

APPENDIX C

ORDINANCE 1992-1
ZONING ORDINANCE

AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION, CONSTRUCTION, USE OF BUILDINGS, STRUCTURES, USE OF LAND IN THE CITY OF SALEM, IOWA, AND FOR SAID PURPOSES DIVIDING THE CITY INTO DISTRICTS, AND CREATING A BOARD OF ADJUSTMENT.

Be enacted by the Council of the City of Salem, Iowa:

SECTION I. Short title. This ordinance shall be known and may be cited as "The City of Salem, Iowa, Zoning Ordinance."

SECTION II. Purpose. The purpose of this ordinance is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, morals, safety, and general welfare in the city of Salem, Iowa.

ARTICLE I - DEFINITIONS

1.0 For the purpose of the ordinance, certain terms or words are used in a limited or special sense, as herein defined. Words used in the present tense include the future, words in the singular number include the plural number include the singular; the word "shall" is mandatory and not directory.

1.1 Accessory Use or Structure. A use or a permanent structure subordinate to the principal use or building on the same lot and serving a purpose customarily incidental thereto.

1.2 Alley. A public or private way less than 21 feet in width affording secondary means of access to abutting property.

1.3 Automobile Repair - Major. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; over-all painting or paint shop; vehicle steam cleaning.

1.4 Automobile Repair - Minor. Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks not exceeding 1-1/2 tons capacity, but not including any operation specified under "Automobile Repair - Major."

1.5 Basement. A story having part but not more than 50 percent of its height below the average grade of the adjoining ground (as distinguished from a "cellar"). A basement shall be counted as a story for purpose of height measurement.

1.6 Building. Any structure for the shelter or enclosure of persons, animals or chattels.

1.7 Cellar. A story having 50 percent or more of its height below the average grade of the adjoining ground. A cellar shall be counted as a story, for purposes of height measurement, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.

1.8 Dwelling. A building or portion thereof occupied or intended to be occupied exclusively for residence purposes, but not including a tent, cabin, trailer or trailer coach, or a room in a hotel or motel.

1.81 Dwelling Group. Two or more detached dwellings located on a parcel of land in one ownership and conforming to the special conditions and requirements set forth in Section 10.1.

1.9 Essential Services. The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

1.10 Family. One or more persons related by blood, marriage or adoption, together with his or their domestic servants, maintaining a common household in a dwelling.

1.11 Garage, Private. A detached accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles, trailers or trucks of the occupants of the premises, and-or not more than one truck of a rated capacity not to exceed 1-1/2 tons.

1.12 Height. In the case of a wall, or part of a building, the vertical distance from the average finished grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.

1.13 Highway or Primary Thoroughfare. An officially designated federal or state numbered highway or other road designated as a highway or primary thoroughfare on the Transportation Plan as officially adopted and amended from time to time by the Planning Commission and City Council.

1.14 Land Use Plan. The comprehensive long-range plan for the desirable use of land in the community, as officially adopted and as amended from time to time by the Planning and Zoning Commission and Council; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in the zoning of land to meet changing community needs, in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as streets, parks, schools, and other public buildings or public uses.

1.15 Lot. A parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building and its accessory buildings, is sufficient to provide the yards and courts required by the ordinance.

1.151 Lot, Corner. A lot of which at least two adjacent sides abut for their full lengths upon a street, provided the interior angle at the intersection of such two sides is less than 135 degrees.

1.16 Lot Area. The horizontal area within the lot lines of the lot.

1.17 Lot Depth. The mean horizontal distance between the front and rear lot lines.

1.18 Lot Width. The mean horizontal distance across the lot between side lot lines at the building line measured at right angles to the depth.

1.19 Motor Fuel Station. A place where minor automobile repair is conducted and where gasoline, diesel, oil, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling and the sale of automobile accessories on the premises.

1.20 Non-conforming Use. A building, structure or premises lawfully occupied at the time of the enactment of the ordinance by a use that does not conform with the provisions of the ordinance for the district in which it is located; also, such use resulting from changes in zoning districts or in textual provisions made hereafter.

1.21 Parking Area, Accessory. An area of one or more parking spaces located on the same property as the building, structure, or premises it is intended to serve, or on adjoining or nearby property other than the public right-of-way, and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.

1.22 Sign. Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia or any government or government agency.

1.221 Sign, Gross Surface Area Of. The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

1.23 Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or the ceiling or roof next above such floor; provided that, for the purpose of determining the required dimensions of yards and courts, when the average story height of a building exceeds 12 feet, each 12 feet or fraction thereof of the total building height shall be considered a separate full story or fractional story respectively, except the first story which may be 15 feet high.

1.231 Story, Half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story;

provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.

1.24 Street. Any public way set aside as a permanent right-of-way for vehicular or pedestrian access 21 feet or more in width if it existed at the time of the enactment of the ordinance; and any such public way created after enactment of the ordinance, provided it is 66 feet or more in width.

1.25 Structural Alteration. Any change in the supporting members of a building including but not limited to bearing walls, load-bearing partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

1.26 Structure. Anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground.

1.27 Yard, Front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. A corner lot shall have two front yards.

1.271 Front Yard, Least Depth. The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the front lot line.

1.28 Yard, Rear. An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

1.281 Rear Yard, Least Depth. The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the rear lot line. In the case of an irregular, triangular or gore-shaped lot, a line 10 feet in length entirely within the lot, parallel to and a maximum distance from the front lot line shall be considered the rear lot line.

1.29 Yard, Side. An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

1.291 Side Yard, Least Width. The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the nearest side lot line.

ARTICLE II - DISTRICTS AND MAP

2.0 For the purpose of the ordinance, the following districts are designated:

- "R-1" One-Family Residence Districts
- "R-2" One and Two-Family Residence Districts
- "R-3" One to Six-Family Residence Districts
- "B-1" Retail Business Districts
- "B-2" General Business Districts
- "I-1" Industrial Districts

2.1 The boundaries of these districts are hereby established as shown on a map entitled "Zoning Map," which accompanies and is hereby made a part of this ordinance. The district boundary lines on said map are intended to follow lot lines, the centerlines of streets or alleys, the centerlines of streets or alleys projected, railroad right-of-ways, or the corporate limit lines, all as they existed at the time of enactment of the ordinance; but where a district boundary line does not clearly coincide with lot lines, it shall be determined by scaling.

2.2 Where a district boundary line divides a lot which was in single ownership and a record at the time of enactment of the ordinance, the use authorized on and the other district requirements applying to the less restricted portion of such lot shall be considered as extending to the entire lot provided that where the more restricted portion of such lot is more than 50 feet beyond said dividing district boundary line, such less restricted use shall be limited to the portion of the lot lying within 50 feet of said boundary line.

2.3 Questions concerning the exact location of district boundary lines shall be determined by the Board of Adjustment according to rules and regulations which it may adopt, as hereinafter provided under Subsection 15.213.

2.4 All territory which may hereafter be annexed to the community shall be classed automatically as being in an "R-1" One-Family Residence District until such classification shall have been changed by amendment of the ordinance as provided hereinafter.

ARTICLE III - GENERAL PROVISIONS

3.0 Zoning Affects Every Structure and Use. Except as hereinafter provided, no building, structure or land shall hereafter be used and no building or part thereof or structure shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulations herein specified for the class of District in which it is located.

3.1 Continuing Existing Uses. Any building, structure, or use lawfully existing at the time of enactment of the ordinance may be continued, except certain non-conforming uses as provided in Section 3.2. Nothing in the ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector.

3.2 Non-conforming Uses. Except as hereinafter provided under Subsection 3.25:

3.21 Any non-conforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, or other act of God, may be reconstructed and used as before if it be done within 12 months of such calamity, unless damaged more than 50 percent of its fair market value, as determined by the Board of Adjustment, at the time of such damage, in which case reconstruction shall be in accordance with the provisions of the ordinance.

3.22 No building, structure or premises where a non-confirming use has been or may be discontinued for more than six months, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a non-conforming use.

3.23 Any non-conforming use of land not involving any structure, and any non-conforming outdoor advertising sign or outdoor advertising structure may be continued for a period not to exceed three years after enactment of the ordinance, whereupon such non-conforming use shall cease or structure shall be removed.

3.24 Any building or structure devoted to a non-conforming use with a fair market value of less than \$500.00, as determined by the Board of Adjustment, may be continued for a period not to exceed three years after enactment of the ordinance, whereupon such non-conforming use shall cease and thereafter such building or structure shall be removed or changed to a conforming use.

3.25 The foregoing provisions under Subsections 3.21, 3.22, 3.23, and 3.24, insofar as these limit reconstruction or require certain uses to cease or buildings or structures to be removed or changed, shall not be applicable where any such building, structure, or use would be conforming under the Land Use Plan as defined in Section 1.14.

3.3 Street Frontage - Minimum Requirement. No lot created after the adoption of the ordinance shall contain any building used as a dwelling unless it abuts at least 37.5 feet on a street or has a permanent exclusive non-obstructed easement of access not less than 37.5 feet wide to a street.

3.4 Lot Area Requirements.

3.41 Existing Lots of Record. In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any lot of official record at the time of enactment of the ordinance, the owner of which does not own any adjoining property, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located, or requirements as may be modified by the Board of Adjustment as set forth hereinafter under Section 15.22.

3.42 Lots Unserved by Sewer And-Or Water. In any district, where neither water supply nor public sanitary sewer is accessible, the otherwise specified lot area and width requirements shall be a minimum of 20,000 square feet, and 100 feet; provided, however, that where a public water supply system is accessible and will be installed, these requirements shall be 10,000 square feet, and 75 feet respectively; provided further that an Engineer has certified that said areas will be large enough to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

3.5 Number of Uses on One Lot. No lot shall contain more than one principle use.

3.6 Accessory Buildings in Residence Districts.

3.61 No accessory building shall be erected in any yard other than a rear yard and it shall occupy less than 30 percent of a required rear yard. Accessory buildings are defined as being limited to 15 feet in height, and shall be distant at least 3 feet from all lot lines of adjoining lots which are in any "R" district and at least 6 feet from any other building or structure on the same lot.

3.62 Where the natural grade of a lot at the front wall of the principal building is more than 8 feet above the average established curb grade in front of the lot, a private garage may be erected within

any yard or court, but not within 10 feet of any street line, provided that at least one-half of the height of such private garage shall be below the level of the yard or the court.

