upon such annexation, be classified as R, Division 1, residential district and be subject to all conditions and regulations applicable to property in such district.

SECTION 305 - CONDITIONAL USES

305.1 General. The principal objective of this zoning code is to provide for an orderly arrangement of compatible buildings and land uses, and for the proper location of all types of uses required for the social and economic welfare of the community. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various use districts established by this code. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses, which it may be necessary to allow because of the unusual characteristics of the service they provide the public. These conditional uses require particular considerations as to their proper location to adjacent, established or intended uses, or to the planned growth of the community. The conditions controlling the locations and operation of such special uses are established by the applicable sections of this code.

CHAPTER 4 AGRICULTURAL ZONES

SECTION 401 - AGRICULTURAL ZONES DEFINED

401.1 Agricultural Zones. Allowable agricultural (A) zone uses shall be:

Division 1. (A-1 Zone) Any designated open space as set forth in this code. Any public park or other similar recreational use, including, but not limited to, amusement rides, golf courses, office buildings, retail buildings and dwellings necessary for the maintenance of the principal use.

Division 2. (A-2 Zone) Any agricultural use, including, but not limited to, dwellings, maintenance/ storage buildings and other such uses necessary for the principal use.

SECTION 402 - BULK REGULATIONS

402.1 General. The minimum area, setbacks, density and maximum height shall be as described in Table 402.1.

**TABLE 402.1
AGRICULTURAL (A) ZONE BULK REGULATIONS
(in feet, unless noted otherwise (a))**

ZONE DIVISION	MINIMUM LOT AREA (acres)	MAXIMUM DENSITY	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM BUILDING HEIGHT (b)
			Minimum lot width	Minimum lot depth	Minimum front yard	Minimum side yard	Minimum rear yard	
1	5	1 dwelling unit/5 acres	600	600	30	15	60	35
2	10	1 dwelling unit/10 acres	400	400	30	15	60	35

1 acre = 43,560 square feet.

(a) Open spaces and parks can be of a reduced size, if approved by the Commission.

(b) Accessory storage structures, windmills and similar structures shall be permitted to exceed the maximum height when approved by the code official.

CHAPTER 5 RESIDENTIAL ZONES

SECTION 501 - RESIDENTIAL ZONES DEFINED

501.1 Residential Zone. Allowable residential (R) zone uses shall be:

Division 1. Single Family (R-1 Zone) The following uses are permitted in an R, Division 1 zone:

Single family dwellings (detached, condominiums, town houses, zero lot line, planned group and cluster type - owner occupied housing), bed and breakfast homes, family day-care (six or less children), family homes (135C, Code of Iowa), publicly owned and operated parks, churches, public recreation centers, swimming pools and playgrounds, police and fire department stations, public and governmental services, public libraries, public schools and colleges (excluding colleges or trade schools operated for profit), public parking lots, park and ride facilities, buildings accessory to the above permitted uses (including private garages and accessory living quarters), and temporary buildings, and other open space.

Bed and breakfast inns and public utility stations may be located in this zone if approved by a conditional use permit.

Swimming pools within any R zone shall be subject to the provisions of Chapter 156, Code of Ordinances, City of Treynor.

Division 2. Two-Family (R-2 Zone) The following uses are permitted in an R, Division 2 zone:

Any use permitted in R, Division 1 zones and two-family dwellings, congregate residences, convalescent centers, group care (nursing, residential care, assisted living) and nurseries or group day-care (six or more individuals), religious, cultural, fraternal, clubs and lodge facilities, and mortuaries and funeral homes.

Division 3. Multi-Family (R-3 Zone) The following uses are permitted in a R, Division 3 zone:

All uses permitted in R, Division 2 zones, multiple-unit dwellings (three and more units), apartment houses, boarding and lodging houses, clinics, dispensaries and professional office buildings.

Charitable, philanthropic and eleemosynary use or institutions may be located in this zone if approved by a conditional use permit.

Division 4. Mobile Home Parks (R-4 Zone) The following uses are permitted in an R, Division 4 zone:

All uses specifically designed to be used exclusively by mobile homes parks, including two or more mobile homes, manufactured homes, or modular homes, or a combination of any of these homes, or other compatible uses as defined in Section 202, are placed on developed spaces and operated as a for-profit enterprise.

The entrance road connecting the mobile home park streets to the public street system and any

interior park streets shall have a minimum thirty-five foot (35') right-of-way, and shall be surfaced with hot mix asphalt or PCC pavement in accordance with the provisions of the city subdivision ordinance standards.

The mobile home park shall be connected to the municipal water and sanitary sewer systems, and each site shall be served individually by a water, sanitary sewer, natural gas and electric connection.

Division 5. Land Leased Community (R-5 Zone) The following uses are permitted in an R, Division 5 zone:

Ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of the land leased community. The land leased community shall have the same development standards as those promulgated for the Residential – Division 1 Districts.

SECTION 502 - BULK REGULATIONS

502.1 General. The minimum area, setbacks, density and maximum height shall be as described in Table 502.1.

**TABLE 502.1
RESIDENTIAL (R) ZONE BULK REGULATIONS
(in feet, unless noted otherwise)**

ZONE DIVISION	MINIMUM LOT AREA (square feet)	MAXIMUM DENSITY (dwelling unit/acre)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM BUILDING HEIGHT (b)
			Minimum lot width	Minimum lot depth	Minimum front yard	Minimum side yard	Minimum rear yard	
R-1	8,000	5	66	100	25 (f)	7 (d)	30 (c)	35
R-2	9,600	9	70	100	25 (f)	7 (d)	30 (c)	35
R-3	12,000 (a)	14	80	150	25 (f)	7 (d)	30 (c)	35
R-4	2 acres	11	250	250	75	35	35	35
R - 4 Individual Lots	4,000	11	40	100	15	5 (15 feet corner lot)	10	35
R - 5	6,000	7	60	100	25	7 (d)	30 (c)	35

1 acre = 43,560 square feet.

(a) A minimum lot area for three units shall be 12,000 square feet. For each additional unit up to twelve units an additional 2,400 square feet per unit is required. For structures with 12 units or more, an additional 1,500 square feet per unit in excess of twelve units is required.

(b) Accessory towers, satellite dishes and similar structures shall be permitted to exceed the maximum height when approved by the code official.

(c) Accessory buildings, except swimming pools, shall be set back from the lot line a minimum of 5 feet in rear yards, and in accordance with the set back provisions of the main building for front

and side yards. Swimming pools must be set back from the lot line a minimum of 7 feet in rear yards and in accordance with the set back provisions of the main building for front and side yards.

(d) The minimum width of any side yard in a residential district shall be increased as follows:

- 1 story – 7 feet,
- 2 stories – 8 feet,
- 3 stories and up – 10 feet,
- Side yard set backs – 7 feet,
- Corner lot, side yard set backs – 25 feet on street side.

(e) Temporary use structures as defined in Section 202 shall abide by the provisions of Section 103.4.

(f) Front Yard Set Back Exception. When a front yard set back has been established by the majority of main buildings on a block that is greater than the minimum front yard set back provided herein, the front yard set back for any new main building or extension thereof, within the same block, shall be established by variance.

(g) Lot Coverage (Maximum). The maximum amount of Lot Coverage in an area zoned Residential shall not exceed forty percent (40%). The following shall be included for lot coverage purposes: principle and accessory buildings, permanent swimming pools, tennis and basketball courts, cement or brick slabs (not including sidewalks and driveways built in accordance with the ordinance specification), patios, garages, storage sheds and decks. Note all setback regulations still need to be met.

