

CITY OF CARTER LAKE

**UNIFIED
LAND
DEVELOPMENT
ORDINANCES**

**ADOPTED
AUGUST 28, 2006**

**UNIFIED LAND DEVELOPMENT
ORDINANCE**

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SECTION 1
GENERAL PROVISIONS

101 Title

This title of the Carter Lake Municipal Code shall be known as the Unified Land Development Ordinance of the City of Carter Lake.

102 Jurisdiction

The provisions of this chapter shall be applicable to all property within the corporate limits of the City of Carter Lake and its extra-territorial jurisdiction, as provided by Chapter 414, Code of Iowa.

103 Purpose

The purposes of the Unified Land Development Ordinance of the City of Carter Lake are to:

- a. Serve the public health, safety, and general welfare of the city and its jurisdiction.
- b. Classify property in a manner that reflects its suitability for specific uses.
- c. Provide for sound, attractive development within the city and its jurisdiction.
- d. Encourage compatibility of adjacent land uses.
- e. Protect environmentally sensitive areas.
- f. Further the objectives of the Comprehensive Plan of the City of Carter Lake.

104 Consistency with Comprehensive Development Plan

The City of Carter Lake intends that this Land Development Ordinance and any amendments to it shall be consistent with the City's comprehensive Development Plan. It is the City's intent to amend this ordinance whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Development Plan.

105 Conflicting Provisions

The Land Development Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Land Development Ordinance conflicts with any other provision of the Land Development Ordinance, any other Ordinance of the City of Carter Lake, or any applicable State or Federal law, the more restrictive provision shall apply.

106 Relief from Other Provisions

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

107 Severability of Provision

If any chapter, section, clause, or phrase of this Zoning Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

108 Publication

This Ordinance shall be published in book or pamphlet form and shall, together with the maps being a part hereof, shall be filed with the City Clerk of the City of Carter Lake, Iowa.

SECTION 2
DEFINITIONS

201 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

202 General Construction of Language

The following general rules of construction apply to the text of the Zoning Ordinance.

a. Headings

Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, or intent of any provision of the Zoning Ordinance.

b. Illustration

In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.

c. Shall and May

“Shall” is always mandatory. “May” is discretionary.

d. Tenses and Numbers

Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

e. Conjunctions

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. “And” indicates that all connected items or provisions apply.
2. “Or” indicates that the connected items or provisions may apply singly or in any combination.
3. “Either ... or” indicates that the connected items or provisions shall apply singly but not in combination.

f. Referenced Agencies

Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Chapter are those of the City of Carter Lake.

203 Definition of Terms

For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions that are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

204 A

1. **Abutting:** Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
2. **Accessory Structure:** A structure that is incidental to and customarily associated with a specific principal use or building on the same site.
3. **Accessory Use:** A use that is incidental to and customarily associated with a specific principal use on the same site.
4. **Addition:** Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. **ADT or Average Daily Traffic:** The average number of motor vehicles per day that pass over a given point or segment of street.
6. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
7. **Alley:** A public right of way, other than a street and twenty feet or less in width that is used as a secondary means of access to abutting property.
8. **Alteration:** Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
9. **Apartment:** A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.
10. **Approving Authority:** The City Council of the City of Carter Lake or its designee.
11. **Architect:** Any person registered to practice professional architecture by the Iowa State board of registration.
12. **ASCE:** The American Society of Civil Engineers.
13. **Attached:** Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

205 **B**

1. Base Zoning District: A district established by this ordinance that prescribes basic regulations governing land use and site development standards. No more than one Base Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.
2. Basement: A level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
3. Beginning of Construction: The initial incorporation of labor and materials within the foundation of a building or structure.
4. Bicycle Lane and Path: A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the physical requirements of bicycling. Bicycle paths are ordinarily designed to accommodate other forms of pedestrian recreation.
5. Block: An area of land within a subdivision that is entirely bounded by streets, by streets and the exterior boundaries of the subdivision, or by a combination of the above with a watercourse, lake, railroad, or other significant natural or man-made barrier, and that has been designated as such on a plat for the purposes of legal description of a property.
6. Block Face: The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes, or the corporate limits of Carter Lake.
7. Board of Adjustment: A body, established by the City expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by this Ordinance.
8. Buffer yard: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
9. Building: A structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons or property.
10. Building Coverage: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
11. Building Envelope: The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.
12. Building Line: The outer boundary of a building established by the location of its exterior walls.
13. Building Inspector: The city official, designated by the Mayor and City Council, who is responsible for the administration and enforcement of the Carter Lake Land Development Ordinance and applicable building code and conditional uses.

General Provisions and Definitions

14. Building Permit: A document that must be issued by the Building inspector prior to erecting, constructing, enlarging, altering, moving, improving, removing, converting, or demolishing any building or structure regulated by this Ordinance or by the applicable building codes of the City of Carter Lake. Issuance of a building permit follows review of plans by the Building inspector to determine that the proposed use of building or land complies with the provisions of the Zoning Ordinance.

15. Business: Activities that include the exchange or manufacture of goods or services on a site.

16. Business Center: A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

206 **C**

1. Cartway (or Road or Street Channel): The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the cartway is measured from the back of the curb to the back of the curb. On streets without curbs, the cartway is measured between the outer edges of the pavement.

2. Centerline Offset: The distance between the centerline of roads intersecting a common road from the same or opposite sides.

3. Certificate of Occupancy: An official certificate issued by the Building inspector or his/her designee prior to occupancy of a completed building or structure, upon finding of conformance with the applicable building code and this Zoning Ordinance.

4. Change of Use: The replacement of an existing use type by a new use type.

5. Channel: The bed or banks of a natural stream or drainageway that convey the constant or intermittent flow of water, including storm run-off.

6. City: The City of Carter Lake, Iowa.

7. City Council: The City Council of Carter Lake, Iowa.

8. City Engineer: Any person registered to practice professional engineering by the Iowa State board of registration who is designated by the City to approve portions of proposed subdivisions as specified in these regulations as requiring an engineer's approval.