3.7 Required Yard Cannot be Reduced or Used by Another Building.

3.71 No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by the ordinance, and if already less than the minimum required it shall not be further reduced. No required open space provided about any building or structure shall be included as part of any open space required for another building or structure.

3.72 The space occupied by a required private garage or parking area shall be considered the same as any required open space provided about a principal building, and such space shall not be reduced or included as any part of any required open space for another building or structure.

3.8 Conversion of Dwellings. The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the Article applying to such district.

3.9 Transitional Uses in "R" Districts. In any "R-1," or "R-2" District a transitional use shall be permitted on a lot the side lot line of which adjoins, either directly or across an alley, any "B" or "T" District. The permitted transitional uses for any such lot in an "R-1" District shall be any use permitted in the "R-2" District; for any such lot in an "R-2" District any use permitted in the "R-3" District. In the case of any such lot in an "R-1" or "R-2" District, the requirement governing lot area per dwelling unit, off-street parking, yards and other open spaces shall not extend more than 100 feet from the side lot line of the lot abutting on the zoning district boundary line.

3.10 Minimum Ground Floor Area for Dwellings.

3.101 A one-story dwelling shall contain not less than 1000 square feet of usable ground floor area, exclusive of open porches, garages or steps.

3.102 A 1-1/2 or two-story dwelling shall contain not less than 800 square feet of ground floor area, exclusive of open porches, garages or steps.

3.11 Traffic Visibility Across Corner Lots. In any "R" District on any corner lot, no fence, structure or planting shall be erected or maintained within 20 feet of the intersection so as to interfere with traffic visibility across the corner.

3.12 Essential Services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the community, it being the intention hereof to exempt such essential services from the application of the ordinance.

3.13 Off-street Parking and Loading. In any district spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Section 12.0.

3.14 Validity of Existing Building Permits. Nothing herein contained shall require any change in the over-all layout, plans, construction, size or designated use of any developed, building, structure, or part thereof, for which official approvals and required building permits have been granted before the enactment of the ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of the ordinance and completion thereof carried on in a normal manner within the subsequent six months' period, and not discontinued until completion, except for reasons beyond the builder's control.

ARTICLE IV-"R-1" ONE FAMILY RESIDENCE DISTRICTS

4.0 Permitted Principal Uses.

4.01 One-family detached dwellings.

4.02 Public parks, playgrounds and recreational areas.

4.03 Essential services as defined in Section 1.9 and municipal administrative or public service buildings or properties, except such uses as storage yards, warehouses, garages, or other uses customarily conducted as gainful business, provided any building is located not less than 20 feet from any lot in any "R" district.

4.04 Cemeteries of 10 acres or more in size.

4.05 Churches, chapels, or parish houses located not less than 20 feet from any side lot line in any "R" district.

4.06 Any building or structure occupied or used for elementary, junior high or high schools, public libraries, and similar public cultural uses located not less than 20 feet from any side lot line.

4.07 Transformer stations and booster or pressure regulating stations, without service yard or storage.

4.1 When Authorized by Board of Adjustment.

4.11 Privately operated country clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any principal accessory building in connection therewith shall be located not less than 200 feet from any lot in an "R" district.

4.2 Permitted Accessory Uses.

4.22 Private garages or parking areas.

4.23 Living quarters of persons employed on the premises.

4.24 Office of a physician, dentist, lawyer, architect, engineer, clergy, or accountant within his or her dwelling.

4.25 Customary incidental home occupations such as handicraft, dressmaking, millinery and preserving, but not including beauty shop, barber shop, dancing or music school with more than one pupil at one time, or similar activity carried on solely by resident occupants within their residence, subject to the following provisions: that no more than one room is used for such purposes by any resident family that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings; that nothing not produced on the premises is sold or offered for sale; and that no display of goods or services pertaining to such is visible from the street or road.

4.26 Signs as regulated by Article XI.

4.3 Height Regulations. No principal structure shall exceed 2 1/2 stories or 30 feet in height, and no accessory structure shall exceed one story or 15 feet, except as provided in Section 13.1.

4.4 Lot Area, Frontage and Yard Requirements. Please refer to requirements as specified in Article 8.3.

ARTICLE V - "R-2" ONE AND TWO-FAMILY RESIDENCE DISTRICTS

5.0 Permitted Principal Uses.

5.01 Any use or structure permitted and as regulated in Section 4.0, except as hereinafter modified.

5.02 Two-family dwellings.

5.1 When Authorized by Board of Adjustment.

5.11 Any use as regulated in Section 4.1, except as hereinafter modified.

5.12 Dwelling groups (See Section 10.1).

5.13 Parking areas accessory to a use in an adjoining less restricted district, when abutting or directly across an alley, subject to the applicable conditions stipulated in Section 10.0, and such further conditions as may be stipulated by the Board.

5.14 Hospitals, sanitariums and nursing homes provided that any such buildings shall be at least 50 feet from any lot in any "R" District. Hospitals shall be located on lots of five acres or more, sanitariums on lots of 10 acres or more and nursing homes on lots of 20,000 square feet or more.

5.15 Residence development projects exempt from district height regulations (See Section 10.2).

5.2 Permitted Accessory Uses

5.21 "R-1" Residence District accessory uses.

5.22 Signs as regulated by Article XI.

5.3 Height Regulations. No principal structure shall exceed 2 1/2 stories or 30 feet in height, and no accessory structure shall exceed one story or 15 feet in height, except as provided in Section 13.1.

5.4 Lot Area, Frontage, and Yard Requirements. Please refer to the requirements as specified in Article 8.3.

ARTICLE VI- "R-3" ONE TO SIX-FAMILY RESIDENCE DISTRICTS

6.0 Permitted Principal Uses.

6.01 Any use or structure permitted and as regulated in Sections 4.0 and 5.0, except as hereinafter modified.

6.02 Three to six-family dwellings.

6.1 When Authorized by Board of Adjustment.

6.11 Any use as regulated in Section 5.1, except as hereinafter modified.

6.12 Kindergartens, preschools, daycare centers, day nurseries, or nursery schools, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with requirements of the Board.

6.13 Tourist homes; motels or motor hotels on lots abutting on State or Federal highways, subject to the applicable provisions of Section 12.3.

6.2 Permitted Accessory Uses.

6.21 "R-2" Residence District accessory uses.

6.22 Signs as regulated by Article XI.

6.3 Height Regulations. No principal structure shall exceed three stories or 35 feet in height, and no accessory structure shall exceed one story or 15 feet in height, except as provided in Section 13.1.

6.4 Lot Area, Frontage, and Yard Requirements. Please refer to the requirements as specified in Article 8.3.

ARTICLE VII - "B-1" RETAIL BUSINESS DISTRICTS

7.0 Permitted Principal Uses.

7.01 Any use or structure permitted and as regulated in Sections 4.0, 5.0 and 6.0, except as hereinafter modified.

7.02 Any retail business establishment, such as appliance store, auto accessory store, bakery with baking limited to goods for retail sales on the premises, book or stationery store, cafe or restaurant, camera or photographic supply shop, candy or ice cream store, delicatessen, drug store, fabric shop, floor-covering store, florist shop, furniture store including incidental upholstery, gift shop, grocery store, haberdashery or women's ready-to-wear shop, hardware or paint store, hobby shop, jewelry store, meat market, shoe store and variety store.

7.03 Any service establishment, such as a bank or other financial enterprise, barber or beauty shop, business or professional office, clothes cleaning or laundry pick-up station, funeral home, theater, and self-service laundry.

7.04 Bus terminal.

7.05 Business or trade school.

7.06 Commercial parking lot.

7.07 Department store.

7.08 Hotel.

7.09 Meeting hall, club and fraternal organization.

7.010 Music and dancing studio.

7.011 Public parking lot, customer and other accessory parking area, subject to the applicable provisions of Section 12.0.

7.012 The following uses when occupying a completely enclosed building located at least 100 feet from any "R" District:

7.0121 Dance hall, bar or cocktail lounge, night club, and similar enterprise.

7.0122 Furniture upholstery shop only when operated in conjunction with a retail business on the premises.

7.0123 Printing, publishing, engraving or lithographing shop.

7.0124 Laundry and dry-cleaning shop.

7.013 Other business, professional or service establishment.

7.1 Permitted Accessory Uses.

7.11 Other accessory uses customarily incidental to a permitted use, including signs as regulated by Article XI.

7.2 Height Regulations. No structure shall exceed three stories or 45 feet in height, except as provided in Section 13.1.

7.3 Yard Requirements. Please see requirements as specified in Article 8.3.

ARTICLE VIII - 'B-2' GENERAL BUSINESS DISTRICTS

8.0 Permitted Principal Uses.

8.01 Any use or structure permitted and as regulated in Sections 4.0, 5.0, 6.0, and 7.0 except as hereinafter modified.

8.02 Tourist/bed and breakfast homes.

8.03 Building material sales yards, if enclosed on all sides of an eight-foot high solid fence.

8.04 Wholesale businesses and warehouses.

8.05 Hotels or motor hotels, subject to the provisions of Section 12.3.

8.06 Drive-in eating establishments.

8.07 Motor fuel stations subject to the conditions stipulated in Section 12.1.

8.08 Greenhouses.

8.09 Animal hospitals, veterinary clinics or kennels, provided that buildings or enclosures in which animals are kept shall be at least 100 feet from any lot in any "R" District.

8.010 Commercial baseball field, bath house, or boat house, golf driving range, skating rink, swimming pool, or similar open air recreational uses and facilities, but not within 200 feet of any "R" District.

8.011 The following uses provided no part of a building where any activity in conducted shall have any opening other than stationary windows or required fire exits within 100 feet of any "R" District.

8.0111 Automobile, truck, trailer and garden implement establishments for display, hire, sales, including sales lots.

8.0112 Bottling of soft drinks or milk, or distribution stations.

8.0113 Bowling alley, pool hall or billiard parlor, dance hall, bar or cocktail lounge, night club and similar enterprises.

8.0114 Carpenter shop, electrical, heating, ventilating or plumbing shop, furniture upholstering shop, printing, publishing, engraving or lithographing plant, laundry and dry cleaning shop, sign painting shop, and similar establishments.