(h) New construction & additions to current structures: Square footage of the primary structure, for the purpose of the building permit, includes porches, covered decks and attached garages. (*Ord. 150 – April 2011*)

CHAPTER 6 COMMERCIAL ZONES

SECTION 601 - COMMERCIAL ZONES DEFINED

601.1 Commercial Zones. Allowable commercial (C) zone uses shall be:

Division 1. General Commercial (C-1 Zone) The following uses are permitted in a C, Division 1 zone:

Any use permitted in an R, Divisions 1, 2 and 3 zones, with the exception of single family dwellings as allowed in the R, Division 1 zone, and minor automotive repair, automotive motor fuel dispensing facilities, automotive self-service motor fuel dispensing facilities, business or financial services, convenience and neighborhood commercial centers (excluding wholesale sales), family and group day care facilities, libraries, mortuary and funeral homes, public and governmental services, police and fire department stations, places of religious worship, public utility stations, restaurants, light commercial (excluding wholesale sales), group care facilities, physical fitness centers, religious, cultural and fraternal activities, rehabilitation centers, and schools and colleges operated for profit (including commercial, vocational and trade schools), cultural institutions (such as museums and art galleries), health and medical institutions (such as hospitals), hotels and motels, commercial printing and publishing, taverns and cocktail lounges, and indoor theaters.

Division 2. Highway Commercial (C-2 Zone) The following uses are permitted in a C, Division 2 zone:

Any use permitted in an C, Division 1 zone, with the exception of residential dwellings as allowed in the R, Division 1, 2 and 3 zones, and major automotive repair, commercial bakeries, regional commercial centers (including wholesale and retail sales), plastic products design, molding and assembly, small metal products design, casting, fabricating, and processing, manufacture and finishing, storage yards, self-storage warehouses or units, wood products manufacture and finishing, amusement centers (including bowling alleys, golf driving ranges, miniature golf courses, ice rinks, pool and billiard halls, and similar recreational uses), automotive sales, building material supply sales (wholesale and retail), community commercial centers (including wholesale and retail sales),.

Note: Adult entertainment businesses shall not be established within two (2) miles of the City limits, or within five hundred (500) feet of any school, church, public park, public playground, public plaza or residential area pursuant to Chapter 124 “Adult Entertainment”, Code of Ordinance, City of Treynor, Iowa.

SECTION 602 - BULK REGULATIONS

602.1 General. The minimum area, setbacks, density and maximum height shall be as described in Table 602.1.

TABLE 602.1
COMMERCIAL (C) ZONES BULK REGULATIONS
(in feet, unless noted otherwise)

ZONE DIVISION	MINIMUM LOT AREA (square feet)	MAXIMUM DENSITY (units/acre)	LOT DIMENSIONS (a)		SETBACK REQUIREMENTS (a)			MAXIMUM BUILDING HEIGHT (a), (b)
			Minimum lot width	Minimum lot depth	Minimum front yard	Minimum side yard	Minimum rear yard	
C-1	None	None	None	None	None	None	None	35
C-2	15,000	None	100	150	25	None	None	75

1 acre = 43,560 square feet.

(a) Residential structures in a commercial zone shall abide by the minimum lot area, density, dimensions, setback requirements and building height provisions as shown in Section 502.

(b) Accessory towers, satellite disks and similar structures shall be permitted to exceed the listed heights when approved by the code official.

(c) Temporary use structures as defined in Section 202 shall abide by the provisions of Section 103.4.

CHAPTER 7 INDUSTRIAL ZONES

SECTION 701 - INDUSTRIAL ZONES DEFINED

701.1 Industrial Zones. Allowable industrial (I) zone uses shall be:

Division 1. Light Industry (I-1 Zone) The following uses are permitted in an I, Division 1 zone:

Any light-manufacturing or industrial use, such as warehouses, research or testing laboratories, product distribution centers, woodworking shops, auto body shops, furniture assembly, dry cleaning plants, places of religious worship, public and governmental services, machine shops, and boat building storage yards.

Division 2. Heavy Industry (I-2 Zone) The following uses are permitted in an I, Division 2 zone:

Any use permitted in the I, Division 1 zone and stadiums and arenas, indoor swap meets, breweries, liquid fertilizer manufacturing, carpet manufacturing, monument works, and a regional recycling center.

Auto-dismantling yards, alcohol manufacturing, cotton gins, paper manufacturing, quarries, salt works, petroleum refining, and other similar uses may be located in this zone if approved by a conditional use permit.

SECTION 702 - BULK REGULATIONS

702.1 General. The minimum area, setbacks, density and maximum height shall be as prescribed in Table 702.1.

**TABLE 702.1
INDUSTRIAL (I) ZONE BULK REGULATIONS
(in feet, unless noted otherwise)**

ZONE DIVISION	MINIMUM LOT AREA (square feet)	MAXIMUM DENSITY (units/acre)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM BUILDING HEIGHT (a)
			Minimum lot width	Minimum lot depth	Minimum front yard	Minimum side yard	Minimum rear yard	
I-1	15,000	2	100	150	50	0	0	60
I-2	30,000	1	200	150	50	0	0	80

1 acre = 43,560 square feet.

(a) Accessory towers, satellite dishes and similar structures shall be permitted to exceed the maximum height when approved by the code official.

CHAPTER 8 GENERAL PROVISIONS

SECTION 801 - OFF-STREET PARKING

801.1 General. There shall be provided at the time of erection of any main building or at the time such buildings are altered, enlarged, converted or increased in capacity minimum off street parking space with adequate provision for ingress and egress by standard-sized vehicles in accordance with the requirements of this code.

801.2 Parking space requirements. Parking spaces shall be in accordance with Sections 801.2.1 through 801.2.3.

801.2.1 Required number. The off-street parking spaces required for each use permitted by this code shall not be less than that found in Table 801.2.1. Fractional parking spaces shall not be computed as a whole space.

801.2.2 Combination of uses. Where there is a combination of uses on a lot, the required number of parking spaces shall be the sum of that found for each use.

801.2.3 Location of lot. The parking spaces required by this code shall be provided on the same lot as the use or where the exclusive use of such is provided on another lot not more than 500 feet radially from the subject lot within the same or less-restrictive zoning district.

801.2.4 Accessible spaces. Accessible parking spaces and passenger loading zones shall be provided in accordance with Chapter 321L, Code of Iowa. Passenger loading zones shall be designed and constructed in accordance with ICC A117.1.

801.3 Parking stall dimension. Parking stall dimensions shall be in accordance with Sections 801.3.1 and 801.3.2.

801.3.1 Width. A minimum width of 9 feet shall be provided for each parking stall.

Exceptions:

1. Compact parking stalls shall be permitted to be 8 feet wide.
2. Parallel parking stalls shall be permitted to be 8 feet wide.
3. The width of a parking stall shall be increased 10 inches for obstructions located on either side of the stall within 14 feet of the access aisle.

4. Accessible parking spaces shall be designed in accordance with ICC A117.1.

801.3.2 Length. A minimum length of 20 feet shall be provided for each parking stall.

Exceptions:

1. Compact parking stalls shall be permitted to be 18 feet in length.
2. Parallel parking stalls shall be a minimum 22 feet in length.

801.4 Design of parking facilities. The design of parking facilities shall be in accordance with Sections 801.4.1 through 801.4.7.

801.4.1 Driveway width. Every parking facility shall be provided with one or more access driveways, the width of which shall be the following:

1. Private driveways at least 9 feet.
2. Commercial driveways:
 - 2.1. Twelve feet for one-way enter/exit.
 - 2.2. Twenty-four feet for two-way enter/exit.

801.4.2 Driveway and ramp slopes. The maximum slope of any driveway or ramp shall not exceed 12 percent. Transition slopes in driveways and ramps shall be provided in accordance with the standards set by the code official and the jurisdiction's engineer.

801.4.3 Stall access. Each required parking stall shall be individually and easily accessed. No automobile shall be required to back onto any public street or sidewalk to leave any parking stall when such stall serves more than two dwelling units or other than residential uses. All portions of a public lot or garage shall be accessible to other portions thereof without requiring the use of any public street.

801.4.4 Compact-to-standard stall ratio. The maximum ratio of compact stalls to standard stalls in any parking area shall not exceed 1 to 2.