9. Common Area: An area held, designed, and designated for common or cooperative use within a development.

10. Common Development: A development proposed and planned as one unified project not separated by a public street or alley.

11. Common Open Space: An area of land or water or combination within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for recreational activities for the common use of the residents of the development.

General Provisions and Definitions

12. **Compatibility:** The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

13. **Comprehensive Plan:** The duly adopted Comprehensive Development Plan of the City of Carter Lake.

14. **Concept Plan:** A preliminary presentation that includes the minimum information necessary, as determined by the Building inspector, to be used for the purpose of discussion or classification of a proposed plat prior to formal application.

15. **Conditional Use Permit:** An approval of a use with operating and/or physical characteristics different from those of permitted uses in a given zoning district that may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Conditional uses are allowed in a zoning district only at the discretion of and with the explicit permission of the Planning Board as provided by Section 2903 of this Ordinance.

16. **Condominium:** An ownership regime whereby the title to each unit of occupancy is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate. Condominiums may include residential, commercial, office, or industrial uses.

17. **Conservation Development:** A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

18. **Conservation (or Cluster) Subdivision:** Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.

19. **County:** Pottawattamie County, Iowa.

20. **Courtyard:** An open, unoccupied space, bounded on two or more sides by the walls of the building.

21. **Conventional Subdivision:** A subdivision that literally meets all nominal standards of the Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.

22. **Covenant:** A written promise or pledge.

23. **Creative (or Innovative) Development or Subdivision:** A subdivision that, while complying with the Subdivision Ordinance, diverges from nominal compliance with site development regulations in the Land Development Ordinance. Creative subdivisions imply a higher level of pre-planning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of Creative Subdivisions include Water-Oriented Subdivisions and Traditional Neighborhood Districts.

24. **Cul-de-sac:** A local street with only one outlet and with an opposite end terminating in a vehicle turnaround.

General Provisions and Definitions

25. Culvert: A drainpipe that channels water under a street or driveway.

26. Curb: A vertical or sloping edge of a roadway, intended to define the edge of the cartway and to channel or control drainage.

207 **D**

1. Dedication: A grant of land to the City or another public agency for a public purpose.

2. Density: The amount of development per specific unit of a site.

3. Design standards: Standards that set forth specific improvement requirements.

4. Detached: Fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.

5. Detention basin: An artificial or natural water collection facility, designed to collect surface or subsurface water and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development.

6. Developer: The legal owner(s) or authorized agent of any land included in a proposed development.

7. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.

8. Divided street: A street with opposing lanes separated by a median strip, center island, or other form of physical barrier, that cannot be crossed except at designated locations.

9. Drive-in Services: Uses that involve the sale of products or provision of services to occupants in vehicles.

10. Drainage: The removal of surface or ground water from land by drains, grading, or other means.

11. Drainage system: The system through which water flows from the land.

12. Driveway: A permanently paved, surfaced area providing vehicular access between a street and an off-street parking or loading area.

13. Dwelling Unit: A building consisting of 960 square feet minimum excluding garage with one or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family, as defined in this section, maintaining a household.

208 **E**

1. Easement: A privilege or right of use granted on, above, under, or across a particular tract of land for a specific purpose by one owner to another owner, public or private agency, or utility.

2. Enclosed: A roofed or covered space fully surrounded by walls.

General Provisions and Definitions

3. Engineer: Any person registered to practice professional engineering by the Iowa State board of registration.

209 F

1. Family: One or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than 4 of whom may be unrelated. The following persons shall be considered related for the purpose of this ordinance:

(a) Persons related by blood, marriage, or adoption;

(b) Persons residing with a family for the purpose of adoption;

(c) Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Iowa.

(d) Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Iowa.

(e) Person(s) living with a family at the direction of a court.

2. Fascia: A parapet-type wall used as part of the facade of a flat-roofed building and projecting no more than six feet from the immediately adjacent building face. Such a wall shall enclose at least three sides of the projecting flat roof and return to the parapet wall or the building.

3. Federal: Pertaining to the Government of the United States of America.

4. Final Approval: The final official action of the City Council, upon a recommendation by the Planning Board, permitting the filing of a subdivision with the Pottawattamie County Recorder and the conveyance of individual parcels and lots to subsequent owners. Final Approval follows the completion of detailed engineering plans, negotiation of subdivision agreements, posting of required guarantees, and other requirements of this Ordinance.

5. Floor Area Ratio: The quotient of gross floor area of all buildings on a site divided by gross site area of the site.

6. Frontage: The length of a property line of any one premises abutting and parallel to a public street, private way, or court from which access is permitted.

210 G

1. Garage: An accessory building or portion of a main building used primarily for storage of motor vehicles.

2. Grade: The horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.

(a) For buildings having walls facing one street only, the grade shall be the elevation of the ground at the center of the wall facing the street.

General Provisions and Definitions

(b) For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.

(c) For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

3. Gross Floor Area: The total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of mechanical equipment rooms, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

211 H

1. Height: Height shall be measured as the vertical distance from the established grade to the highest point of a structure. Where a building or structure is located on a slope, height shall be measured from the average grade level adjacent to the building or structure.

2. Home Based Business/Home Occupation: An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.

3. Housing Unit or Dwelling Unit: A building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.

212 I

1. Impervious coverage: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

213 J

214 K

215 L

1. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

(a) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.

(b) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.

2. Lane: An approved private right-of-way that provides access to residential properties and meets at least three of the following conditions:

General Provisions and Definitions

- (a) Serves twelve or fewer housing units or platted lots.
 - (b) Does not function as a local street because of its alignment, design, or location.
 - (c) Is completely internal to a development.
 - (d) Does not exceed 600 feet in length.
3. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
4. Lot: A parcel of property with a separate and distinct number or other identifying designation that has been created, assigned and recorded in the Office of the Pottawattamie County Recorder. Each individual lot is subject to the provisions of a particular base Zoning District, and shall have a minimum frontage of 20 feet, except as provided in an approved Planned Development, Water-Oriented Development, or Traditional Neighborhood Development.
- (a) Common Development Lot: When two or more contiguous lots are developed as part of a single development, these lots may be considered a single lot for purposes of this ordinance.
 - (b) Corner Lot: A lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.
 - (c) Double Frontage Lot: A lot, other than a corner lot, having frontage on two streets, private ways or courts. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front line as determined at time of platting or as defined by this ordinance. (Also known as a Through Lot)
 - (d) Interior Lot: A lot other than a corner lot or double frontage lot.
 - (e) Out Lot: Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.
5. Lot Area: The total horizontal area within the lot lines of a lot.
6. Lot Depth: The mean horizontal distance measured between the front and rear lot lines.
7. Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this article.
8. Lot Line: A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement. Once established, lot lines may not be redefined due to a change of address that would result in a new definition of the prior defined lot lines.
- (a) Front Lot Line: The lot line separating a lot and a public or private street right-of-way or easement.