8.012 Any other use that is determined by the Board of Adjustment to be of the same general character as the forgoing permitted uses, but not including any use which may become noxious or offensive in a "B-2" District.

8.1 Permitted Accessory Uses.

8.11 "B-1" Retail Business District accessory uses.

8.12 Other accessory uses customarily incidental to a permitted principal use, including signs as regulated by Article XI.

8.2 Height Regulations. No structure shall exceed three stories or 45 feet in height, except as provided in Section 13.1.

8.3 Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed for one to six family residence districts and businesses as specified in the following table, subject to the additional requirements, exceptions and modifications in Sections 13.3 and 13.4, inclusive.

Min. Lot Width	Yard	Min. Front Depth	Least Width	Min. Side Yd. Widths Sum Least	Yard Widths	Widths Rear	Min. Depth
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("R-1" One Family Residence Districts. Each lot shall have a minimum lot area of 10,000 square feet.)

1-1 1/2 stories	80'	30'	7'	16'	35'
2-2 1/2 stories	80'	32'	9'	20'	35'

("R-2" One and Two Family Residence Districts. Minimum lot area 6,000 square feet per one family residence. Each structure containing more than one family shall be located on a lot having an area of 5,000 square feet for each family.)

1-1/2 stories	60'	30'	6'	14'	30'
2-1/2 stories	60'	32'	8'	18'	30'

("R-3" One to Six Family Residence Districts. Each one-family residence shall be located on a lot containing at least 5,000 square feet. Each two, three, four, five, or six-family structure shall be located on a lot having an area of 3,000 square feet for each family to be housed in the structure.)

1-1/2 stories	50'	30'	6'	13'	30'
2-2 1/2 stories	50'	32'	7'	15'	30'
3 stories	55'	35'	8'	20'	35'

Min. Front Yd. Dpth.	Min. Side Yd. Wdth.	Min. Rear Yd. Dpth.
("B-1" Retail Business Districts.)		
None	None, except where adjoining an "R" District, then same as the least width required in that "R" District.	10', except when adjoining an "R" District, then same as "R" District.

	Min. Lot Area	Min. Lot Area Per Family	Min. Lot Width	Min. Front Yard Depth
("B-2" General Business Districts.)				
Dwellings Other Permitted Uses	(same as "R-3" Districts) None	None	50'	25'

Minimum Side Yard Widths	Min. Rear Yard Depth
None, except where adjoining an "R" District, then same as the least width required in that "R" District	10', except where adjoining an "R" District, then same as "R" District

ARTICLE IX - "I-1" INDUSTRIAL DISTRICTS

9.0 Permitted Principal Uses.

9.01 Any use or structure permitted and as regulated in Sections, 4.0, 5.0, 6.0, 7.0, and 8.0, except as hereinafter modified.

9.02 The following uses if located not less than 100 feet from any "R" District, provided any such operations are enclosed by a solid wall or fence not less than six feet in height:

9.021 Builder's or contractor's plant or storage yard.

9.022 Building material sales and storage yard, including concrete mixing.

- 9.023 Lumber yard, including millwork.
- 9.024 Open yard for storage and sale of feed, fertilizer, or fuel.
- 9.03 The following uses, providing no part of a building occupied by such uses shall have opening other than stationary windows or required fire exits within 100 feet of any "R" District:
- 9.031 Automobile repair garage doing major repair, including tire retreading or recapping, battery service and repair.
- 9.032 The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, milk, and food products.
- 9.034 The manufacture of assembly of electrical appliances, electronic instruments and devices, phonographs, radio and television sets, electric and neon signs, refrigerators and stoves.
- 9.035 Laboratory, experimental, film, or testing.
- 9.04 Railroad freight stations, trucking or motor freight terminals, provided that service yards or docks are at least 100 feet from any lot in an "R" District.
- 9.05 Any other use that is determined by the Board of Adjustment to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in an "I-1" District. In determining the character of such use, the Board shall refer to the Subsection 15.212.
- 9.1 Permitted Accessory Uses.
- 9.11 "B-2" Business district accessory uses.
- 9.12 Other accessory uses customarily incidental to a permitted principal use, including signs as regulated by Article XI.
- 9.2 Prohibited Uses.
- 9.21 Dwellings, except for watchman or caretaker on premises.
- 9.22 Schools, hospitals, clinics, and other institutions for human care, except when incidental to a permitted principal use.
- 9.23 Auto salvage and wrecking operations, industrial metal and waste salvage operations, and junk yards.
- 9.3 Yard Requirements. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Sections 13.2-13.4 inclusive.

Ht. of Permitted Uses	Min. Front Yd. Dep.	Min. Side Yd. Wd.
3 stories or 50' in ht.	25'	Equal to Bldg. Ht.
Min. Rear Yd. Depth		
Height of Bldg. but not less than 20'		

ARTICLE X - PLANNED DEVELOPMENTS

10.0 The following requirements shall be considered minimum for planned developments.

10.1 Dwelling Groups.

10.11 In the case of a project consisting of a group of two or more buildings to be constructed on a plot of ground not subdivided into the customary streets and lots and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of the ordinance to the individual building units in such project, the applying of such requirements to such project shall be done by the Board of Adjustment in a manner that will insure substantially the same character of occupancy, maximum intensity of use, and minimum standard of open spaces as permitted by the ordinance in the district in which the proposed project is to be located.

10.12 In no case shall the Board authorize a use or a building height prohibited in the district in which the project is to be located, or a smaller lot area per family than the minimum required under the ordinance in such district. Nor shall the Board authorize a building coverage exceeding that which would be obtained were the same area to be developed by the customary subdivision thereof into streets and lots in conformance with the adopted Subdivision Regulations, and by the type of buildings of the ordinance. The Board shall not authorize the erection of a project on a parcel of ground occupied by another principal structure.

10.2 Residence Development Projects.

10.21 A Residence Development Project consisting of any number of buildings, the contemplated arrangement of which makes it impossible to apply the requirements of the ordinance to the individual buildings, may be authorized by the Board of Adjustment in districts in which such projects are permitted under the ordinance. In so doing, the Board shall first refer the plans for such project to the Planning Commission for study, public hearing and report upon finding that the plans of such project meet the following conditions:

10.211 That the tract of land on which the project is to be erected meets minimum size requirements as specified in Subsection 12.22.

10.212 That the buildings are to be used only for residential purposes and the customary accessory uses, such as private garages, storage spaces, recreational and community activities.

10.213 That the average lot area per family or dwelling unit on the site, exclusive of the area occupied by drives or streets, will not be less than 90 percent of the lot area per family required in the district in which the project is to be located.

10.214 That there is to be provided within the tract, or immediately adjacent thereto, parking spaces in private garages or off-street parking areas as specified in Section 12.0.

10.215 That there are to be provided, as a part of the project, adequate recreation areas to serve the needs of the anticipated population to be housed therein.

10.216 That drives, accessways and parking areas are developed to a standard equal to that required for public use.

10.217 That such drives and accessways are protected by recorded deed covenants assuring their availability to all residents of the project.

10.218 That the proposed project will constitute a residential environment of a sustained desirability and stability; that it will be in harmony with the character of the surrounding neighborhood and insure substantially the same type of occupancy as obtained or may be expected to be obtained in said neighborhood; that it will result in intensity of land utilization no higher, and standards of open spaces at least as high as permitted or specified in the ordinance in the district in which to project is to be located.

10.219 That the project will be consistent with the intent and purpose of the ordinance to promote public health, safety, and general welfare.

10.22 Height, yards, and lot coverage shall be regulated by the following schedule and in no case shall the Board authorize standards less than:

	Detached One Family	Town House	High Rise Apartment
Minimum size of development	3 acres	5 acres	10 acres

Garage & parking area (per dwelling unit)	600 sq. ft.	600 sq. ft.	600 sq. ft.
Development			
Garage & parking area (per dwelling unit)	600 sq. ft.	600 sq. ft.	600 sq. ft.
Land coverage (maximum percent of land coverage)	20 percent	20 percent	10 percent
Height of main building	30'	35'	80'
Set-back from any dedicated public right-of-way	25'	25'	Height of bldg.
Distance between buildings face-to-face	80'	120'	150 percent of Building height
Distance between buildings face-to-rear or face-to-side	60'	80'	150 percent of Building height
Distance between buildings side-to-side	20'	30'	Height of bldg.
Distance between buildings rear-to-rear	80'	50'	Height of bldg.

10.23 Any change in an approved plan shall be referred by the Board of Adjustment to the Planning Commission for study and report, prior to any action by the Board.

10.24 The Board of Adjustment shall approve or disapprove any plan or revision of an approved plan within 60 days of the filing of all elements the plan.

ARTICLE XI - SIGNS

11.0 Standard of Measurement.

11.01 The total area of all signs permitted on a lot shall include:

11.011 The total area of the faces visible from a public way of all permanent exterior signs, plus

11.012 The area of permanent signs placed upon the surface of windows and doors, plus

11.013 The area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.

11.02 A building or use having frontage on a second street may include 20 percent of the length of the lot facing the second street.

11.1 Signs Permitted in the "R-1" District.

11.11 Real estate signs of a temporary nature, not exceeding two in number per lot nor larger than six square feet set back 20 feet from any highway, street or road.

11.12 A sign or signs flat against a building appertaining to a non-conforming use on the premises, not exceeding in the aggregate 50 square feet in area except as may be authorized by the Board of Adjustment.

11.13 Small announcement or professional signs, not over six square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street or road, may be erected in connection with any of the permitted principal uses of non-residential nature.

11.14 One nameplate not exceeding two square feet for each dwelling.

11.2 Signs Permitted in the "R-2" District.

11.21 Signs as permitted and regulated in Section 11.1.

11.3 Signs Permitted in the "R-3" District.

11.31 Signs as permitted and regulated in Section 11.2.

11.32 Signs flat against the building, appertaining to any of the permitted principal uses of a non-residential character.

11.4 Signs Permitted in the "B-1" District.

11.41 Signs as permitted and regulated in Section 11.3, except as hereinafter modified.

11.42 The total area of all signs permitted on any one lot shall not exceed two times the number of linear feet the lot abuts on the street.