801.4.5 Buffer. A 3-foot-wide buffer at the public way shall be provided for all parking areas of five or more parking spaces.

**TABLE 801.2.1
OFF-STREET PARKING SCHEDULE**

USE	USE NUMBER OF PARKING SPACES REQUIRED	MINIMUM ACCESSIBLE PARKING SPACES REQUIRED
Assembly	1 per 300 gross square feet	1, or 2% of total
Dwelling unit (single & two –family)	2 per dwelling unit	No requirement
Dwelling unit (multi-family)	1 ½ per dwelling unit	1, or 2% of total
Health club	1 per 100 gross square feet	1, or 2% of total
Hotel/motel	1 per guestroom plus 1 per 500 square feet of common area	1, or 2% of total
Industry	1 per 500 square feet	1, or 2% of total
Medical office, Retail	1 per 200 gross square feet	1, or 2% of total
Office	1 per 300 gross square feet	1, or 2% of total
Restaurant	1 per 100 gross square feet	1, or 2% of total
School	1 per 3.5 seats in assembly rooms plus 1 per faculty member	1, or 2% of total
Warehouse	1 per 500 gross square feet	1, or 2% of total

801.4.6 Surfacing. All parking areas shall be paved with a hard surface material, either hot mix asphalt or portland cement concrete in accordance with thicknesses provided in the Iowa Statewide – Urban Standard Specifications for Public Improvements.

801.4.7 Striping. All parking stalls shall be striped.

Exception: A private garage or parking area for the exclusive use of a single-family dwelling.

801.4.8 Lighting. All lights illuminating a parking area shall be designed and located so as to reflect away from any street and adjacent property.

SECTION 802 - FENCE HEIGHTS

802.1 General. No person shall construct, enlarge, alter, or otherwise improve a fence without first obtaining a permit as required by this code.

802.2 Heights. Fence and retaining wall heights in yards shall not exceed those found in Table 802.1.

802.3 Right-of Way. No person shall construct, alter or enlarge a fence that encroaches onto or into any street, road or highway right-of-way. (*Ord. 152 – April 2011*)

**COMBINED TABLE 802.1/803.1
MAXIMUM FENCE AND/OR RETAINING WALL HEIGHTS**

YARDS		HEIGHT (feet)
Front		3.5
Rear		6.0
Side	Lot Side	6.0
	Street Side	3.5

(Ord. 152 – April 2011)

SECTION 803 – RETAINING WALLS *(Ord. 151 – April 2011)*

803.1 General – No person shall construct, enlarge, alter or otherwise improve a retaining wall without first obtaining a permit as required by this code.

803.2 Heights – Retaining wall heights shall not exceed 3.5 (three and one-half) feet in any front yard or street side, side yard. They shall not exceed 6.0 (six) feet in any rear or lot side, side yard.

803.3 Right-of-Way- No person shall construct, alter or enlarge a retaining wall that encroaches onto or into any street, road or highway right-of-way.

SECTION 804 - ACCESSORY BUILDINGS *(Ord. 151 – April 2011)*

804.1 General. An accessory building is an incidental subordinate building located on the same lot as the main building or dwelling. An accessory building, for example, a detached garage or shed, shall not exceed 30 feet x 24 feet, or be in excess of 15 feet high, based on existing grade at the time of permit application. Accessory buildings may be used in all zoning districts. Accessory buildings under the brand name “Cover-All Shelter Systems”, or those that use vertical steel siding, typical of an agricultural setting, may not be used in residential zones. Accessory buildings shall be a single story structure with no basement. Accessory buildings may not be designed or used for habitation: no sewer or floor drain may be connected directly or indirectly to City sanitary sewer. Accessory buildings are subject to set back and lot coverage limitations. *(Ord. 151 – April 2011)*

804.2 Separation from main building. All accessory buildings shall be separated from the main building by 10 feet. Accessory buildings shall be at least 7 feet from the side property line and 5 feet from any rear property line. *(Ord. 151 – April 2011)*

804.3 Private garages. An accessory building used as a private garage shall be permitted to be located in the rear yard or side yard provided that setbacks are maintained and the

structures do not encroach into any recorded easements. The building shall be permitted to be located in the front yard of a sloping lot if the lot has more than a 10-foot difference in elevation from midpoint of the front lot line to a point 50 feet away midway between the side lot lines.

804.4 Storage buildings. All accessory buildings used for storage or other similar use shall be permitted to be located in any portion of the rear yard. No storage building shall be located in the front yard or side yard. *(Ord. 151 – April 2011)*

804.5 Maximum lot coverage in any residential zone shall not exceed forty percent (40%) of the entire lot. The main building, accessory buildings, permanent swimming pools, tennis and basketball courts, cement or brick slabs (excluding driveways and sidewalks), patios, garages, storage sheds and decks are all included in lot coverage. *(Ord. 151 – April 2011)*

SECTION 805 - ALLOWABLE PROJECTIONS INTO YARDS

(Ord. 151 – April 2011)

805.1 General. Eaves, cornices or other similar architectural features shall be permitted to project into a required yard no more than 12 inches. Chimneys shall be permitted to project no more than 2 feet, provided the width of any side yard is not reduced to less than 5 feet.

805.2 Front yards. Open, unenclosed ramps, porches, platforms or landings, not covered by a roof, shall be permitted to extend no more than 6 feet into the required front yard, provided such porch does not extend above the first level and is no more than 6 feet above grade at any point.

805.3 Rear yards. Windows shall be permitted to project into a required rear yard no more than 6 inches.

SECTION 806 - LANDSCAPING REQUIREMENTS

(Ord. 151 – April 2011)

806.1 General. Landscaping is required for all new buildings and additions over 500 square feet as defined in this section. Said landscaping shall be completed within 1 year from the date of occupancy of the building. Landscaping is defined as the finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features and contouring of the earth.

806.2 Front yards. Front yards required by this code shall be completely landscaped, except for those areas occupied by access driveways, walls and structures.

806.3 Street-side side yards. All flanking street-side side yards shall be completely landscaped, except for those areas occupied by utilities, access driveways, paved walks, walls and structures.

806.4 Maintenance. All live landscaping required by this code shall be properly maintained. All dead landscaping shall be removed.

SECTION 807 - LOADING SPACES

(Ord. 151 – April 2011)

807.1 General. Loading spaces shall be provided on the same lot for every building in the C or I zones. No loading space is required if prevented by an existing lawful building. The code official shall be authorized to waive this requirement on unusual lots.

807.2 Size. Each loading space shall have a clear height of 14 feet and shall be directly accessible through a usable door not less than 3 feet in width and 6 feet, 8 inches high. The minimum area of a loading space shall be 200 square feet and the minimum dimensions shall be 20 feet long and 10 feet deep.

SECTION 808 - GRADING AND EXCAVATION REGULATIONS

(Ord. 151 – April 2011)

808.1 General. This section is intended to provide the community with fair and equitable grading practices and shall not supersede the requirements of any other ordinance or code.

808.2 Grading responsibilities. Grading operations shall be in accordance with Sections 807.2.1 through 807.2.9.

808.2.1 Protection of utilities. Public utilities or services shall be protected from damage caused by grading or excavation operations.

808.2.2 Protection of adjacent property. Adjacent properties shall be protected from damage caused by grading operations. No person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley, or other public or private property, without supporting and protecting such property from any damage that might result.

808.2.3 Inspection notice. The code official shall be notified at least 24 hours prior to the start of work.

808.2.4 Temporary erosion control. Precautionary measures necessary to protect adjacent watercourses and public or private property from damage by water erosion, flooding or deposition of mud or debris originating from the site shall be put in effect. Precautionary measures shall include provisions of properly designed sediment control facilities so that downstream properties are not affected by upstream erosion.

808.2.5 Traffic control and protection of streets. Flaggers, signs, barricades and other safety devices to ensure adequate safety when working in or near public streets shall be provided.