General Provisions and Definitions

- 1) For an interior lot, the lot line separating the lot from the right-of-way or easement.
- 2) For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Building inspector, or as may be noted on the final plat.
- 3) For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Building inspector at the time of application for the original building permit for the lot, or as may be noted on the final plat.

(b) Rear Lot Line: The lot line that is opposite and most distant from the front line.

(c) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

9. Lot Width: Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points where they intersect with the street line, shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, or on loop streets, where the eighty (80) percent requirement shall not apply.

216 **M**

1. Main: The principal artery of a system of continuous piping that conveys fluids and to which branches may be connected.

2. Major subdivision: Any subdivision not defined and approved as a minor subdivision.

3. Manufactured Home Dwelling: A factory built single-family dwelling, structure that is to be used as a place for human habitation, that is manufactured or constructed under the authority of 42 U.S. 3. Sec. 5403, Federal Manufactured Home Construction and Safety Standards promulgated by the US Department of Housing and Urban Development, and that is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles, and that complies with the following architectural and aesthetic standards listed below. For the purpose of any of these regulations, manufactured homes shall be considered the same as a single-family detached dwelling. In common with single-family detached dwellings, a manufactured home dwelling unit shall have the following characteristics:

(a) The home shall have at least 960 square feet of floor area;

(b) The home shall have an exterior width of at least 24 feet;

(c) The roof shall be pitched with a maximum vertical rise of 4.0 inches for each 12 inches of horizontal run.

(d) The exterior material is of a color, material, and scale comparable with those existing in the residential site on which the manufactured home dwelling is being permanently installed;

General Provisions and Definitions

(e) The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock;

(f) Permanent utility connections shall be installed in accordance with local regulations;

(g) The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and

(h) The home shall be installed upon a permanent foundation that is constructed of concrete at least forty-two (42) inches deep and twelve (12) inches wide and built in accordance with local regulations.

(i) The home is classified as real property for the purpose of property tax assessment.

4. **Minor subdivision:** A subdivision of land that creates no more than four lots from any single parcel of land; requires no extensions of streets, sewers, utilities, or other municipal facilities; no dedication of easements or rights-of-way or annexation; complies with all pre-existing zoning requirements; and has not been subject to a previous administrative or minor subdivision.

5. **Mixed Use Building:** A building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.

6. **Mixed Use Development:** A single development that incorporates complementary land use types into a single development.

7. **Mobile Homes:** A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Iowa Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.

8. **Mobile Home Park:** A unified development under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient use. Mobile Home Parks include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.

9. **Mobile Home Subdivision:** A development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile Home Subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sale, or storage.

10. **Monument:** An identification marker established by a registered land surveyor at each section corner, block corner, lot corner, or other point as required by this Section.

General Provisions and Definitions

11. Moving lane: Any traffic lane within a cartway where traffic movement is the primary or sole function.

217 N

1. Nonconforming Development: A building, structure, or improvement that does not comply with the regulations for its zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time of construction.

2. Nonconforming Lot: A lot that was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken that would increase the non-conforming characteristics of the lot.

3. Nonconforming Sign: A sign that was legally erected prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Land Development Ordinance.

4. Nonconforming Structure: A structure that was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken that would increase the non-conforming characteristics of the structure.

5. Nonconforming Use: A land use that was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken that would increase the non-conforming characteristics of the land use.

6. Nuisance: An unreasonable and continuous invasion of the use and enjoyment of a property right that a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

218 O

1. Off-site: Located outside the boundaries of the parcel that is the subject of an application.

2. Open Space: Area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.

3. Outdoor Storage: The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.

4. Overlay District: A district established by this Ordinance to prescribe special regulations to be applied to a site only in combination with a base district.

5. Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

1. Parcel Split: A subdivision of a lot or parcel of land into no more than two (2) lots or parcels nor includes new public or private streets, the extension of any public facilities, or the creation of any public improvements.
2. Parking Facility: An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Land Development Ordinance. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is a use distinct from parking. Vehicle storage is also governed by applicable provisions of Section 26, Parking Regulations.
3. Parking Lane: A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.
4. Parking Spaces: An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall". Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to have a means of access to a public street. Size, location and construction of parking spaces are covered by applicable provisions of Section 26 Parking Restrictions.
5. Paved: Permanently surfaced with poured concrete, concrete pavers, or asphalt.
6. Performance Bond: A surety bond or cash deposit posted by a contractor or developer made out to the city in an amount equal to the full cost of the improvements. The bond amount shall be that of the contract price and shall be legally sufficient to secure to the City that said improvements will be constructed in accordance with the terms of the contract documents within a period specified by this Chapter.
7. Permitted Use: A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Land Development Ordinance.
8. Planning Board: The Planning Board of the City of Carter Lake.
9. Planned Unit Development: A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
10. Plat: A document, usually a map or maps, expressing the designation or division of land into one or more lots or parcels, any one of which is ten acres or less. Plats include preliminary and final plats.
 - (a) Preliminary Plat: A plat indicating the proposed layout of a development and related information, intended for the purpose of preliminary approval by approving authorities but not for filing with the Pottawattamie County Recorder.
 - (b) Final Plat: The final map of the subdivision that is presented for Final Approval. The Final Plat contains detailed information and documentation and is designed to be filed with the County Recorder.