11.5 Signs Permitted in the "B-2" District.

- 11.51 Signs as permitted and regulated in Section 11.4, except as hereinafter modified.
- 11.52 Billboards and signboards subject to the same height and location requirements as other structures in the "B-2" District and also subject to the following conditions and restrictions:
- 11.521 No billboard, signboard or similar advertising signs shall be located at intersections so as to obstruct vision, hearing or interfere with pedestrian or vehicular safety.
- 11.522 No billboard, signboard or similar advertising signs shall be located within 50 feet of any lot in an "R-1" District or within 40 feet of any lot in an "R-2" District.
- 11.523 No billboard or signboard shall exceed 300 square feet in area.
- 11.524 No billboard, signboard or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
- 11.53 Elevated signs at least five feet from any lot line.
- 11.54 Projecting signs at least eight feet above the sidewalk and extending no further than five feet from the building to which it is attached.
- 11.6 Signs Permitted in the "I-1" District.
- 11.61 Signs as permitted and regulated in Section 11.5.

ARTICLE XII - SPECIAL PROVISIONS

12.0 Off-Street Parking Areas and Loading Spaces.

12.01 In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of 2,500 square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building at least one off-street loading space accessible from an alley, easement of access, or, when there is no such alley or easement of access, from a street, plus one additional such loading space for each 10,000 square feet or major fraction thereof of gross floor area so used in excess of 15,000 square feet. Such space may occupy all, or any part of a required rear yard, or, with authorization of the Board of Adjustment, part of any other yard or court space on the same premises.

12.02 In all districts except "B-1", off-street accessory parking areas, in the open or in a garage, shall be provided in connection with the uses set forth hereinafter and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas, in the case of "R" Districts and for dwellings in other districts, shall be on the premises intended to be served; and in the case of "B-2", or "I-1" districts, and in connection with uses other than dwellings, such areas shall be on the premises intended to be served or on adjoining or nearby property within 100 feet of any part of said premises and in the same or less restricted district.

12.03 Number of Parking Spaces Required.

Use	Parking Spaces Required
Automobile or Machinery Sales and Service Garages	1 for each 1,000 square feet of floor area plus 1 for each full- time employee
Banks, Business and Professional Offices	1 for each 200 square feet of floor area
Bowling Alleys	6 for each alley
Churches and Schools	1 for each 4 seats in principal auditorium
Convenience Stores - Drug, Grocery, Hardware, and similar stores	1 for each 300 square feet of floor area devoted to sales plus 1 for each full-time employee
Dance Halls and Assembly Halls without fixed seats	1 for each 50 square feet of floor area used for assembly or dancing
Drive-In Eating Establish- ments	Not less than 1/3 of the total ground area be devoted ex- clusively to parking and accessways
Single-Family, Detached All Other Food Pick-up Establishments	Dwellings- 2 for each dwelling unit 1-1/2 for each dwelling unit Minimum of 1 plus 1 for each 100 square feet of floor area

Funeral Homes, Mortuaries

6 per chapel room or parlor
or 1 per 50 square feet of rooms
used for services, whichever is
greater

Hospitals, Nursing Homes
and similar care centers

1 for each 5 beds plus 1 for
each 2 doctors and employees

Manufacturing Plants,
Research or Testing
Laboratories, Bottling Plants
Medical or Dental Clinics

1 for each 3 employees on
maximum working shift

Motels or Motor Hotels

1 for each 200 square feet of
floor area plus 1 for each full-
time employee and 1 for each
doctor

Motor Fuel Stations

1 for each unit, plus 1 for
each 2 employees on maximum
shift

1 for each employee on duty
plus 2 for each service bay

SERVICE ESTABLISHMENTS

Barber Shops

2 for each chair plus 1 for
each 2 employees on maximum
shift

Beauty Shops

1 for each dryer plus 1 for
each 2 employees on maximum
shift

Coin-Operated Laundries and-or
Dry Cleaning Establishments

1 for each 3 washers and-or
cleaning machines plus 1 for
each 2 employees on maximum
shift

Restaurants

1 for each 3 seats plus 1 for
each 2 employees on maximum
shift

Shoppers' Goods-Appliance
Household Equipment, Furniture
and similar stores

1 for each 500 sq. feet of
floor area plus 1 for each full-
time employee

Taverns or Bars

1 for each 2 seats plus 1 for
each 2 employees on maximum
shift

Theaters

1 for each 4 seats

Wholesale Establishments

2 for each 4 employees on
maximum work shift.

In the case of any use which is not specifically mentioned herein, the provisions for a similar use which is mentioned shall apply.

12.04 Units of Measurement.

12.041 Parking Space. Each parking space rectangular in shape shall not be less than 8 1/2 feet wide and 20 feet long, or not less than 170 square feet in area exclusive of access drives or aisles.

12.042 Loading Space. Each loading space shall not be less than 10 feet wide, 40 feet in length and 14 feet in height, exclusive of access and turning area.

12.043 Floor Area. In the case of merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or rest rooms, utilities, or dressing rooms.

12.044 Hospital Bassinets. In hospitals, bassinets shall not be counted as beds.

12.045 Benches in Place of Public Assembly. In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purposes of determining requirements for off-street parking facilities under the ordinance.

12.05 Developments Standards. Off-street accessory parking areas shall be of usable shape, and shall be improved, in accordance with requirements of the City Council, with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

12.06 Exceptions.

12.061 The Board of Adjustment may authorize on appeal a modification, reduction or waiver of the foregoing requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation or condition would justify such modification, reduction or waiver.

12.062 The Planning Commission, in consultation with other City departments and agencies concerned, shall make studies as found advisable for various areas in the city for the purpose of determining the areas within which there is need for the establishment of off-street parking facilities to be provided by the Town and to be financed wholly, or in part, by a special assessment district, or by other means. Where such need is found, the Planning Commission shall report its recommendation for the acquisition of such off-street parking facilities to the Town Council. This report shall include recommendations on the type, size, location and other pertinent features of the proposed off-street parking facilities and the area they are intended to serve.

12.1 Garages, Motor Fuel Stations, and Car Washes.

12.11 No building, structure or premises shall be used, erected or altered which is intended or designed to be used as a public garage, automobile repair shop, motor fuel station or car wash having an entrance or exit for vehicles in the same block-front and having an entrance or exit for vehicles in the same block-front and within 200 feet of any school, public playground, church, hospital, public library or institution for dependents or for children, and no such entrance or exit shall be located within the same block-front and within 20 feet of any "R" District; nor shall any part of such public garage, automobile repair shop, motor fuel station, or car wash be located within 100 feet of any building or grounds of any of the aforesaid public or institutional uses.

12.12 All activities incidental to the sale of gasoline or oil such as battery and tire repair, car washing and greasing shall be conducted within the building and there shall be no storage or accumulation of miscellaneous equipment, machinery or motor vehicles, disabled or otherwise, outside of the principal structure.

12.2 Hotels or Motor Hotels.

12.21 No vehicular entrance to or exit from any motel or motor hotel wherever such may be located shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or on another street, which the premises in question do not abut.

12.22 The following regulations shall be complied with:

12.221 Any lot to be used for a motel or motor hotel shall be not less than 15,000 square feet in area and shall contain not less than 1,000 square feet of lot area per sleeping unit. All buildings and structures on the lot shall occupy in the aggregate not more than 25 percent of the area of the lot.

12.222 All areas used for automobile access parking shall comply with the provisions of Subsection 12.05.

12.223 All areas not used for access, parking, circulation, buildings and services shall be completely landscaped and the entire site maintained in good condition.

12.224 No enlargements or extensions to any motel or motor hotel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.

12.3 Fencing.

12.31 The following provisions regarding fencing requirements shall apply in all "R-1", "R-2", and "R-3" Districts.

12.32 A "fence" shall mean any barrier, boundary, or other device constructed of wood, steel, aluminum, plastic, brick, cement, stone, clay, rock or masonry. It shall specifically exclude the plaiting of vegetation along a borderline.

12.33 The following regulations shall be complied with:

12.331 All fencing must be inside the property line with a minimum of (1) foot, and shall be of good appearance and properly maintained.

12.332 All fencing must not exceed building setback or front of existing structure.

12.333 Fencing must not exceed (6) feet in height (except for pool fencing as defined below) at the frontage of the building, dwelling or other structure. Fencing must not exceed (8) feet in height at the side or rear yard of such building, dwelling or structure.

12.334 Fencing of (8) feet in height maximum may exist past the frontage of a dwelling in an "R-1", "R-2" or "R-3" District, but only next to the property line of existing parking lot that presently exists is abandoned, torn down, or otherwise removed, then said maximum (8) foot fencing must be lowered to a maximum height of (6) feet.

12.335 Fencing at the rear of a building, dwelling, or other structure must be set back (6) feet from edge of property line or (9) feet from the centerline of any alley, street, sewer line, gas line, water line, or any City owned property or underlying City owned or utility owned lines and components outside the property line.

12.336 Fencing must not bear any lettering, words, signs, murals, advertisements, or pictures except or unless to protect person or persons from bodily harm from within the fence.

12.337 All fencing posts or supports must be placed to the inside face of said fence.

12.338 No electrical, barbed wire, or sharp corners, or fencing that can cause bodily harm will be permitted.

12.339 Fencing at any property corner, alleys, or intersections must comply with Article 3.11.

12.4 A "swimming pool: within the meaning of this section shall be any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent, and either above or below ground in which water of more than (24) inches in depth is contained and which is used primarily for the purpose of bathing and swimming.

12.41 Swimming pools within the scope of this section not enclosed within a permanent building shall be completely enclosed by a fence of at least (5) feet in height and not more than (8) feet in height to prevent access to the pool, and shall be constructed so as not to have voids, holes, or openings larger than (4) inches in one dimension. Gates or doors shall be equipped with a self closing and self latching device for keeping the gate or door securely closed at all times when not in actual use.

12.42 Furthermore, the pool fencing shall be subject to the following restrictions: (a) Location of said fencing shall be subject to all other applicable ordinances, (b) No fence shall be located, erected, constructed or maintained closer to a pool than (3) feet, (c) The wall of the house or building faced to a pool may be incorporated as a portion of such fence, (d) All metal fences that could become electrically alive as result of contact with broken overhead conductors or from any other cause, shall be effectively grounded.

ARTICLE XIII-ADDITIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS

13.0 The requirements and regulations specified hereinbefore in the ordinance shall be subject to the additional requirements, exceptions, modifications and interpretations in the following.