808.2.6 Hazard from existing grading. Whenever any existing excavation, embankment or fill has become a hazard to life or limb, endangers structures, or adversely affects the safety, use stability of a public way or drainage channel, such excavation, embankment or fill shall be eliminated.

808.2.7 Tracking of dirt onto public streets. Adequate cleaning of equipment to prevent the tracking of dirt and debris onto public streets shall be provided.

808.2.8 Maintenance of waterway and irrigation canals. Precautionary measures to protect and maintain the flow of waterways and irrigation canals shall be taken.

808.2.9 Re-vegetation. The loss of trees, ground cover, and topsoil shall be minimized on any grading project. In addition to mechanical methods of erosion control, graded areas shall be protected to the extent practical from damage by erosion by planting grass or ground cover plants and/or trees. Such plantings shall provide for rapid, short-term coverage of the slopes as well as long-term permanent coverage.

808.3 Design standards. The grading design standards required herein shall be those found in nationally recognized standards.

SECTION 809 – PASSAGEWAYS (*Ord. 151 – April 2011*)

809.1 Residential entrances. There shall be a passageway leading from the public way to the exterior entrance of each dwelling unit in every residential building of not less than 7 feet in width. The passageway shall be increased by 2 feet for each story over two.

809.2 Separation between buildings. There shall be at least 10 feet of clear space between every main building and accessory building on a lot. There shall be at least 20 feet of clear space between every residential building and another main building on the same lot.

809.3 Location of passageways. Passageways shall be permitted to be located in that space set aside for required yards. Passageways shall be open and unobstructed to the sky and shall be permitted to have such projections as allowed for yards, provided the users of said passageway have a clear walkway to the public way. Any space between buildings or passageways that has less width than that prescribed herein shall not be further reduced.

SECTION 810 - APPROVAL FOR AND AVAILABILITY OF ESSENTIAL SERVICES (Ord. 151 – April 2011)

810.1 General. All projects that require the additional use of new facilities or essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. Non-availability of essential services shall be permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the jurisdiction agrees otherwise.

All service extensions shall be designed and installed in full compliance with the jurisdiction's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.

SECTION 811 – SWIMMING POOLS (Ord. 151 – April 2011)

811.1 General. No person shall construct, enlarge, alter, or otherwise improve a swimming pool, whether temporary or permanent, without first obtaining a permit as required by this code. A swimming pool is any artificial basin of water which has a capacity of 500 gallons or more or has a depth of 3 feet or more. There is a one-time permit charge of \$30 for all pools (temporary have to apply each year, but there is no fee after the first year). Permits must be applied for 10 days in advance of construction or use of a pool. (Ord. 151 – April 2011)

811.2 Enclosure. Every permanent swimming pool, whether in-ground or above-ground, shall be completely surrounded by a wood or plastic composite privacy fence or wall at least six (6) feet in height. Chain link fences or similar type fences shall not be allowed. Such fence or wall shall be non-climbable and shall be constructed of sufficiently strong materials and of such structural design as to make the pool inaccessible to small children. There shall not be a distance greater than ten (10) feet between fence posts.

811.3 Set Back. No part of a swimming pool, whether temporary or permanent, or its related structure, shall be constructed within seven (7) feet of a property line, other wall, fence or other structure, which can readily be climbed by children.

811.4 Access. All gates and doors in the fence or wall shall be self-latching or self-closing. At all times, when the pool is “unattended”, such gates, doors, steps, ladders, ramps or any other device affording access to the pool shall be secured against unauthorized access. “Unattended” means the absence of an adult person in the outdoor swimming pool, or the adult person is not within constant eyesight of the outdoor swimming pool, or the adult person is further than twenty (20) feet away from the outdoor swimming pool. (*Ord. 151 – April 2011*)

SECTION 812 – DRIVEWAYS (*Ord. 151 – April 2011*)

812.1 – GENERAL – No person shall construct, enlarge, alter, replace or otherwise improve a driveway without first obtaining a permit as required by this Code. The City of Treynor shall be notified three (3) business days before starting work for inspection and approval. (*Ord. 151 – April 2011*)

812.1.1 NUMBER OF ENTRANCES – Each single family residence shall be limited to a single access point. Corner lot property owners shall be allowed to choose which frontage shall provide access. (*Ord. 151 – April 2011*)

812.2.1 DRIVEWAY DESIGN – WIDTH, THICKNESS AND GRADE – City Code requires compliance with Statewide Urban Design and Specification (SUDAS) requirements – (Reference SUDAS Chapter 5 Section 1-4) (*Ord. 151 – April 2011*)

SECTION 813 – SIDEWALKS (*Ord. 151 – April 2011*)

813.1 – GENERAL – No person shall construct, enlarge, alter, replace or otherwise improve a sidewalk without first obtaining a permit as required by this Code. (*Ord. 151 – April 2011*)

813.2 – WIDTH - Residential sidewalks shall be at least forty-eight (48”) inches wide and each section shall be no more than six (6’) feet long. Residential sidewalks shall be **Class “B” Sidewalks** as per SUDAS, Business and Commercial sidewalks shall be **Class “A” or Class “C”** as per SUDAS. (Reference Chapter 8 Section 3) (*Ord. 151 – April 2011*)

813.3 – SUBGRADES, GRADES, RAMPS, DETECTABLE WARNING SURFACES, THICKNESS AND JOINTS – City Code requires compliance with SUDAS requirements – (Reference SUDAS Chapter 8 Section 3). The City of Treynor shall be notified three (3) business days before starting work for inspection and approval. (*Ord. 151 – April 2011*)

813.4 – CONSTRUCTION MATERIALS – Side(*Ord. 151 – April 2011*) walks shall be constructed of Portland cement and completed of one-course construction.

813.5 – FINISH – All sidewalks shall have a “broom” or “wood float” finish to maximize traction. (*Ord. 151 – April 2011*)

CHAPTER 9 SPECIAL REGULATIONS

SECTION 901 - HOME OCCUPATIONS

901.1 General. Home occupations shall be permitted in all zones, provided the home occupation is clearly and obviously subordinate to the main use or dwelling unit for residential purposes. Home occupations shall be conducted wholly within the primary structure on the premises. All home occupations shall be subject to approval of a conditional use permit.

901.2 Conditions.

1. The home occupation shall not exceed 20 percent of the floor area of the primary structure.
2. Other than those related by blood, marriage or adoption, no more than one person may be employed in the home occupation.
3. Inventory and supplies shall not occupy more than 50 percent of the area permitted to be used as a home occupation.
4. There shall be no exterior display or storage of goods on said premises.
5. Home occupations involving beauty shops or barbershops shall require a conditional-use permit.
6. Sales and services to patrons shall be arranged by appointment and scheduled so that not more than one patron vehicle is on the premises at the same time.
7. Two additional parking spaces shall be provided on the premises, except only one need be provided if the home occupation does not have an employee. Said parking shall comply with the parking requirements in Chapter 8.

SECTION 902 - ADULT USES

902.1 General. Refer to the provisions of Chapter 124, "Adult Entertainment", Code of Ordinance, City of Treynor, Iowa.

903.1 Statement of Intent. The purpose of this section is to provide for the appropriate location of communication towers and related accessory facilities to serve the needs of the community. The conditional use procedure set forth in Chapter 12 and this section provides for the review and discretionary approval of communication tower sites considering conditions specific to the location while offering uniform and comprehensive standards for the development of functionally equivalent services. These regulations are designed to assure the managed development of the community's communication infrastructure through a timely and responsible review process.

903.2 Applicability. Communication towers exceeding the maximum height allowed in the underlying zoning district to a maximum height of two hundred (200) feet are permitted in all zoning districts, subject to approval of a conditional use permit as set forth in Chapter 12 and the additional minimum standards in this section.

1. The following types of communication towers are subject to the standards and procedures of this section:
 - a. UHF, VHF and cable television.
 - b. AM, FM, and two-way radio.
 - c. Fixed point microwave.
 - d. Wireless communications, including but not limited to paging, cellular, enhanced specialized mobile radio (ESMR), and personal communications systems (PCS).