General Provisions and Definitions

11. Pole Buildings: A structure with wooden or metal poles as main supports, without a continuing permanent foundation, with studs which are greater than sixteen (16) inches off of center, and with siding made of metal and/or wood material.

12. Porch, Unenclosed: A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.

13. Premises: A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.

14. Principal use: The main use of land or structures as distinguished from an accessory use.

15. Private Garage: A building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.

15. Property Line: See "Lot Line."

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

17. Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

220 **Q**

221 **R**

1. Recreational Vehicle: A vehicle towed or self propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers.

2. Regulation: A specific requirement set forth by this Land Development Ordinance that must be followed.

3. Remote Parking: A supply of off-street parking at a location not on the site of a given development.

4. Right-of-way: A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

222 **S**

1. Sanitary Sewer: A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility that meets the minimum requirements of the Iowa Department of Environmental

General Provisions and Definitions

Quality. In developing areas, sanitary sewers normally include interceptor, outfall, and lateral sewers.

(a) Interceptor: A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.

(b) Outfall: A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.

(c) Local: A pipe that connects lateral sewers to an outfall or interceptor sewer.

(d) Lateral: A private service line connecting buildings or groups of buildings to local sewers.

2. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of this ordinance.

3. Setback: The distance, as required by the minimum setback(s), which establishes the horizontal component(s) of the building envelope. The outer edges of the eaves and anything attached that is 39-inches or higher should be considered as part of the building structure and should be included when calculating the setback.

4. Sidewalk: A paved path, four (4) feet or more in width, provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.

5. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.

6. Site: The parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of this ordinance.

7. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land; and any other information that may be reasonably requested by the City in order that an informed decision can be made on the associated request.

8. State: The State of Iowa.

9. Storm Sewer: A conduit that conducts storm drainage from a development or subdivision, ultimately to a drainageway or stream.

10. Story: The portion of a building included between the surface of any main floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet. A basement should not be considered a story. This definition does not pertain to the R-1, R-2, or R/CC zoning districts.

11. Street: A right of way, dedicated to public use, which affords a primary means of access to the abutting property. This definition is intended to be inclusive of the term as defined in Iowa Statute.

General Provisions and Definitions

Streets may be categorized in a hierarchy or conceptual arrangement of streets based on function. The hierarchical approach classifies streets from courts or lanes, which provide private access to a limited number of lots, to arterials, which accommodate large volumes of high-speed, regional traffic. Street types contained within the hierarchy include:

- (a) Court or lane
- (b) Local
- (c) Collector
- (d) Minor Arterial
- (e) Major Arterial

12. Street, Arterial: Street or highways intended to provide for through traffic movement between areas of the city or across the city. Major arterials usually imply relatively high speeds and traffic volumes, and are often subject to control of access to individual properties. Minor arterials are generally intended to provide trips of moderate lengths and imply lower operating speeds and more frequent points of local access than major arterial streets.

13. Street, Collector: A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.

14. Street, Frontage: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.

15. Street, Intersecting and Principal: In regard to a site, the principal street shall be the street to which the majority of lots on a block face are oriented; the intersecting street shall be a street other than a principal street.

16. Street, Local: A street that is used primarily for access to the abutting properties.

17. Street, Loop: A type of local street, each end of which terminates at an intersection with the same arterial or collector street or other local street and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

18. Street, Major: A street carrying traffic between neighborhoods, connecting neighborhoods with major activity centers, or accommodating major through traffic. Major streets are designated as collectors, arterials, or expressways by the Comprehensive Development Plan.

19. Structure: Any object constructed or built and attached or anchored permanently or semi-permanently to the ground in such a way as to prevent routine movement.

20. Subdivision: The division of any tract of land into three (3) or more parcels if the original tract is forty (40) acres or less.

The division of land into three (3) or more parcels, regardless of its original size, if any of the new parcels created are less than forty (40) acres in size.

The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures, the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as

General Provisions and Definitions

easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

21. Subdivision Improvements: Street pavement or resurfacing, curbs, gutters, sidewalks, waterlines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

22. Surveyor: Any person registered to practice surveying by the Iowa State Board of Registration.

223 **T**

1. Townhouse: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.

2. Townhouse Structure: A building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.

3. Transportation Plan: Part of the comprehensive plan adopted by the City council indicating the general location recommended for arterial, collector, and local thoroughfares within the planning jurisdiction of the City.

224 **U**

1. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

2. Utilities: Installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatments, or storage of water, solid or fluid wastes, storm water, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

225 **V**

1. Variance: A variance is a relaxation of the terms of the Subdivision Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

2. Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the City of Carter Lake, Iowa in order to better located and orient the area in question. Also called a location map.

226 **W**

1. Water System: A water system which provides for the supply, and distribution of potable water or on an uninterrupted basis and which is in public ownership.

227 **X**

228 **Y**

1. Yard Required: That portion of a lot that lies between a lot line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by this ordinance.

(a) Front Yard: The space extending the full width of a lot, lying between the front lot line and the front setback line. For a corner lot, the front yard shall normally be defined as that yard along a street that meets one of the following two criteria:

- 1) The yard along the blockface to which a greater number of structures are oriented; or
- 2) The yard along a street that has the smaller horizontal dimension.

(b) Rear Yard: The space extending the full width of a lot, lying between the rear lot line and the rear setback line.

(c) Side Yard: The space extending the depth of a lot from the front to rear lot lines, lying between the side yard setback line and the interior lot line.

(d) Street Side Yard: On a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.

229 **Z**

1. Zoning District: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.

**SECTION 3
USE TYPES**

301 Purpose

Section Three shall be known as the Use Types. The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. The Use Types section also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

302 Determinations

a. Classification of Uses

In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Building inspector of the City of Carter Lake shall have the authority to determine the appropriate use type. A determination of the Building inspector may be appealed to the Board of Adjustment. In making such determinations, the Building inspector and Board of Adjustment shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.

b. Records

The Building inspector shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

303 Agricultural Use Types

Agricultural use types include the planting, cultivating, harvesting, and storage of grains, hay, or plants commonly grown in Pottawattamie County; or the raising and feeding of livestock or poultry.

a. Horticulture

The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

b. Crop Production

The raising and harvesting of tree crops, row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

c. Animal Production

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational or educational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.

d. Commercial Feedlots

The use of a site for the confined feeding or holding of livestock or poultry within buildings, lots, pens, or other close quarters that are not used for crop production or where grazing of natural vegetation is not the major feed source. Livestock and poultry shall include any animal or fowl that are used primarily for use as food or food products for human consumption, or for laboratory or testing purposes. A Commercial Feedlot does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.

e. Livestock Sales

The use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sales barns.