13.1 Height Limits. Height limitations stipulated elsewhere in this report shall not apply:

13.11 To barns, silos, or other farm buildings or structures on farms, provided these are not less than 50 feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than 4 feet above the limiting height of the building. However, if, in the adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment.

13.12 To places of public assembly such as churches, schools, and other permitted public and semi-public buildings not to exceed six stories or 75 feet, provided that for each foot by which the height of such building and rear yards required for the highest building otherwise permitted in the district.

13.13 To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lots; to monuments, fire towers, hose towers, cooling towers, grain elevators gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Adjustment.

13.2 Front Yard Exceptions and Modifications.

13.21 Front Yard Requirements Do Not Apply. To bay windows or balconies occupying in the aggregate not more than 1/3 of the front wall, provided that these projections come entirely within planes drawn from either main corner of the front wall, making an interior angle of 22-1/2 degrees in the horizontal plane with the front wall: to chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches, plantings, or similar features not over three feet high above the average finished grade and distant five feet from every lot line.

13.22 In any district where the average depth of two or more existing front yards on lots within 100 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average of said existing front yards or the average depth on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any "R" district shall be at least 15 feet and need not exceed 50 feet.

13.3 Side Yard Exceptions and Modifications.

13.31 Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have at least width equal to that required in the more restrictive district. Where a lot in an "I" or "B" District abuts a lot in an "R" District, the side yard shall be increased by three feet for each story that the building proposed on such lot exceeds the height limit of the said "R" District.

13.32 Side Yards Shall be Increased. In width by two inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds 40 feet in any "R-1" District, or 50 feet in any "R-2" District.

13.33 Side Yards May be Reduced. By three inches from the otherwise required least width of each side yard for each foot by which a lot of record at the time of enactment of the ordinance is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than 2-1/2 stories, and in case the owner of record does not own any adjoining property; provided, however, and irrespective of the provisions of Subsection 13.361 that no side yard shall be narrower at any point than three feet.

13.34 Side Yards may be Measured to the Center Line of Adjoining Alleys. But in not case shall a building or structure for which a side yard is required be erected within five feet of such alley.

13.35 On a Corner Lot. The least width of a side yard along the side street lot line shall be equal to the required front yard along the side street.

13.36 Structures or Projections Into Side Yards May be Permitted as Follows. Fences, planting or walls not over five feet above the average natural grade.

Fire escapes, three feet from side lot line. Bays and balconies not more than three feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall, making an interior angle of $22\frac{1}{2}$ degrees in the horizontal plane with the side wall. The sum of the lengths of such projection shall not exceed $\frac{1}{3}$ of the length of the wall of the main building.

13.361 Chimneys, flues, belt courses, leaders, sills, pilasters and lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required side yard not more than $1\frac{1}{2}$ feet.

13.362 Terraces, steps, uncovered porches, stoops, or similar features, not higher than the elevation of the ground story of the building and distant three feet from a side lot line.

13.4 Rear Yard Exceptions and Modifications.

13.41 Rear Yards May be Reduced. By three inches from the required least depth for each foot by which a lot at the time of enactment of the ordinance is less than 100 feet deep, in the case of a building not higher than $2\frac{1}{2}$ stories, and in case the owner of record does not own adjoining property to the rear; provided, however, that no required rear yard shall be less than 10 feet deep.

13.42 Rear Yards May be Measured to the Centerline of Adjoining Alleys. But in no case shall a building or structure be erected within 10 feet of such an alley.

13.43 Structures or Projections into Rear Yards May be Permitted as Follows. Fences, plantings or walls not over five feet above the average natural grade. Fire escapes, six feet. Bays and balconies, not more than three feet provided these projections are entirely within planes drawn from either main corner of the rear wall, making an interior angle of $22\frac{1}{2}$ degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed $\frac{1}{2}$ of the width of the rear wall.

13.431 Chimneys, flued, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required rear yard not more than $1\frac{1}{2}$ feet.

13.44 Any platted lot of record before 1972; The front yards may be same as adjoining property/or a minimum of 20 ft. Side yards minimum may be 3 ft., rear yards minimum 6 ft. This shall include those lots in an "R" District only.

ARTICLE XIV - ENFORCEMENT

14.0 It shall be the duty of the City Council or its designee to enforce the ordinance in accordance with the administrative provisions of the building code and the ordinance.

14.1 Every application for a building permit shall be accompanied by plans in duplicate and plot plan drawn to scale in ink or blueprint, showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the building or structure to be erected or altered, the existing and intended use of each building or part, the proposed number of families or housekeeping units, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of the ordinance. One copy of such plans shall be signed and returned to the applicant when approved by the City Council or its designee together with such permit as may be granted.

14.2 Prior to building construction, lot pins based on actual survey by a registered Iowa land surveyor shall be set and if disturbed by construction or grading shall be reset in proper location.

14.3 Before using any building or premises or part thereof hereafter created, erected, changed, converted or enlarged in use or structure, a Certificate of Occupancy shall be obtained from the City Council or its designee. Such Certificate shall show that such building or premises, or part thereof, and the proposed use thereof conform with the provisions of the ordinance.

14.4 Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this ordinance is guilty of a public offense and upon the conviction therefore shall be subject to a fine not to exceed \$100.00 or imprisonment not to exceed thirty (30) days for each day of violation. Each day that a violation continues shall constitute a separate offense.

14.5 In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the provisions of the ordinance, the City Attorney, in addition to other remedies under the Iowa Code is hereby authorized to institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.

ARTICLE XV - BOARD OF ADJUSTMENT

15.0 Creation, Membership and Procedure. A Board of Adjustment consisting of five members shall be appointed by Council in accordance with the provisions of Chapter 414, Code of Iowa, 1991. At least one such member shall be named from among the members of the Salem Planning and Zoning Commission. The appointing authority may remove any member of the Board for cause and after public hearing.

15.01 The Board shall elect its own Chairman and shall have the power to adopt rules and regulations for its own government, not inconsistent with law or with the provisions of the ordinance or any other ordinances of the City. Meeting shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel attendance of witnesses. The Secretary of the Planning and Zoning Commission shall act as the Board's secretary.

15.02 Meetings of the Board shall be open to the public, minutes shall be kept of proceedings, showing the action of the Board and the vote of each member upon each questions, or if absent or failing to vote, indicating that fact, and records shall be made of the Board's examinations and other official actions, all of which shall be filed immediately in the office of the Board as a public record.

15.03 Three members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of the City Council or its designee, or to decide in favor of an applicant any matter upon which it is required to pass under the ordinance, or to effect any variation in the requirements of the ordinance.

15.04 The Board may call on the City departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

15.1 Applications and Appeals.

15.11 An application to the Board, in cases in which it has original jurisdiction under the provisions of the ordinance, may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau. Such application shall be filed with the City Council or its designee, together with a fee of \$25, who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application to the Board.

15.12 An appeal to the Board may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau affected by any ruling of the City Council or its designee. Such appeal shall be taken within a minimum of 30 days as prescribed by the rules of the Board, by filing with the City Council or its designee a notice of appeal specifying the grounds thereof. The City Council or its designee shall forthwith transmit to the Board such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed from was taken. A fee of \$25 shall also accompany the appeal.

15.13 The Board shall fix a reasonable time, not to exceed 30 days, for the hearing of an application or of an appeal. It shall give at least 15 days' notice of the time and place of such hearing by insertion in a newspaper published in the community, and shall also give notice delivered by first class mail at least five days before the time fixed for such hearing to the applicant or appellant and to the Building Inspector, and to the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent or by attorney. The Board shall decide the application or appeal within a reasonable time, not to exceed 90 days unless a complication arises with a state or federal agency.

15.14 Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City Council or its designee certifies to the Board that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, on due cause shown, be granted by the Board on application, after notice to the City Council or its designee, or by a court of record.

15.2 Powers of the Board. The Board shall have jurisdiction in matters and shall have the specific and general powers provided in the ordinance.

15.21 Special Exceptions and Interpretation of Map. The Board shall have the power to hear and decide, in accordance with the provisions of the ordinance, requests or applications for special exceptions or for interpretation of the Zoning Map or for decisions upon other special questions upon which the Board is authorized to pass.

15.211 Special Exceptions. In addition to permitting the special exceptions heretofore specified in these ordinances, the Board shall have authority to permit the following.

15.2111 Non-Conforming Uses. The substitution for a non-conforming use, another non-conforming use, if no structural alterations except those required by law or ordinance are made; provided, however, that any use so substituted shall be of the same or a more restricted classification.

15.2112 Temporary Uses and Permits.

15.21121 The temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by the ordinance, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

15.21122 The temporary use of a building or premises in undeveloped sections for a purpose that does not conform to the regulations prescribed by the ordinance, provide that such structure or use is of a true temporary nature, is promotive of or incidental to the development of such undeveloped sections, and does not involve the erection of substantial buildings. Such permit shall be granted in the form specified under Subsection 15.21121.

15.212 Certain Industries in "I-1" Districts. In determining whether certain uses shall be located in an "I-1" District, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a special exception, the Board shall determine whether the proposed exception or use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board may utilize and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering research organizations, and can be applied to the proposed uses to assist it in reaching a fair and objective decision. Upon authorizing a special use and-or exception, the Board may impose such requirements and conditions in addition to those expressly stipulated in this report for the particular special use and-or exception as the Board may deem necessary for the protection of adjacent properties and public interest.

15.213 Interpretation of Map. Where the street or lot layout actually on the ground or as recorded, differs from the street and lot lines indicated on the Zoning Map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of the ordinance for the particular section or district in question.

15.22 Administrative Review and Variances. The Board of Adjustment also shall have the power:

15.221 Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, decision, grant or refusal made by the City Council or its designee in the enforcement of the provisions of the ordinance.

15.222 Variances. To authorize on appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done as follows:

15.2221 Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the ordinance, or by reason of exceptional topographic

conditions, or other extraordinary and exceptional situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the provisions of the ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, unnecessary to carry out the spirit and purpose of the ordinance, shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the interest of the furtherance of the purposes of the ordinance.

15.2222 No such variance in the provisions or requirements of the ordinance shall be authorized by the Board unless the Board finds beyond reasonable doubt that all of the following conditions exist:

- a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or the the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district.
- b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.
- c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of the ordinance or the public interest.