2. An antenna and supporting structure for the following are exempt from the development standards of this section and are allowed in any zoning district, if accessory to a permitted use and in compliance with other applicable regulations of that zoning district.
 - a. Amateur radios licensed by the FCC.
 - b. Citizens band radios.
 - c. Direct broadcast satellite discs.
 - d. Conventional home television antennas, including UHF and VHF antennas.

3. Towers for police, fire and emergency communications or other municipal systems are exempt from the development standards of this section.

4. Towers attached to utility poles located in public right-of-way are exempt from the development standards of this section. However, placement of such towers shall be subject to review and approval by the Maintenance Department and the appropriate utility.

5. Communications facilities to be co-located onto an existing legally established tower with no increase in height are exempt from the review procedures of this section. However, documentation of the capacity of the structure to support weight or wind load from the additional equipment shall be provided to the Building Inspector prior to issuance of a building permit.

6. Building-attached facilities, either roof mounted antennas or antennas attached to the side of a building are exempt from the standards and conditions of this section. These structures shall be subject to review for compliance with all applicable federal, state and local regulations by the Building Inspector, prior to issuance of any local permits. The City Council shall have the authority to approve placement of communication facilities proposed to be mounted on other structures such as water tanks, steeples or other creative locations, if it is determined that the proposed location is consistent with the facilities exempted from the procedures of this section.

7. No tower shall be constructed in a manner which will interfere with emergency communication transmissions of the county. The applicant shall request documentation from the county sheriff to verify that said tower will not create such interference. Said documentation shall be submitted with the application. Any cost incurred in the process of certifying that the tower, transmitter, receiver or any other communications equipment will not interfere with emergency communication transmissions shall be at the applicant's expense.

903.3 Accessory uses. Accessory structures used in direct support of a tower, including equipment cabinets and fencing shall be allowed, but not broadcast studios, vehicle storage or other outdoor storage unless otherwise permitted in the zoning district.

903.4 Site plan review procedure.

1. Application. The property owner or their authorized representative may submit an application for a conditional use permit. The application shall be filed with the Building Inspector, along with the required filing fee. The following information shall be considered the minimum. The Building Inspector shall determine the adequacy and completeness of the application prior to scheduling the case before the zoning board of adjustment.

a. Legal description and location of the property with a scaled drawing with north arrow and date, showing the relationship of the parcel to the surrounding area;

b. A site plan showing all existing and proposed structures located within the property, total acreage of the parcel, dimensions and distances of all structures within the property and two hundred (200) feet beyond the property line;

c. Engineering information and drawings pertaining to tower design, building materials, accessory structures and attached equipment, capacity and the number and type of antennas;

d. A landscape plan, including screening, fencing, lighting and security measures. Notice or proof of application to the Federal Aviation Administration, Federal Communications Commission and/or any other applicable state or federal regulator allowing a tower at the proposed location. Final notice shall be required prior to issuance of the building permit, if a conditional use permit is granted.

903.5 Standards and conditions for approval. Conditional use permits for the purpose of installing communication towers shall be evaluated based on the following information.

1. The type and purpose of the tower.

2. The height of the proposed tower as measured from the natural undisturbed ground surface below the center of the base of the tower to the tip of the highest antenna or piece of equipment attached.

3. Minimum setbacks from all adjoining property equal to:

- a. One hundred percent (100%) of the tower height from the base of the tower to any adjoining residential dwelling, whether located upon residentially zoned property or not.
- b. Twenty (20) feet from the base of the tower to any adjoining lot which is not zoned for residential use.
- c. The zoning board of adjustment may reduce the required setbacks on a finding that such reduction will not adversely affect adjacent properties and is consistent with the purpose and intent of this section.

4. Operational characteristics of the facility including maintenance routines, employee access and security requirements.

5. Landscaping and other buffers proposed to screen the base of the tower from residential or commercial uses, streets, parks or other public property.

6. Other proposed measures to minimize the adverse visual effects on adjacent land including lighting, non-interference with radio and television reception or other mitigating factors.

7. Proximity to other towers and documentation of incompatibility with those towers, attempts to co-located and/or accommodate other providers on the proposed tower.

8. Towers requiring painting or lighting to meet Federal Aviation Administration requirements are permitted in any zoning district.

903.6 Additional regulations.

1. A conditional use permit shall become void one (1) year after the date of approval unless the applicant has obtained a building permit and is in the process of or has completed construction of the communication tower as approved;

2. A conditional use permit approved subject to these procedures shall run with the land and continue to be valid regardless of change of ownership of either the land or the approved structure; however, the owner is required to notify the city of any subleases or shared use of the tower.

3. After proper notice of a public hearing on the matter as required elsewhere in this title, the zoning board of adjustment may revoke a conditional use if it finds that the use is in violation of the terms of approval;

4. All obsolete or unused towers and accessory facilities shall be removed at owner's expense within six (6) months of cessation of operation at the site. Failure to remove the unused tower within the six (6) month period of time shall be considered the basis for revoking the conditional use permit issued herein. Any new applicant for the use of the tower must reapply for a conditional use permit and comply with each and every portion of this title as amended. Additionally, if the tower is obsolete and abandoned for a period of greater than one (1) year, the City Council may notify the owner of the property and the permit holder of the proposed revocation of the conditional use permit by sending a letter addressed to the owner of the property at the address of record to which the real estate taxes are sent and to the permit holder at the address of record informing the parties that unless the tower is removed within ninety (90) days, the City Council will declare the tower a nuisance, abate the nuisance, and charge the cost of abating the nuisance to the property owner by filing a lien against the property.

903.7 Wind Energy Conservation Systems (WECS).

1. The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the diameter of the rotor. A reduction of this requirement may be granted as part of a Conditional Use Permit approval if the Planning Board finds that the reduction is consistent with public health, safety, and welfare.
2. The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted as part of a Conditional Use Permit approval if the Planning Board finds that the reduction does not impede the operation of either WECS.
3. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.
4. A fence six feet high with a locking gate shall be placed around any WECS tower base; or the tower climbing apparatus shall begin no lower than twelve feet above ground.
5. The WECS is exempt from the height restrictions of the base district.

CHAPTER 10 SIGN REGULATIONS

SECTION 1001 - PURPOSE

1001.1 Purpose. The purpose of this chapter is to protect the safety and orderly development of the community through the regulation of signs and sign structures.

SECTION 1002 - DEFINITIONS

1002.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

ABANDONED SIGN. A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.

ANIMATED SIGN. A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination.

For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on/off phases of illumination exceeds 4 seconds.

2. Patterned illusionary movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

ARCHITECTURAL PROJECTION. Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also “Awning”; “Backlit awning”; and “Canopy, attached and freestanding.”

AWNING. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

AWNING SIGN. A sign displayed on or attached flat against the surface or surfaces of an awning. See also “Wall or fascia sign.”

BACKLIT AWNING. An awning with a translucent covering material and a source of illumination contained within its framework.

BANNER. A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN. A sign utilizing a banner as its display surface.

BILLBOARD. See “Off-premise sign” and “Outdoor advertising sign.”

BUILDING ELEVATION. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

CANOPY (Attached). A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also “Marquee.”

CANOPY (Free-standing). A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.

CANOPY SIGN. A sign affixed to the visible surface(s) of an attached or free-standing canopy. For reference, see Section 1003.

CHANGEABLE SIGN. A sign with the capability of content change by means of manual or remote input, including signs which are:

Electrically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface.

Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also “Electronic message sign or center.”

Manually activated. Changeable sign whose message copy or content can be changed manually.

COMBINATION SIGN. A sign that is supported partly by a pole and partly by a building structure.

COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

DEVELOPMENT COMPLEX SIGN. A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with Section 1009.2 of this chapter.

DIRECTIONAL SIGN. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DOUBLE-FACED SIGN. A sign with two faces, back to back.