304 Residential Use Types

Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing 24-hour skilled nursing or medical care, forced residence, or therapeutic settings.

a. Single-Family Residential

The use of a site for one dwelling unit, occupied by one family. Mobile home units are not a single-family use type. See below categories for such units.

1. Single-Family Residential (Detached): A single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.
2. Single-Family Residential (Attached): A single-family residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another single lot.

b. Duplex Residential

The use of a legally-described lot for two dwelling units, each occupied by one family within a single building, excluding manufactured or mobile home units, but including modular housing units.

c. Two-Family Residential

The use of a site for two dwelling units, each occupied by one family, each in a separate building, excluding a mobile home unit.

d. Townhouse Residential

The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical sidewalls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.

Use Types

e. Multiple-Family Residential

The use of a site for three or more dwelling units within one building not otherwise defined as townhouse units.

f. Group Residential

The use of a site for a residence by more than four unrelated persons, not defined as a family, on a weekly or longer basis.

g. Manufactured Home Residential

Use of a site for one or more manufactured home dwellings, as defined in Section 216.

h. Mobile Home Park

Use of a site under single ownership for one or more mobile home units. Generally, the land on which mobile homes are placed in a Mobile Home Park is leased from the owner of the facility.

i. Mobile Home Subdivision

Division of a tract of land into lots that meet all the requirements of the City of Carter Lake's subdivision ordinance for the location of mobile homes. Generally, a lot within a Mobile Home Subdivision is owned by the owner of the mobile home placed upon such lot.

j. Retirement Residence

A building or group of buildings which provide residential facilities, provided that 75% of the residents are at least sixty years of age, or households headed by a householder of at least sixty years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care.

305 Civic Use Types

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

a. Administration

Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.

Use Types

b. Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

c. Clubs

Uses providing meeting, recreational, or social facilities for a private, non-profit or noncommercial association, primarily for use by members and guests.

1. Clubs (Recreational): Clubs that provide indoor and/or outdoor athletic facilities, with or without social or meeting facilities. Typical uses include country clubs, private or nonprofit community or recreation centers, and private golf courses and driving ranges.

2. Clubs (Social): Clubs, which provide primarily social or meeting facilities. Typical uses include private social clubs and fraternal organizations.

d. College and University Facilities

An educational institution of higher learning that offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.

e. Convalescent Services

A use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

f. Cultural Services

A library, museum, or similar registered non-profit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

g. Day Care Services (Limited)

This Use Type includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for not more than six (6) children. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

h. Day Care Services (General)

This Use Type includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for more than six (6) children. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

Use Types

i. Detention Facilities

A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.

j. Elder Group Home

A single-family residence that is the residence of a person who is providing room, board, and personal care to three through five elders who are not related to the person providing the service within the third degree of consanguinity or affinity.

k. Emergency Residential Services

A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

l. Family Home

A community-based residential home or a child foster care facility to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel as permitted by and as limited by section 414.22, Code of Iowa.

m. Group Care Facility

A government-licensed or approved facility which provides for resident care and short or long-term, continuous multi-day occupancy of more than 8 but no more than 30 unrelated persons, not including resident staff. Group Care Facilities include facilities which provide services in accordance with individual needs for the:

1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
2. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or developmental disabilities.
3. Rehabilitation from the effects of drug or alcohol abuse.
4. Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work release, and probationary programs.
5. Others who require direct adult supervision.

n. Group Home

A facility licensed by the State of Iowa in which at least three but no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption, reside while receiving therapy, training, living assistance, or counseling for the purpose of adaptation to living with or rehabilitation from a physical or mental disability as defined by the relevant provisions of the Code of Iowa or by the Fair Housing Amendments Act of 1988.

Use Types

o. Guidance Services

A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.

p. Health Care

A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors.

q. Hospital

A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an inpatient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors.

r. Maintenance Facilities

A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

s. Park and Recreation Services

Publicly owned and operated parks, playgrounds, recreation facilities including publicly owned community centers, and open spaces.

t. Postal Facilities

Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.

u. Primary Educational Facilities

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Iowa.

v. Public Assembly

Facilities owned and operated by a public agency, charitable non-profit, or private organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums and arenas, convention facilities, fairgrounds, incidental sales, and exhibition facilities.

Use Types

w. Religious Assembly

A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to Property Tax Code of the State of Iowa shall constitute prima facie evidence of religious assembly use.

x. Safety Services

Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.

y. Secondary Educational Facilities

A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Iowa.

z. Utilities

Any above ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.

306 Office Use Types

Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

a. Corporate Offices

Use of a site for administrative, processing, or research offices, which generally does not provide service to clientele from Carter Lake and the surrounding region. Corporate offices are destinations for commuters drawn from a relatively wide region around Carter Lake, as well as from the community itself. Typical uses include corporate headquarters offices, telemarketing, or information processing offices.

b. General Offices

Use of a site for business, professional, or administrative offices who may invite clients from both local and regional areas. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; or professional offices.

c. Financial Services

Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, and loan companies. An ATM (Automatic Teller Machine) that is not accompanied on-site by an office of its primary financial institution is considered within the Consumer Services Use Type.

d. Medical Offices

Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which do not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar medical practitioners licensed for practice in the State of Iowa.

307 Commercial Use Types

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

a. Agricultural Sales and Service

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

b. Automotive and Equipment Services

Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

1. Auto Services: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
2. Body Repair: Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
3. Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

c. Bed and Breakfast

A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than eight units, and accommodate each guest or visitor for no more than 7 consecutive days during any one-month period.