15.2223 No grant or variance shall be authorized unless the Board specifically finds the condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment of the ordinance, for such conditions or situations.

15.2224 The Board shall have no power to authorize a variance for the establishment of a non-conforming use where not previously existed.

15.2225 In considering a request for a variance from the regulations concerning signs, the Board shall give consideration and arrive at a finding on the following:

- a. Shape and area of lot in question.
- b. Bulk and floor area of the main building or structure.
- c. Set-back of proposed sign from all property lines.
- d. Zoning and use of surrounding parcels.
- e. Unusual or exceptional topography.
- f. Compatibility with general intent of the zoning ordinance to encourage development without detracting from the use and enjoyment of surrounding property.

15.23 Action of Board. In exercising its powers, the Board may, in conformity with the provisions of the Iowa Code and of the ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement decision or determination appealed from, and may make such order, requirement, decision or determination as, in the Board's opinion, ought to be made, and to that end has all the powers of the officer from whom the appeal is taken.

15.24 Review by Council. The Council may review any variances granted by the Board of Adjustment before its effective date and may reverse or affirm, in whole or in part, or may remand a decision to the Board of Adjustment for further study. Such review shall be taken within thirty (30) days of the decision of the Board of Adjustment.

15.3 Judicial Review. All final administrative decisions of the Board of Adjustment shall be subject to judicial review pursuant to the provisions Chapter 414, Code of Iowa, 1991, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

15.4 Mobile home ordinance administrative review and variances. The board of adjustment shall have all of its administrative review and variance powers in connection with the City of Salem Mobile Home ordinance, Ordinance No. 1991-3, passed on July 2, 1991.

ARTICLE XVI - DISTRICT CHANGES AND ORDINANCE AMENDMENTS

16.0 In accordance with the provisions of Chapter 414, Code of Iowa, 1991, the City Council may from time to time amend or change by ordinance the number, shape or area of districts established on the Zoning Map or the regulation set forth in the ordinance; but no such amendment or change shall become effective unless the ordinance proposing such amendment or change shall first be submitted to the Planning and Zoning Commission for approval, disapproval or suggestions and said Commission shall have been allowed a reasonable time, not less than 30 days, for consideration and report.

16.1 Before submitting its recommendations and report to the Council, the Planning and Zoning Commission shall hold a public hearing on the proposed amendment, supplement or change. It shall give not less than 15 nor more than 30 days' notice of the time and place of such hearing by publication in a newspaper published in the community and by mailing notices to all property owners directly involved, contiguous to or directly across a street or alley from the area proposed to be altered.

16.2 Any person desiring a change in zoning of property may make application therefore, and in so doing shall accompany the petition for such change in zoning, or the ordinance introduced for the purpose of changing such zoning, with a fee in the amount of \$75 toward the cost of processing the application.

16.3 During the 15 days prior to the public hearing the text or copy of the text of such ordinance or petition, together with the maps or plans or copies thereof shall be on file, for public examination, in the office of the Secretary of the Planning and Zoning Commission. No ordinance which differs from the recommendation made by the Planning Commission shall become effective unless passed by not less than 3/4 of all members of the Council.

16.4 In case of a written protest against a proposed change in the boundaries of a district signed and acknowledged by the owners of 20 percent or more of either the frontage proposed to be altered, or of the frontage immediately adjoining or across an alley therefrom, or directly opposite the frontage proposed to be altered, is filed with the City Council such amendment shall not be passed or become effective except by the favorable vote of 3/4's of all members of the Council.

16.5 The failure to notify, as provided by this Article, shall not invalidate an ordinance, provided such failure was not intentional, and the omission of the name of any owner or occupant of property who may, in the opinion of the Planning and Zoning Commission, be affected by such amendment, supplement or change, unless such omission is intentional, shall not invalidate any ordinance passed hereunder, it being the intention of this Article to provide so far as may be for notice to the persons substantially interested in the proposed change that an ordinance is pending before the Council, proposing to make a change in zoning.

SUBDIVISION REGULATIONS

SECTION 1. TERRITORIAL LIMITS OF REGULATIONS

The suggested rules and standards governing plats and subdivisions of land contained in this report shall apply to the City of Salem and to land located within two (2) miles of its limits which is not within another municipality. In the event of overlapping jurisdiction within such two (2) miles, the extent of jurisdiction herein under shall be as determined and agreed upon between Salem and other municipality or municipalities concerned.

SECTION 2. DEFINITIONS

For the purpose of this report, certain terms are defined as follows:

- (a) Alley or service drive - A passage or way affording generally a secondary means of vehicular access to abutting properties.
- (b) Building Inspector - The Building Inspector of the City of Salem.
- (c) City Council - The governing body of the city.
- (d) City Engineer - The engineer for Salem.
- (e) Collector Street - A street serving as a connection between a thoroughfare and minor or local street.
- (f) Cul-de-sac - A minor residential street with a turn-around.
- (g) Lot - A parcel of land intended for transfer of ownership or building development, whether immediate or future. A lot shall have frontage on a public street.
- (h) Local Street - A street intended to serve and to provide access to neighborhoods or sub-neighborhoods.
- (i) Minor Street - Any street not a highway, primary, or secondary thoroughfare, or local street, and intended to serve and provide access exclusively to the properties abutting thereon.
- (j) Official or City Plan - The adopted plan for orderly growth of the city.
- (k) Primary or Secondary Thoroughfares - The streets or roads designated as such in the Transportation Plan.
- (l) Plats Officer - The employee designated by City Council to administer the Regulations.
- (m) Subdivision - The division or resubdivision of a tract or parcel of land into two (2) or more lots, plots, sites or other divisions of land; or the consolidation of parcels, for the purpose, whether immediate or future, of transfer of ownership or building development. A resubdivision of land or lots shall also be considered a subdivision.
- (n) If the City does not have a Building Inspector, a City Engineer, or a Plats Officer then in each case, those duties shall be performed by the City Council or its designee.

SECTION 3. GENERAL

Within the territorial limits of the Regulations, no person, firm or corporation shall change, resubdivide, or rearrange the boundary or division line of any lot or parcel of land, or divide the same by any means into lots for any purpose. Nor shall any such person, firm or corporation begin with any construction work in a proposed subdivision, including grading, without complying with provisions of the Regulations and before obtaining the tentative approval of the preliminary plat of the proposed subdivision as hereinafter provided.

Unless approved as a final plat as provided herein, no subdivision shall be entitled to be recorded in the County Recorder's office or have any validity; the Building Inspector shall not issue building or repair permits for any structure on a lot in any subdivision built in violation of the Regulations; the City Council shall not accept any public improvements or services in such subdivision.

Any person, firm or corporation who violates, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of the Regulations, is guilty of a public offense and upon conviction therefore shall be subject to a fine not to exceed \$100.00 or imprisonment not to exceed 30 days for each day of violation; and each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 4. PROCEDURE

In planning and developing a subdivision, the general principals and requirements set forth in Appendix I of this report shall be observed and in every case the following procedure should be pursued:

Sketch Plan

1. The subdivider of his engineer shall first submit his proposed plat in sketch form to the Plats Officer to ascertain the location of proposed streets, parks or other planned developments.

Preliminary Plat

2. The subdivider, after submitting the plat in sketch form to the Plats Officer, shall prepare a preliminary plat of the proposed subdivision and construction plans for improvements adequate to determine that sewer, water and street construction can be installed conforming with the requirements set forth in Appendix II of this report. The subdivider shall supply black or blue line prints to all public utilities. The subdivider shall file with the Plats Officer an application in writing seeking the approval of said plat, accompanied by four (4) black line or blue line prints (five (5) prints if subdivision lies outside city limits but within area of jurisdiction). Said application shall be submitted at least one (1) week prior to a regularly scheduled meeting of the Planning and Zoning Commission.

3. The Planning and Zoning Commission will check the preliminary plat as to its conformity with the adopted City Plan and ordinances of the city and principles, standards and requirements set forth in the Regulations. The Plats Officer and City Engineer will check the construction plans of proposed improvements.

The Planning and Zoning Commission, upon receipt of the recommendations and advice from the Plats Officer and City Engineer will check the construction plans of proposed improvements.

The Planning and Zoning Commission, upon receipt of the recommendations and advice from the Plats Officer and City Engineer concerning matters above, will approve, approve with modifications or disapprove the preliminary plat within thirty (30) days of receipt of the plat. If the preliminary plat is disapproved by the Commission, the subdivider shall be furnished with a letter and copy of the plat stating the reason for disapproval and where the plat does not conform to municipal ordinances including the Comprehensive Plan. Such notification shall take place within the thirty (30) day period. Upon approval of the preliminary plat, one (1) copy of the approved or conditionally approved plat shall be returned to the subdivider within ten (10) days following Commission action, one (1) copy of the approved plat transmitted to the Superintendent of the Mt. Pleasant Community School District, and one (1) to the City Engineer and the final copy retained on the Planning and Zoning Commission's files. Where the subdivision lies outside the corporate limits but within the limits or jurisdiction, a copy of the plat will be transmitted to the County Engineer.

IMPROVEMENTS

4. The subdivider, after approval of the preliminary plat, may: (a) secure from the Plats Officer the necessary permits to proceed with the street and sanitary improvements after approval of final construction drawings; or in lieu of this, (b) shall, to insure the satisfactory installation of said improvements in accordance with the Commission's regulations post with the City Clerk a surety bond, in form prescribed by the City Council sufficient to cover the full cost of said improvements based upon estimate approved by the City Engineer.

FINAL PLAT

5. The subdivider, upon completion of all improvements required by the Regulations, or upon posting of a bond, shall file with the Planning and Zoning Commission the final or record plate for final approval. The plat must conform in every respect with the requirements specified in Section 7 of this report. The subdivider shall submit the final plat not later than one (1) year after approval of the preliminary plat. A final or record plat may be a portion of a larger subdivision for which a preliminary plat had been previously approved. Subdivider will submit plans for all or parts of subdivision for final approval.

The subdivider shall file with the Planning and Zoning Commission five (5) black line or blue line prints six (6) copies when subdivision is outside city limits), the original tracing, and a formal request for approval, along with two (2) copies of all covenants or restrictions pertaining to the plat.