ELECTRIC SIGN. Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE SIGN OR CENTER. An electrically activated changeable sign whose variable message capability can be electronically programmed.

EXTERIOR SIGN. Any sign placed outside a building.

FASCIA SIGN. See “Wall or fascia sign.”

FLASHING SIGN. See “Animated sign, electrically activated.”

FREE-STANDING SIGN. A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. For visual reference, see Section 1003.

FRONTAGE (Building). The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

FRONTAGE (Property). The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

GROUND SIGN. See “Free-standing sign.”

ILLUMINATED SIGN. A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

INTERIOR SIGN. Any sign placed within a building, but not including “window signs” as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

MANSARD. An inclined decorative roof-like projection that is attached to an exterior building facade.

MARQUEE. See “Canopy (attached).”

MARQUEE SIGN. See “Canopy sign.”

MENU BOARD. A free-standing sign orientated to the drive through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification.

MULTIPLE-FACED SIGN. A sign containing three or more faces.

OFF-PREMISE SIGN. See “Outdoor advertising sign.”

ON-PREMISE SIGN. A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

OUTDOOR ADVERTISING SIGN. A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

PARAPET. The extension of a building facade above the line of the structural roof.

POLE SIGN. See “Free-standing sign.”

POLITICAL SIGN. A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

PORTABLE SIGN. Any sign not permanently attached to the ground or to a building or building surface.

PROJECTING SIGN. A sign other than a wall sign that is attached to or projects more than 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign. For visual reference, see Section 1003.

REAL ESTATE SIGN. A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

REVOLVING SIGN. A sign that revolves 360 degrees about an axis. See also “Animated sign, mechanically activated.”

ROOF LINE. The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said façade or parapet.

ROOF SIGN. A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs, see Section 1003.

SIGN. Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

SIGN AREA. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

SIGN COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

SIGN FACE. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. See Section 1003.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
4. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN STRUCTURE. Any structure supporting a sign.

TEMPORARY SIGN. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

UNDER CANOPY SIGN OR UNDER MARQUEE SIGN. A sign attached to the underside of a canopy or marquee.

V SIGN. Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a “V” shape with an interior angle between faces of not more than 90 degrees with the distance between the sign faces not exceeding 5 feet at their closest point.

WALL OR FASCIA SIGN. A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed. For a visual reference and a comparison of differences between wall or fascia signs and roof signs, see Section 1003.

WINDOW SIGN. A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

SECTION 1003 - GENERAL SIGN TYPES

1003.1 General. Sign types and the computation of sign area shall be as depicted in Figures 1003.1(1) through 1003.1(4).

SECTION 1004 - GENERAL PROVISIONS

1004.1 Conformance to codes. Any sign hereafter erected shall conform to the provisions of this ordinance and the provisions of the *International Building Code* and of any other ordinance or regulation within this jurisdiction.

1004.2 Signs in rights-of-way. No sign other than an official traffic sign or similar sign shall be erected within 2 feet of the lines of any street, or within any public right-of-way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the code official.

1004.3 Projections over public ways. Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet from grade level to the bottom of the sign. Signs, architectural projections or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.

1004.4 Traffic visibility. No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

1004.5 Computation of frontage. If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.

FIGURE 1003.1(1)
GENERAL SIGN TYPES

FIGURE 1003.1(2)
COMPARISON – ROOF AND WALL OR FASCIA SIGNS

FIGURE 1003.1(3)
SIGN AREA – COMPUTATION METHODOLOGY

FIGURE 1003.1(4)
SIGN AREA – COMPUTATION METHODOLOGY

1004.6 Animation and changeable messages. Animated signs, except as prohibited in Section 1006, are permitted in commercial and industrial zones only. Changeable signs, manually activated, are permitted for nonresidential uses in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones.

1004.7 Maintenance, repair and removal. Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the code official forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

1004.8 Obsolete sign copy. Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within 30 days after written notification from the code official; and upon failure to comply with such notice, the code official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

1004.9 Nonconforming signs. Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size with the regulations of the zone in which such sign is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

1. Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.
2. Any legal nonconforming sign shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the code official.
3. Signs that comply with either Item 1 or 2 above need not be permitted.

SECTION 1005 - EXEMPT SIGNS

1005.1 Exempt signs. The following signs shall be exempt from the provisions of this chapter. No sign shall be exempt from Section 1004.4.

1. Official notices authorized by a court, public body or public safety official.
2. Directional, warning or information signs authorized by federal, state or municipal governments.
3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution, such as a school.
5. Religious symbols and seasonal decorations within the appropriate public holiday season.
6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
7. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 square feet in area.

SECTION 1006 - PROHIBITED SIGNS

1006.1 Prohibited signs. The following devices and locations shall be specifically prohibited:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
2. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any utility pole, light standard, street, tree or any other public facility located within the public right-of-way.
3. Signs, which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.

4. Portable signs except as allowed for temporary signs.
5. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - 5.1. The primary purpose of such a vehicle or trailer is not the display of signs.
 - 5.2. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - 5.3. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
6. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
7. Balloons, streamers or pinwheels, except those temporarily displayed as part of a special sale, promotion or community event. (For the purposes of this subsection, “temporarily” means no more than 20 days in any calendar year.

SECTION 1007 - PERMITS

1007.1 Permits required. Unless specifically exempted, a permit must be obtained from the code official for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction.

Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance.

1007.2 Construction documents. Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the code official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional.

1007.3 Changes to signs. No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

1007.4 Permit fees. Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.

SECTION 1008 - SPECIFIC SIGN REQUIREMENTS

1008.1 Identification signs. Identification signs shall be in accordance with Sections 1008.1.1 through 1008.1.3.

1008.1.1 Wall signs. Every single-family residence, multiple-family residential complex, commercial or industrial building, and every separate nonresidential building in a residential zone may display wall signs per street frontage subject to the limiting standards set forth in Table 1008.1.1(1). For shopping centers, planned industrial parks or other multiple occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy, but in no event will the allowed area for any separate occupancy be less than 8 square feet.

1008.1.2 Free-standing signs. In addition to any allowable wall signs, every single-family residential subdivision, multiple-family residential complex, commercial or industrial building, and every separate nonresidential building in a residential zone shall be permitted to display free-standing or combination signs per street frontage subject to the limiting standards set forth in Table 1008.1.2.

1008.1.3 Directional signs. No more than two directional signs shall be permitted per street entrance to any lot. There shall be no limit to the number of directional signs providing directional information interior to a lot. In residential zones, the maximum area for directional signs shall be 8 square feet.

For all other zones, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be 16 square feet. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.

TABLE 1008.1.1(1)

IDENTIFICATION SIGN STANDARDS—WALL SIGNS

LAND USE	AGGREGATE AREA (sq. ft.)
Single-Family Residential	8
Multi-Family Residential	16
Non-Residential in Residential Zone	20
Commercial and Industrial	50

**TABLE 1008.1.1(2)
SIGN AREA**

DISTANCE OF SIGN FROM ROAD OR ADJACENT COMMERCIAL OR INDUSTRIAL ZONE	PERCENTAGE OF BUILDING ELEVATION PERMITTED FOR SIGN AREA
0 to 100 feet	25
101 to 300 feet	25
Over 301 feet	25

1008.2 Temporary signs. Temporary signs shall be in accordance with Sections 1008.2.1 through 1008.2.6.

1008.2.1 Real estate signs. Real estate signs shall be permitted in all zoning districts, subject to the following limitations:

1. Real estate signs located on a single residential lot shall be limited to one sign, not greater than 5’0” in height and 8 square feet in area.
2. Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each sign shall be no greater than 8 square feet in area nor 3’0” feet in height. All signs permitted under this section shall be removed within 10 days after sale of the last original lot.
3. Real estate signs advertising the sale or lease of space within commercial or industrial buildings shall be no greater than 8 square feet in area nor 5’0” in height, and shall be limited to one sign per street front.
4. Real estate signs advertising the sale or lease of vacant commercial or industrial land shall be limited to one sign per street front, and each sign shall be no greater than 8’0” feet in height, and 32 square feet for property of 10 acres or less, or 100 square feet for property exceeding 10 acres.
5. Real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

1008.2.2 Development and construction signs. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

1. Such signs on a single residential lot shall be limited to one sign, not greater than 5'0" feet in height and 8 square feet in area.
2. Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built upon, and shall be no greater than 8'0" in height and 32 square feet in area.
3. Such signs for nonresidential uses in residential districts shall be limited to one sign, and shall be no greater than 8'0" in height and 32 square feet in area.
4. Such signs for commercial or industrial projects shall be limited to one sign per street front, not to exceed 8'0" in height and 32 square feet for projects on parcels 5 acres or less in size, and not to exceed 100 square feet for projects on parcels larger than 5 acres.
5. Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 24 hours following issuance of an occupancy permit for any of all portions or the project.