Use Types

d. Business Support Services

Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, messenger and delivery services, custodial or maintenance services, and convenience printing and copying.

e. Business or Trade Schools

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

f. Campground

Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than 7 consecutive days during any one month period.

g. Cocktail Lounge

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.

h. Commercial Recreation

Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Typical uses include theaters, private dance halls, billiard or bowling centers, game arcades, or private skating facilities.

i. Communications Services

Establishments primarily engaged in the provision of broadcasting and other information relay service accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast towers, and their minor ancillary ground structures are classified as "Miscellaneous Use Types."

j. Construction Sales and Services

Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales.

Use Types

k. Consumer Services

Establishments that provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

l. Convenience Storage

Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

m. Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food Sales establishments may include the sale of non-food items. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

1. Convenience Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, and by the sales of fuel for motor vehicles.

2. Limited Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, small grocery stores.

3. General Food Sales: Establishments selling a wide variety of food commodities and related items, using facilities larger than 10,000 but less than 40,000 square feet. Typical uses include grocery stores and locker plants.

4. Supermarkets: Establishments selling a wide variety of food commodities, related items, and often providing a variety of non-food goods and services, using facilities larger than 40,000 square feet. Typical uses include large grocery stores.

n. Funeral Services

Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

o. Gaming Facilities

Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to regulations of the City of Carter Lake and/or the State of Iowa.

Use Types

p. Kennels

Boarding and care services for dogs, cats and similar small mammals or large birds; or any premises on which more than three animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich raising facilities; pet motels, or dog training centers.

q. Laundry Services

Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plans, diaper services, or linen supply services.

r. Liquor Sales

Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

s. Lodging

Lodging services involving the provision of room and/or board, but not meeting the classification criteria of Bed and Breakfasts. Typical uses include hotels, apartment hotels, and motels.

t. Personal Improvement Services

Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a nonprofessional nature. Typical uses include driving schools, health or physical fitness studios, music schools, reducing salons, dance studios, handicraft and hobby instruction.

u. Personal Services

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barbershops; seamstress, tailor, or shoe repair shops; photography studios; television or electronics repair; or dry cleaning stations serving individuals and households. Personal Services include establishments providing for the administration of massage or massage therapy carried out by persons licensed by the State of Iowa when performing massage services as a part of the profession or trade for which licensed or persons performing massage services under the direction of a person so licensed; or persons performing massage services or therapy pursuant to the written direction of a licensed physician.

v. Pet Services

Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

Use Types

w. Research Services

Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

x. Restaurants

A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 per cent of the establishment's gross income.

1. Restaurant (Drive-in or Fast Food): An establishment that principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.
2. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to Drive-in or Fast Food Restaurants. Typical uses include cafes, coffee shops, and restaurants.

y. Restricted (or Adult) Businesses

Any business activity that offers the opportunity to view specified sexual activities or view and touch specified anatomical areas in a manner that lacks serious literary, artistic, political, or scientific value. This category includes the sale or viewing of visual or print materials that meet these criteria if the sale of such material constitutes more than 20% of the sales or retail floor area of the establishment. For the purposes of this definition, specified anatomical areas include the following if less than opaquely covered: human genitals, the pubic region, pubic hair, or the female breast below a point immediately above the top of the areola. Specified sexual activities include any of the following conditions:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts or representations of acts of human masturbation, sexual intercourse with humans or animals, oral sex, or flagellation.
3. Fondling or erotic touching of human genitals, pubic region, buttock, or female breast.
4. Excretory functions as part of or in connection with any activities set forth in (1) through (3) above.

Typical uses include retail services or stores which are distinguished by an emphasis on activities or materials that emphasize primarily sexual content in their inventory and marketing practices; businesses which offer live performances characterized by exposure of specified anatomical areas; and adult theaters. Businesses may be classified as adult entertainment businesses without regard to service of alcoholic beverages.

z. Retail Services

Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications.

Use Types

Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). General Retail Services include:

1. **Limited Retail Services:** Establishments providing retail services, occupying facilities of 3,000 square feet or less. Typical establishments provide for specialty retailing or retailing oriented to Carter Lake and its surrounding vicinity.
2. **Medium Retail Services:** Establishments providing retail services, occupying facilities between 3,001 and 10,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general purpose retailing oriented to Carter Lake and its surrounding vicinity.
3. **Large Retail Services:** Establishments providing retail services, occupying facilities between 10,001 and 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general purpose retailing oriented to Carter Lake and its surrounding vicinity.
4. **Mass Retail Services:** Establishments providing retail services, occupying facilities over 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for general purpose retailing oriented to Carter Lake and the surrounding region.

aa. Stables and/or Riding Academies

The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

bb. Surplus Sales

Businesses engaged in the sale, including sale by auction, of used items or new items that are primarily composed of factory surplus or discontinued items. Surplus sales uses sometimes include regular outdoor display of merchandise. Typical uses include flea markets, auction houses, factory outlets, or merchandise liquidators.

cc. Trade Services

Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.

Use Types

dd. Vehicle Storage (Short-term)

Short-term storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-away or impound yards but exclude dismantling or salvage. Long-term storage beyond 21 days, storage of private parking tow-away and impound yards constitutes an Industrial Use Type.

ee. Veterinary Services (General)

Veterinary services and hospitals for small animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries and crematoria, and veterinary hospitals for livestock and large animals.

ff. Veterinary Services (Large Animal)

Veterinary services and hospitals for large animals such as cows, bulls, horses, and other livestock. Typical uses include veterinary hospitals for livestock and large animals.

308 Parking Use Types

a. Off-Street Parking

Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility.

b. Parking Structure

The use of a site for a multilevel building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site.

309 Industrial Use Types

Industrial use types include the on-site extraction or production of goods by nonagricultural methods, and the storage and distribution of products.

a. Automotive and Equipment Services

Establishments or places of business primarily engaged in sale and/or service of Automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

1. **Automotive Rental and Sales:** Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
2. **Equipment Rental and Sales:** Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.