The City Engineer and Plats Officer will check the final plat and plans and specifications for improvements. If found satisfactory, the original tracing shall be forwarded to the Commission,

with a certificate showing that (a) the technical details of the plat itself have been checked and found satisfactory (b) all required improvements have been satisfactorily completed, or in lieu thereof, a surety bond has been posted, assuring their installation.

6. After receiving notification from the City Engineer and Plats Officer that improvements are in order and after being satisfied that the final plat is in conformity with the approved preliminary plat and Regulations, the Planning and Zoning Commission shall approve and certify the final plat and forward it to City Council for appropriate action. The Commission and City Council shall have sixty (60) days from the date of submission in which to take action on the final plat.

After approval of the plat by the City Council, four (4) {five (5) if subdivision is outside city limits} approved prints and original tracing of the final plat shall be returned to the Plats Officer. The Plats Officer shall transmit one (1) copy of the approved plat to the City Engineering, one (1) to the Superintendent of the Mt. Pleasant Community School District, one (1) to the Building Inspector, and retain one (1) for his files. One (1) copy shall be transmitted to the County Engineer if the subdivision is outside the city limits. The original tracing shall be transmitted to the subdivider for recording.

7. The subdivider must post a maintenance bond covering any improvement to be accepted for maintenance by the City. Such bond shall be held by the City Clerk and shall become effective upon acceptance of the final plat by the City Council, unless otherwise stipulated. Maintenance bonds shall run for four (4) years on street paving and two (2) years on sewer and water improvements.

FEEES

8. At the time of filing of a plat or replat for approval, the subdivider shall pay to the City Clerk a fee according to the following schedule:

No. of Lots in subdivision	Fee
1 to 10	\$5
11 or more lots	\$5

All fees shall be deposited in the General Fund of the City. No fees shall be charged for processing preliminary plats.

SECTION 5. THE PRELIMINARY PLAT

1. The preliminary plat of the proposed subdivision, four (4) black line or blue line prints (five (5) if outside city limits but within area of jurisdiction), prepared by a registered Iowa engineer or land surveyor, shall accompany an application in writing to the Salem Planning and Zoning Commission for preliminary approval of the subdivision in order that permits may be secured for the installation of improvements and processing for final approval of the plat may proceed thereafter.

All public utilities shall be supplied with copies of the Preliminary Plat.

2. A vicinity sketch at a scale of four hundred (400) feet or less to the inch shall be drawn or shall accompany the preliminary plat. Such vicinity sketch shall show all adjacent existing subdivisions and their names, the tract lines of acreage parcels of land together with the names of record owners of such parcels. A key sketch shall be properly drawn to locate the area to be subdivided.

3. The horizontal scale of the preliminary plat shall be one hundred (100) feet or less to the inch.

4. The preliminary plat should clearly show and include the following features and information:

- (a) The proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the City of Salem.

- (b) An accurate description of the property involved according to the real estate records of Henry County.

- (c) The names and addresses of the owners of record, the subdivider, and the registered engineer or surveyor who prepared the plat.

- (d) The names of adjoining subdivisions and the names of record owners of adjoining parcels of unplatted land.

- (e) The boundary lines, accurate in scale, of the tract to be subdivided.

- (f) The location, widths and names of all existing or platted streets or other public ways and easements within or immediately adjacent to the tract, corporation lines, section and quarter-section

lines, and other important features such as existing permanent buildings, water courses, railroad lines, etc.

(g) Existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto, with pipe sizes and grades indicated.

(h) Contours, with intervals of two (2) feet referenced to United States Geological North American Datum-Mean Sea Level Elevation Datum.

(i) The layout, proposed names and widths of proposed streets, alleys, and easements; the location and approximate sizes of proposed catch basins, culverts and other drainage structures; the layout, numbers and approximate dimensions of proposed lots.

(j) Proposed front-yard set-back or other set-back lines.

(k) The width and approximate dimensions of all parcels of land intended to be dedicated or reserved for public use, or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, conditions or limitations of such dedication or reservation indicated.

(l) North-point, scale and date.

(m) Copies of any proposed restrictions.

(n) Notation stating "Preliminary Plat - Not For Record."

5. Construction drawings. The subdivider's engineer shall prepare preliminary plans for all proposed improvements in such form as to enable the City Engineer to determine that sewers, water and streets may be constructed according to Appendix II of these regulations.

SECTION 6. IMPROVEMENTS

At the time the final plat is filed, a surety bond is to be filed.

SECTION 7. THE FINAL OR RECORD PLAT

After improvements have been installed, or a surety bond filed, in accordance with Appendix II of these regulations, five (5) black line or blue line prints (six (6) if outside city limits but within area of jurisdiction) and also the original tracing of the final or record plat of the subdivision, or of any part of a larger subdivision, shall be submitted to the Salem Planning and Zoning Commission with a formal request for approval. The final plat shall be drawn at the scale of one hundred (100) feet or less to the inch, and shall clearly show the following features and information:

(a) Legal description of the property, including reference to the section, township and range; section lines and corners; quarter-section lines.

(b) All Plat boundary lines with lengths of courses to hundredths of a foot and bearings or angles based on an accurate survey in the field.

(c) The exact locations and the widths along the property lines of all existing or recorded streets or roads intersecting or paralleling the boundaries of the tract.

(d) Bearings and distances to nearest established street or road bounds, other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them.

(e) The accurate location and material of all permanent reference monuments. Such monuments shall be concrete cylinders or rectangular prisms, not less than four (4) inches in diameter or square, and twenty-four (24) inches long, located at extreme corners of the subdivision. Other markers shall be steel rods not less than one half (1/2) inch in diameter and twenty-four (24) inches long, located at all street corners, at all points where street lines intersect the plat boundary lines and at angle points and points of curve in each street; and shall be one-half (1/2) inch iron pins, twenty-four (24) inches in length, at all lot corners. Any pins disturbed by construction or grading shall be reset.

(f) The exact layout including: (1) street and alley lines-their names, bearings, angles of intersection and widths (including widths along the line of any obliquely-intersecting street); (2) the lengths of all arcs--radii, points of curvature and tangent bearings; (3) all easements or right-of-ways, when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat); (4) all lot lines with dimensions in feet and hundredths, and with bearings or angles if other than right-angles to the street and alley lines.

- (g) Lots numbered in numerical order, and blocks also numbered in numerical order.
- (h) The accurate outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose indicated thereon.
- (i) Front yard set-back lines as established by the Zoning Ordinance need not be shown. Lines of future streets or roads as shown on the adopted Transportation Plan and those set-back lines stipulated in deed restrictions shall be shown.
- (j) Private restrictions, if any: (1) boundaries of each type of use restriction; (2) other private restrictions for each restricted section of the subdivision.
- (k) Name of the subdivision and name or number of the largest subdivision or tract of which the tract being subdivided forms a part.
- (l) Names and locations of adjoining subdivisions.
- (m) Names and addresses of the owner or owners of record, the subdivider, and of the registered Iowa land surveyor who prepared the plat.
- (n) North-point, scale and date.
- (o) Certification by the registered Iowa land surveyor who prepared the plat to the effect that the plat represents a survey made by him, that all monuments indicated thereon actually exist and that their location, size, and material are correctly shown.
- (p) Other certificates, required by law, including certificate of title showing ownership of the tract of land included in the subdivision, also certificate from the County Auditor showing that all taxes have been paid.

SECTION 8. MODIFICATIONS AND EXCEPTIONS

1. The general principles of design and minimum requirements for the laying out of subdivisions, set forth in Appendix I, may be varied by the Planning and Zoning Commission in the case of a subdivision large enough to constitute a more or less self-contained neighborhood which is to be developed in accordance with a comprehensive plan safeguarded by appropriate restrictions, and which, in the judgment of the Commission, makes adequate provision for all essential community requirements; provided, however, that no modification shall be granted by the Commission which would conflict with the proposals of the Transportation Plan, the Community Facilities Plan, or with other features of the adopted City Plan, or with the intent and purposes of said general principles of design and minimum requirements.

In any particular case where the subdivider can show that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirements of the Regulations could cause practical difficulty or exceptional and undue hardship, the Planning and Zoning Commission may relax such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public good and without impairing the intent and purposes of the Regulations or the desirable general development of the city in accordance with the adopted Plan and the Zoning Ordinance of the city. Any modification thus granted shall be entered in the minutes of the Commission setting forth the reasons which, in the opinion of the Commission, justified the modification.

2. In the case of a subdivision of less than five (5) lots and where all lots can be adequately served by existing streets, situated in a locality where conditions are well-defined, the Planning and Zoning Commission may exempt the subdivider from complying with some of the requirements stipulated in Section 5 pertaining to the preparation of the preliminary plat.

APPENDIX I

GENERAL PRINCIPLES OF DESIGN AND MINIMUM REQUIREMENTS FOR THE LAYOUT OF SUBDIVISIONS

In laying out a subdivision, the subdivider shall comply with the following general principles and requirements:

A. GENERAL

1. The layout must conform to the Transportation Plan, other parts of the adopted City Plan and other adopted regulations of the City of Salem.

(a) Whenever a tract to be subdivided embraces any part of a primary or secondary thoroughfare or collector street, so designated on the City Plan, such a part of such public way must be platted by the subdivider in the location and at the width indicated on the Plan.

(b) Where a proposed park, playground, or other recreational area, proposed school site or other public ground, shown on the adopted Community Facilities Plan or other adopted part of the City Plan, is located in whole or in part within the proposed subdivision, such proposed public ground or part, if not dedicated to the City, Board of Education or other public agency, must be reserved and no action taken on the subdivision for a period of not less than ninety (90) days to allow the City or other public agency the opportunity to consider and take action toward acquisition of such public ground or part by purchase or other means. If the responsible agency does not take action to acquire such land, the subdivider may then use the land for any purpose permitted in that particular zoning district.

2. Where considered desirable by the subdivider and held appropriate by the Planning and Zoning Commission, open spaces suitably located and of adequate size for parks, playgrounds or other recreational purposes for local or neighborhood use may be provided for in the design of the proposed subdivision, and if not dedicated to the public and accepted by the appropriate public body, may be reserved for the common use of all property owners in the proposed subdivision by covenant in the deeds.

B. THE STREET AND BLOCK LAYOUT

1. The street layout of the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining and nearby areas.

(a) Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

(b) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning and Zoning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layouts or the most advantageous future development of adjacent tracts. Cul-de-sacs of reasonable length will be approved where topography necessitates or where they are appropriate for the type of development contemplated.