1008.2.3 Special promotion, event and grand opening signs. Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses in a residential district, and for all commercial and industrial districts subject to the following limitations:

1. Such signs shall be limited to one sign per street front.
2. Such signs may be displayed for not more than 30 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected no more than 5 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.
3. The total area of all such signs shall not exceed 32 square feet in any single family residential district, 32 square feet in any multiple-family residential district and 100 square feet in any commercial or industrial district.

**TABLE 1008.1.2
IDENTIFICATION SIGN STANDARDS—FREE-STANDING SIGNS (a),(b),(c)**

LAND USE	NUMBER OF SIGNS	HEIGHT (Feet)	AREA (Square Feet)	SPACING
Single Family Residential	2	8	32	1 per subdivision entrance (a)
Multi-Family Residential	2	8	32	1 per driveway (a)
Non-Residential in Residential Zone	2	8	32	300 (a)
Commercial and Industrial	2	16	100	150 (b)

a. For subdivision or apartment identification signs placed on a decorative entry wall approved by the code official, two identification signs shall be permitted to be placed at each entrance to the subdivision or apartment complex, one on each side of the driveway or entry drive.

b. For shopping centers or planned industrial parks, two monument-style free-standing signs not exceeding 50 percent each of the permitted height and area, and spaced not closer than 100 feet to any other free-standing identification sign, shall be permitted to be allowed in lieu of any free-standing sign otherwise permitted in Table 1008.1.2.

c. For any commercial or industrial development complex exceeding 1,000,000 square feet of gross leasable area, or 40 acres in size, such as regional shopping centers, auto malls or planned industrial parks, one free-standing sign per street front shall be permitted to be increased in sign area by up to 50 percent.

1008.2.4 Special event signs in public ways. Signs advertising a special community event shall not be prohibited in or over public rights-of-way, subject to approval by the code official as to the size, location and method of erection. The code official may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.

1008.2.5 Portable signs. Portable signs shall be permitted only in the C and I districts, as designated in this code, subject to the following limitations:

1. No more than one such sign may be displayed on any property, and shall not exceed a height of 6'0", nor an area of 72 square feet.
2. Such signs shall be displayed not more than 20 days in any calendar year.
3. Any electrical portable signs shall comply with the National Electric Code, 2005.
4. No portable sign shall be displayed prior to obtaining a sign permit.

1008.2.6 Political signs. Political signs shall be permitted in all zoning districts, subject to the following limitations:

1. Such signs shall not exceed a height of 5'0" feet nor an area of 32 square feet.
2. Such signs for election candidates or ballot propositions shall be displayed only for a period of 60 days preceding the election and shall be removed within 10 days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.
3. Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.

1008.3 Requirements for specific sign types. Signs of specific type shall be in accordance with Sections 1008.3.1 through 1008.3.7.

1008.3.1 Canopy and marquee signs.

1. The permanently-affixed copy area of canopy or marquee signs shall not exceed an area equal to 25 percent of the face area of the canopy, marquee or architectural projection upon which such sign is affixed or applied.
2. Graphic striping, patterns or color bands on the face of a building, canopy, marquee or architectural projection shall not be included in the computation of sign copy area.

1008.3.2 Awning signs.

1. The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
2. Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.

1008.3.3 Projecting signs.

1. Projecting signs shall be permitted in lieu of freestanding signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in height

and area to 100 square feet per each 25 lineal feet of building frontage, except that no such sign shall exceed an area of 100 square feet.

2. No such sign shall extend vertically above the highest point of the building facade upon which it is mounted by more than 25 percent of the height of the building facade.
3. Such signs shall not extend over a public sidewalk in excess of 25 percent of the width of the sidewalk.
4. Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of 10 feet.

1008.3.4 Under canopy signs.

1. Under canopy signs shall be limited to no more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed 16 square feet.
2. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of 4'0" feet.

1008.3.5 Roof signs.

1. Roof signs shall be permitted in commercial and industrial districts only.
2. Such signs shall be limited to a height above the roofline of the elevation parallel to the sign face of no more than 25 percent of the height of the roofline in commercial districts, and 25 percent of the height of the roofline in industrial districts.
3. The sign area for roof signs shall be assessed against the aggregate permitted area for wall signs on the elevation of the building most closely parallel to the face of the sign.

1008.3.6 Window signs. Window signs shall be permitted for any nonresidential use in a residential district, and for all commercial and industrial districts, subject to the following limitations:

1. The aggregate area of all such signs shall not exceed 25 percent of the window area on which such signs are displayed. Window panels separated by muntins or mullions shall be considered as one continuous window area.

2. Window signs shall not be assessed against the sign area permitted for other sign types.

1008.3.7 Menu boards. Menu board signs shall not be permitted to exceed 50 square feet.

FIGURE 1008.1.2(1)
ON-PREMISE FREE-STANDING SIGNS/COMMERCIAL AND INDUSTRIAL ZONES
VEHICULAR SPEED SUBJECT TO POSTED LIMITS UNDER 35 MILES PER HOUR

FIGURE 1008.1.2(2)
ON-PREMISE FREE-STANDING SIGNS/COMMERCIAL AND INDUSTRIAL ZONES
VEHICULAR SPEED SUBJECT TO POSTED LIMITS BETWEEN 35 AND 55 MILES PER
HOUR

FIGURE 1008.1.2(2)
ON-PREMISE FREE-STANDING SIGNS/COMMERCIAL AND INDUSTRIAL ZONES
VEHICULAR SPEED SUBJECT TO POSTED LIMITS ABOVE 55 MILES PER

SECTION 1009 - SIGNS FOR DEVELOPMENT COMPLEXES

1009.1 Master sign plan required. All landlord or single owner controlled multiple-occupancy development complexes on parcels exceeding 8 acres (32 376m²) in size, such as shopping centers or planned industrial parks, shall submit to the code official a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

1. Proposed sign locations.
2. Materials.
3. Type of illumination.
4. Design of free-standing sign structures.
5. Size.
6. Quantity.
7. Uniform standards for non-business signage, including directional and informational signs.

1009.2 Development complex sign. In addition to the freestanding business Identification signs otherwise allowed by this ordinance, every multiple-occupancy development complex shall be entitled to one free-standing sign per street front, at the maximum size permitted for business identification freestanding signs, to identify the development complex. No business identification shall be permitted on a development complex sign. Any free-standing sign otherwise permitted under this ordinance may identify the name of the development complex.

1009.3 Compliance with master sign plan. All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.

1009.4 Amendments. Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex before such amendment will become effective.

CHAPTER 11 NONCONFORMING STRUCTURES AND USES

SECTION 1101 - GENERAL

1101.1 Continuance. Except as otherwise required by law, a structure or use legally established prior to the adoption date of this code may be maintained unchanged. In other than criminal proceedings, the owner, occupant or user shall have the burden to show that the structure, lot or use was lawfully established.

SECTION 1102 - DISCONTINUANCE

1102.1 Vacancy. Any lot or structure, or portion thereof, occupied by a nonconforming use, which is or hereafter becomes vacant and remains unoccupied by a nonconforming use for a period of 6 months shall not thereafter be occupied, except by a use that conforms to this code.