Use Types

b. Construction Yards

Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

c. Custom Manufacturing

Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

1. The use of hand tools, or
2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
3. A single kiln not exceeding 8 KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

d. Light Industry

Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.

e. General Industry

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.

f. Heavy Industry

Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

g. Recycling Collection

Any site which is used in whole or part for the receiving or collection of any post-consumer, nondurable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

Use Types

h. Recycling Processing

Any site which is used for the processing of any post-consumer, nondurable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

i. Resource Extraction

A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding site grading for a specific construction project or preparation of a site for subsequent development. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and removal of dirt for off-site use.

j. Salvage Services

Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials that are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junkyards, or paper salvage yards.

k. Vehicle Storage (Long-term)

Long-term storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-away or impound yards but exclude dismantling or salvage.

l. Warehousing (Enclosed)

Uses including storage, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.

m. Warehousing (Open)

Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, and open storage.

310 Transportation Use Types

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

a. Aviation Facilities

Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

b. Railroad Facility

Railroad yards, equipment servicing facilities, and terminal facilities.

Use Types

c. Transportation Terminal

Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, public transit facilities.

d. Truck Terminal

A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

311 Miscellaneous Type Uses

a. Alternative Energy Production Devices

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, geothermal energy installations, or water-powered mills or generating facilities.

b. Amateur Radio Tower

A structure(s) for the transmission or broadcasting of electromagnetic signals by FCC licensed Amateur Radio operators.

c. Communications Tower

A structure(s) for the transmission or broadcasting of radio, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district. Typical uses include broadcasting towers and cellular communications towers.

d. Construction Batch Plant

A temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

e. Landfill (Non-putrescible Solid Waste Disposal)

The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.

f. Landfill (Putrescible and Non-putrescible Solid Waste Disposal)

The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Iowa. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage) and manure.

g. Wind Energy Conservation System (WECS)

Any device that converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

**SECTION 4
GENERAL ZONING DISTRICT REGULATIONS**

401 Purpose

Zoning Districts are established in the Zoning Regulations to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district.

402 Establishment and Designation of Districts

Planning Board Recommendations

It shall be a purpose of the Planning Board to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning Board shall make a preliminary report and hold public hearings thereon before submitting its final report, and the City Council shall not hold its public hearings or take action until it has received the final report of the Planning Board.

The following base districts and overlay districts are hereby established.

<u>BASE ZONING DISTRICTS</u>	<u>DISTRICT NAMES</u>
R-1	Urban Residential Single-Family District
R-2	Urban Residential Mixed-Density District
R-3	Urban Residential Multi-Family District
R/CC	Carter Lake Club Special Residential District
RM	Mobile Home Residential District
C/L	Locust Street Mixed Use Corridor District
C-1	Limited Commercial/Office District
C-2	General Commercial District
T-C	Town Center
C/A	Abbott Drive Corridor District
BP	Business Park District
M-1	Limited Industrial District
M-2	General Industrial District

SPECIAL AND OVERLAY DISTRICTS

MU	Mixed Use District
PUD	Planned Unit Development Overlay District
W	Water-Oriented Development Overlay District
FP/FW	Floodplain Overlay District

403 Application of Districts

A base district designation shall apply to each lot or site within the city and its planning jurisdiction. A site must be in one base district.

Zoning District Regulations

Overlay districts may be applied to any lot or site or any portion thereof, in addition to a base district designation. Special districts may stand alone as a base district.

404 Hierarchy

References in the Zoning Ordinance to less intensive or more intensively urbanized districts shall be deemed to refer to those agricultural, residential, commercial, and industrial base zoning districts established in Section 402, and shall represent a progression from the R-1 Urban Residential Single-Family District as the least intensive to the M-2 General Industrial District as the most intensive.

405 Development Regulations

For each Zoning District, permitted uses are set forth in the Use Matrix. Individual sections describe the purpose and specific development regulations for each zoning district. Supplemental Regulations may affect specific land uses or development regulations in each zoning district. The applicable Supplemental Regulations are noted in Use Matrix.

406 Zoning Map

a. Adoption of Zoning Map

Boundaries of zoning districts established by this Zoning Regulations shall be shown on the Zoning Map maintained by the City Clerk. This map shall bear the signature of the Mayor attested by the City Clerk under the certification that this is the Official Zoning Map referred to by this Ordinance. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with these Regulations. Said Zoning Map shall be on file with the City Clerk and shall be readily accessible to the public at Carter Lake City Hall.

b. Changes to the Zoning Map

The city council may from time to time adopt a new official zoning map which shall supersede the prior official zoning map, in the event that the official zoning map becomes damaged or destroyed; or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, that any such adoption shall not have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

407 Interpretation of District Boundaries

The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

a. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.

b. Where district boundaries are indicated as within street or alley, railroad, streams or creeks, or other identifiable rights-of-way, the centerline of such rights-of-way shall be deemed the district boundary.

c. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map.

Zoning District Regulations

- d. Where district boundaries are indicated as approximately following corporate limits, such corporate limits shall be considered the district boundaries.
- e. Where district boundaries are indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines, such lines shall be considered the district boundaries.
- f. Boundaries not capable of being determined as set forth in 407, a through e, shall be as dimensioned on the official Zoning Map or if not dimensioned shall be determined by the scale shown on the map.

408 Vacation of Streets and Alleys

Whenever a public street or alley is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

409 Required Conformance

Except as specified in this chapter, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this title for the district in which the building or land is located.

410 Required Frontage

Except as otherwise provided, no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least twenty feet on at least one public street or right-of-way, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty feet wide to a street; and there shall be not more than one single-family dwelling for such frontage or easement, except that a common easement of access at least fifty feet wide may be provided for two or more such single-family dwellings or for one or more two-family or multiple dwellings.