(c) Proposed streets shall intersect one another

1. The street layout of the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining and nearby areas.

2. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth, at least one hundred (100) feet, unless, in the opinion of the Planning and Zoning Commission, prevented by exceptional topography or other physical conditions.

(a) the lengths of blocks shall be such as are appropriate, in the opinion of the Planning and Zoning Commission, for the locality and the type of development contemplated, but shall not exceed twelve hundred (1200) feet.

(b) In any block over seven hundred (700) feet in length, the Planning and Zoning Commission may require that a crosswalk or pedestrian way, not less than ten (10) feet wide, be provided near the center and entirely across such block.

(c) Cul-de-sacs shall not exceed five hundred (500) feet in length measured along the centerline from the intersection at origin through the end of the circle to the end of the right-of-way.

C. MINIMUM RIGHT-OF-WAY WIDTHS OF STREETS, ALLEYS AND EASEMENTS FOR UTILITIES

1. Primary thoroughfares: as designated on the Transportation Plan, but not less than eighty-two and one half (82.5) feet wide in any case.

2. Secondary thoroughfares: as designated on the Transportation Plan, but not less than sixty-six (66) feet wide in any case.

3. Collector or local streets; sixty-six (66) feet wide.

4. Minor streets and cul-de-sacs; sixty-six (66) feet. All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of one hundred (100) feet.

5. Alleys and service drives: sixteen and one half (16.5) feet.

6. Easements for utilities, where required, should be at least fifteen (15) feet wide centered on rear or side lot lines.

D. MINIMUM PAVEMENT WIDTHS

1. The portion of the pavement required to be installed at the subdivider's expense shall be as follows:

(a) Primary and secondary thoroughfares designated as such on the Transportation Plan, and local and minor streets, thirty-one (31) feet wide, back to back of curb. Over-all pavement widths shall be designated by the Transportation Plan, and the differences, if any, between the cost of the portion to be provided at the expense of the subdivider and that of the total width designated by the Transportation Plan shall be borne by the City, unless it shall be determined by the Commission that such greater width will benefit the subdivider in proportion to its cost; provided, however, that the cost of curb and gutter should be borne by the subdivider in any case. The pavement of a turning circle at the end of a cul-de-sac shall have a minimum outside diameter of eighty (80) feet. A "T" or "Y" shaped paved space, when approved by the Planning and Zoning Commission may be used as a temporary measure at the end of a dead end street until such time as the street is continued.

(b) Alleys and service drives: shall be paved to a width of sixteen (16) feet.

E. STREET GRADES CURVES AND SIGHT DISTANCES

1. The grades of streets shall not be less than five-tenths (0.5) percent nor exceed the following:

(a) Primary and secondary thoroughfares, designated as such on the Transportation Plan: five (5) percent unless prevented by topography.

(b) Collector, minor, and local streets, service drives, and alleys: ten (10) percent.

(c) Pedestrian ways or crosswalks: twenty (20) percent, unless steps of an acceptable design are to be constructed.

2. All changes in street grades above one (1) percent shall be connected by vertical curves of a minimum length equal to thirty (30) times the algebraic difference in the rate of grade for thoroughfares and one-half of this minimum for all other streets.

3. The radii of curvature on the centerline shall not be less than the following:

(a) Thoroughfares: three hundred fifty (350) feet.

(b) Local streets, minor streets, service drives and alleys: one hundred fifty (150) feet.

F. INTERSECTIONS

1. Curb returns at street intersections shall be rounded by radii of at least twenty-five (25) feet.

2. Streets shall intersect as close to a ninety (90) degree angle as possible. The above minimum radii shall be increased where the angle of intersections less than ninety (90) degrees.

3. The design of the intersection shall be such that a clear sight distance will be maintained for seventy-five (75) feet at the roadway centerline with no construction to bar sight within triangle formed by three points.

G. LOTS

1. The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated.

2. Excessive depth in relation to width ordinarily shall be avoided.

3. Every lot shall abut on a public right-of-way dedicated for street purposes.

4. Lots for residence purposes shall be at least thirty-seven and five-tenths (75) feet wide at the front lot line in order to permit compliance with the side yard requirements of the Zoning Regulations and still be adequate for a building of practicable width.

5. Lots larger than the minimum called for by the Zoning Ordinance may be required where topographic or other considerations may limit the buildable or usable portion of such lots.

6. Corner lots for residential use ordinarily should be platted wider than interior lots in order to permit conformance with the set-back required by the Zoning Ordinance on the side street.

7. Residential lots fronting on highways, thoroughfares and parkways should have extra depth to permit deep set-backs for the buildings.

8. Double-frontage lots and reversed-frontage lots ordinarily should be avoided.

9. Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot fronts.

10. Side lot lines on curved streets shall be radial to the right-of-way line of the street on which the lot fronts.

APPENDIX II

MINIMUM REQUIREMENTS FOR THE INSTALLATION OF IMPROVEMENTS IN SUBDIVISIONS

Improvements shall be installed in accordance with the following minimum requirements and regulations prior to the filing of the final plat for final approval:

A. GENERAL

1. All of the improvements required under the Subdivision Regulations shall be constructed under contract approved by the City Engineer in respect to construction details and proper inspection of the improvements to be installed. Improvements shall be completed in accordance with the specifications and under the supervision of the City Engineer or his duly designated representative prior to filing with the Commission the final or record plat and request for final approval.

2. In lieu of completing all the improvements as required in Paragraph 1 above, the subdivider shall furnish the City with a surety bond, sufficient to cover the cost of any or all of the improvements required to be installed by the subdivider, based on estimates approved by the City Engineer. The intent is to secure the actual construction and installation of such improvements within one (1) year after the approval of the final plat, subject to extension by the Commission.

B. STREETS, SIDEWALKS AND ALLEYS

1. Construction plans for improvements to be installed shall be prepared by a registered Iowa professional engineer, whose seal shall appear thereon. The original tracing and two (2) prints furnished. Improvements shall be in accordance with specifications of the City, and construction details shall be revised as may be necessary and receive approval of the City Engineer and other agencies having jurisdiction before improvements are installed. Details shall include:

(a) Plan and profile of each street, referenced to United States Geological Survey datum, at a horizontal scale of fifty (50) feet or less to the inch, and a vertical scale of five (5) feet or less to the inch, with tentative grades indicated; including plans and profiles of proposed sanitary sewers, also storm-water sewers if required, with grades and sizes indicated.

(b) Typical cross-section of each proposed street, at a horizontal and vertical scale of five (5) feet or less to the inch, showing the width of pavement, the location and width of any sidewalks and the location of utility mains.

(c) Complete grading plan.

(d) Plan of the proposed water distribution system, showing pipe sizes and location of valves and fire hydrants.

2. Streets shall be graded to full right-of-way width. The surfacing shall be minimum of six (6) rolled stone base and two (2) inches of asphalt concrete. Such surfacing shall not be less than thirty-one (31) feet wide, all shall be in accordance with standards and specifications approved by the Planning and Zoning Commission and City Engineer.

3. Sidewalks shall be constructed of Portland cement concrete four (4) inches in thickness, and not less than four (4) feet in width on both sides of every street in accordance with standards and specifications approved by the Planning and Zoning Commission and City Engineer and shall be the responsibility of the subdivider.

4. Alleys and service drives shall be graded to the full width of the right-of-way and shall be provided with an all-weather surface satisfactory to the City Engineer. Such paved width shall be four (4) feet less than the dedicated right-of-way unless otherwise specified.

C. WATER SUPPLY AND SEWERAGE

1. Every subdivision shall be provided with a complete water distribution system adequate to serve the area being platted including a service connection within one (1) foot of a lot line of each lot and appropriately spaced fire hydrants, the entire water system designed to meet the approval of the City Engineer and the Iowa State Department of Health.

2. Every subdivision shall be provided with a storm-water sewer or drainage system adequate to serve the area being platted for a five (5) year design storm and otherwise meeting the approval of the City Engineer.

3. In every subdivision, provision shall be made for the satisfactory disposal of sanitary sewage:

(a) Where a public sanitary sewer main is reasonably accessible, in the opinion of the Planning and Zoning Commission, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a service connection to within one (1) foot of a lot line of each lot. Such system shall be approved by the City Engineer and the Iowa State Department of Health.

(b) Where a public sanitary sewer main is not reasonably accessible, in the opinion of the Planning and Zoning Commission, proper provisions shall be made for the disposal of sanitary wastes subject to approval of the City Engineer and County Health Department. If individual disposal systems are provided, they shall be located on each lot. The absorption of the soil, surface drainage and topography shall be the criteria for determining whether or not the installation of individual septic tank disposal systems are feasible. Feasibility shall be ascertained by the subdivider whenever individual systems are proposed. At least two (2) percolation tests shall be made on each lot at the approximate location of the septic system absorption field. Such tests shall be performed in accord with the requirements of the Commission, City Engineer, County Health Department and the Iowa State Department of Health. The results of these tests shall be certified by a registered Iowa Professional engineer and made known to the City Engineer, Commission, County Health Department and the Iowa State Department of Health.

(c) Backfilling of trenches. Wherever excavations for storm sewer, sanitary sewer, and-or watermains and appurtenances or drive areas, such excavation shall be backfilled by a method and with trenchfill of a type approved by the City Engineer.

D. UTILITIES, MONUMENTS

1. Poles or underground conduits for electric lights, telephone lines or other utilities shall be placed in easements provided along rear or side lot lines, wherever this is practicable.

2. Monuments shall be placed in accordance with the requirements of subsection (e) of Section 7.

E. "AS-BUILT" CONSTRUCTION DRAWINGS

Where the construction as performed varies from the plans filed and approved as hereinbefore required, "as-built" construction drawings shall be filed with the City Council. If such construction does to vary from said plans, an affidavit executed by a registered Iowa Professional Engineer so certifying shall be filed prior to acceptance of a final plat or acceptance of improvements for maintenance.

SECTION III. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Saving clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION V. When effective. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Passed by the council the 7 day of April 1992 and approved this 7 day of April 1992.

Delmar Barton
Mayor, Delmar Barton

Carolyn McLeland

ATTEST:
Carolyn McLeland
City Clerk

1st reading - 4/7/92
2nd reading - waived
3rd reading - waived