1102.2 Damage. If any nonconforming structure or use is, by any cause, damaged to the extent of 50 percent of its value, based on the cost of constructing a similar structure, as determined by the code official, it shall not thereafter be reconstructed as such.

SECTION 1103 - ENLARGEMENTS AND MODIFICATIONS

1103.1 Maintenance and repair. Maintenance, repairs and structural alterations shall be permitted to be made to nonconforming structures or to a building housing a nonconforming use with valid permits.

1103.2 Changes of nonconforming use. A change of use of a nonconforming use of a structure or parcel of land shall not be made except to that of a conforming use. Where such change is made, the use shall not thereafter be changed back to a nonconforming use.

CHAPTER 12 CONDITIONAL USES

SECTION 1201 - GENERAL

1201.1 Conditional-use permit. A conditional-use permit shall be obtained for certain uses, which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

SECTION 1202 - APPLICATIONS

1202.1 Submittal. All conditional-use permit applications shall be submitted to the code official as provided in this code. All applications shall be accompanied by maps, drawings, statements or other documents in accordance with the provisions of Section 105.7.4. An appropriate fee shall be collected at the time of submittal as determined by the jurisdiction.

SECTION 1203 - PUBLIC HEARING

1203.1 Hearing and action. Prior to the approval, amending or denial of a conditional-use permit, a public hearing shall be held in accordance with the provisions of Section 109.1. Upon completion of said public hearing, the commission or examiner shall render a decision within a time limit as required by law.

SECTION 1204 - DETERMINATION

1204.1 Authorization. The hearing examiner on appeal, shall have the authority to impose conditions and safeguards as deemed necessary to protect and enhance the health, safety and welfare of the surrounding area. The authorization of a conditional-use permit shall not be made unless the evidence presented is such to establish:

1. That such use will not, under the specific circumstances of the particular case, be detrimental to the health, safety or general welfare of the surrounding area and that the proposed use is necessary or desirable and provides a service or facility that contributes to the general well being of the surrounding area.
2. That such use will comply with the regulations and conditions specified in this code for such use.
3. The planning commission or hearing examiner shall itemize, describe or justify, then have recorded and filed in writing, the conditions imposed on the use.

SECTION 1205 - EXPIRATION AND REVOCATION

1205.1 General. A conditional-use permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished. When such permit is abandoned or discontinued for a period of 1 year, it shall not be reestablished, unless authorized by the planning commission, hearing examiner or legislative body on appeal. A conditional-use permit shall be revoked when the applicant fails to comply with conditions imposed by the commission or hearing examiner.

SECTION 1206 - AMENDMENTS

1206.1 General. An amendment to an approved conditional use permit shall be submitted to the code official accompanied by supporting information. The planning commission or hearing examiner shall review the amendment and shall be permitted to grant, deny or amend such amendment and impose conditions deemed necessary.

SECTION 1207 - CONDITIONAL USE REVIEW CRITERIA

1207.1 General. A request for a conditional use shall be permitted to be approved, approved with conditions, or denied. Each request for a conditional use approval shall be consistent with the criteria listed below:

1. The request is consistent with all applicable provisions of the comprehensive plan.
2. The request shall not adversely affect adjacent properties.
3. The request is compatible with the existing or allowable uses of adjacent properties.
4. The request can demonstrate that adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
5. The request can demonstrate adequate provision for maintenance of the use and associated structures.
6. The request has minimized, to the degree possible, adverse effects on the natural environment.
7. The request will not create undue traffic congestion.
8. The request will not adversely affect the public health, safety or welfare.

9. The request conforms to all applicable provisions of this code.

CHAPTER 13 PLANNED UNIT DEVELOPMENT

SECTION 1301 - GENERAL

1301.1 Approval. Planned unit developments (PUDs) shall be allowed by planning commission approval in any zoning district. No such planned unit development permit shall be granted unless such development will meet the use limitations of the zoning district in which it is located and meet the density and other limitations of such districts, except as such requirements may be lawfully modified as provided by this code. Compliance with the regulations of this code in no way excuses the developer from the applicable requirements of a subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.

1301.2 Intent. These regulations are to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to accomplish a well-balanced, aesthetically satisfying city and economically desirable development of building sites within a PUD. These regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of this ordinance and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services, and to encourage and facilitate the preservation of open lands.

SECTION 1302 - CONDITIONS

1302.1 Area. No planned unit development shall have an area less than that approved by the planning commission as adequate for the proposed development.

1302.2 Uses. A planned unit development which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning district and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use in a planned unit development, which allows residential uses and shall be governed by density, design and other requirements of the planned unit development permit. Where a site is situated in more than one use district, the permitted uses applicable to such property in one district may be extended into the adjacent use district.

1302.3 Ownership. The development shall be in single or corporate ownership at the

time of application, or the subject of an application filed jointly by all owners of the property.

1302.4 Design. The planning commission shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected.

1302.4.1 Density. Density of land use shall in no case be more than 15 percent higher than allowed in the zoning district.

1302.4.2 Arrangement. Where feasible, the least height and density of buildings and uses shall be arranged around the boundaries of the development.

1302.4.3 Specific regulations. Lot area, width, yard, height, density and coverage regulations shall be determined by approval of the site development plan.

1302.5 Open spaces. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by either:

1. Dedication of the land as a public park or parkway system; or
2. Creating a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws, which are satisfactory to the legislative body.

1302.6 Landscaping. Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission for approval, together with other required plans for the development. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed. A grading and drainage plan shall also be submitted to the planning commission with the application.

1302.7 Signs. The size, location, design and nature of signs, if any, and the intensity and direction of area or floodlighting shall be detailed in the application.

1302.8 Desirability. The proposed use of the particular location shall be shown as necessary or desirable, to provide a service or facility that will contribute to the general well being of the surrounding area. It shall also be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the planned unit development.

SECTION 1303 - PLANNING COMMISSION DETERMINATION

1303.1 Considerations. In carrying out the intent of this section, the planning commission shall consider the following principles:

1. It is the intent of this section that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The commission shall be permitted to require the applicant to engage such professional expertise as a qualified designer or design team.
2. It is not the intent of this section that control of the design of a PUD by the planning commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this section.
3. The planning commission shall be authorized to approve or disapprove an application for a PUD. In an approval, the commission shall be permitted to attach such conditions as it deems necessary to secure compliance with the purposes set forth in this chapter. The denial of an application for a PUD by the planning commission shall be permitted to be appealed to the legislative body of the jurisdiction.

SECTION 1304 - REQUIRED CONTRIBUTIONS

1304.1 General. The legislative body, as part of the approval of a PUD, shall be permitted to require an applicant to make reasonable contributions to include, but not limited to any combination of the following:

1. Dedication of land for public park purposes.
2. Dedication of land for public school purposes.
3. Dedication of land for public road right-of-way purposes.
4. Construction of, or addition to, roads serving the proposed project when such construction or addition is reasonably related to the traffic to be generated.
5. Installation of required traffic safety devices.
6. Preservation of areas containing significant natural, environmental, historic, archeological or similar resources.

SECTION 1305 - PLANNING COMMISSION ACTION

1305.1 Approval. The planning commission shall have the authority to require that the following conditions for a planned unit development (among others it deems appropriate) be met by the applicant:

1. That the proponents intend to start construction within 1 year of either the approval of the project or of any necessary zoning district change, and intend to complete said construction, or approved stages thereof, within 4 years from the date construction begins.
2. That the development is planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.

1305.2 Limitations on application.

1. Upon approval of a PUD, construction shall proceed only in accordance with the plans and specifications approved by the planning commission and in compliance with any conditions attached by the jurisdiction as to its approval.
2. Amendment to approved plans and specifications for a PUD shall be obtained only by following the procedures here outlined for first approval.
3. The code official shall not issue any permit for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.