411 Use Matrix: Levels of Permitted Uses

Within zoning districts in Carter Lake, different uses are permitted with different conditions. These are displayed in the Use Matrix. Levels of permission include:

- a. Uses which are permitted by right. These uses are permitted subject to issuance of a building permit by the Building inspector, subject only to compliance with all regulations of this Ordinance. Uses permitted by right might be subject to supplemental regulations contained in this Ordinance. These uses are indicated in the Use Matrix by a "P" in the applicable cell.
- b. Conditional uses. These uses are subject to approval of a Conditional Use Permit by Planning Board, following the procedure set forth in Section 2903. These uses are indicated in the Use Matrix by a "C" in the applicable cell.
- c. Site plan approval. Some use types require a site plan approval by the Building inspector, based on specific criteria for review. This procedure is set forth in Section 2902. These uses are indicated in the Use Matrix by an asterisk (*) following the citing of a specific use type.

412 Guide to Site Development Regulators

The regulators set forth in the tables in Sections 5 through 24 establish the limits and requirements for most development in the City of Carter Lake and its extra-territorial jurisdiction. This section is intended to provide guidance for applying the regulators contained in these tables.

a. Site area per housing unit. This indicates the gross land area per unit within a residential development. For example, a 20-lot subdivision on a three-acre (130,680 square foot tract) will have a site area per unit of 6,534 square feet. Site area per unit, which measures gross density, may differ from minimum lot size. In planned or water-oriented developments, for example, the site area per unit may be larger than minimum lot size, permitting the clustering of lots in exchange for common open space. In multi-family development, the site area per unit will usually be smaller than minimum lot size, because the lot is the legal parcel on which a multiple-unit building is built.

b. Minimum lot area. This indicates the minimum size of a legally described and recorded parcel upon which development can take place. As noted above, minimum lot area and site area per unit may not be the same.

c. Minimum lot width. This is the required minimum distance connecting at points along opposite side lot lines, measured at the required front yard setback. For example, the lot width of an irregular lot in a district requiring a 25-foot front yard setback is determined by:

1. Locating the points along each side lot line at a distance of 25 feet back from the front property line.
2. Drawing a line connecting these two points.
3. Measuring the length of this line. The length is the lot width.

d. Minimum yards. These define the required setbacks of buildings from front, side, and rear property lines. While the yard requirements apply to a majority of development, the Ordinance provides for a number of exceptions. Some of these include:

1. Planned developments. Front yard setbacks can be varied within Planned Unit Developments, which are reviewed and approved by the City Council after a recommendation from the Planning Board.
2. Major streets. The Maintenance Supervisor may require greater than normal setbacks along segments of the city's major street system, as defined in the comprehensive plan.
3. Flexibility provided by Supplemental Development Regulations. Section 24 establishes supplemental regulations, many of which provide flexibility or variations in setback regulations for specific contexts.
4. Maximum setbacks. Some specific zoning districts provide maximum as well as minimum setbacks. These setbacks establish "build-to" lines that may be necessary to protect the appearance and character of special urban districts.

e. Maximum height. Height normally measures the vertical distance from the established grade to the highest point of a building. However, as established by the definition of height, the point of measurement may vary for different types of buildings and roof slopes.

Zoning District Regulations

- f. **Maximum building coverage.** This measures the percentage of a site that may be covered by the footprint of buildings. Thus, a 20,000 square foot building on a 40,000 square foot site has a building coverage of 50%. This is a method of regulating the scale of buildings in an area.
- g. **Maximum Impervious Coverage.** This measures the percentage of a site that may be covered by buildings and other surfaces and development features which prevent the penetration of water into the ground (such as driveways, porches, parking lots, and other features). Limits on impervious coverage help control the velocity and quantity of storm water runoff and provide for groundwater recharge.
- h. **Floor area ratio.** Just as site area per unit controls the density of residential development, floor area ratio (FAR) controls the density of non-residential development. FAR is the ratio of gross floor area of a building to total site area. Thus, in an area with a maximum permitted FAR of 1.0, a 40,000 square foot building may be located on a 40,000 square foot site. Naturally, because of coverage ratios, landscaping, and parking requirements, such a building will be multi-story.
- i. **Maximum percentage of total parking in street yard.** This controls the maximum amount of parking that can be located in the area between a building facade and the street. When applied in certain zoning districts, it is intended to reduce the number of cars seen from the street, encourage site planning which locates parking in rear and side yards, and produce a stronger relationship between buildings and streets. For example, a project with 100 parking stalls and a 50% limit on the amount of parking located in street yards must locate 50 of its stalls in rear or side yards without street exposure.
- j. **Minimum Depth of Landscaping Adjacent to Street Right-of-Ways.** This establishes the depth of landscaping that must be provided on private property adjacent and in from the street property line. Thus, if the required minimum depth is fifteen feet, a project must landscape the first fifteen feet of its site back from the street property line. All landscaping must be done in accordance with Section 25 establishing landscaping standards.
- k. **Minimum buffer yard requirements.** This establishes the depth of a buffer yard that must be provided by intensive land uses adjacent to primarily residential land uses in residential zoning districts. All landscaping must be done in accordance with Section 25, establishing landscaping standards.
- l. **Supplemental use regulations.** Certain permitted uses require satisfaction of specific requirements in order to function successfully in their urban or rural contexts. These supplemental requirements are set forth in Section 23. These requirements are cross-referenced in the "Supplementary Regulations" column of the Use Matrix.
- m. **Dwelling unit.** One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family, as defined in this section, maintaining a household.

413 Sidewalks

Construction of sidewalks upon any street or court within the city limits of the City of Carter Lake where new construction, residential or non-residential, commences. Said sidewalks shall conform to the standard set forth under this document, with said sidewalks being placed as allowed by law, and size of which not being less than four (4) feet in width. The building inspector is hereby authorized to require the installation of a sidewalk before granting a permit to develop the property either on a residential or non-residential basis. Anyone wishing a waiver of this provision may petition the council for a specific waiver, and upon hearing, the council shall decide by a three-fourths (3/4) vote to grant a waiver. Failure to obtain three-fourths (3/4) vote of the council at the request for a waiver shall result in the required installation of said sidewalk.

414 Pole Buildings

No pole buildings shall be erected on any lot in Carter Lake without regard to the zoning of said lot. "Pole Building" is defined as a structure with wooden or metal poles as main supports, without a continuing permanent foundation, with studs, which are greater than 16 inches off of center, and with siding made of metal and/or wood material.

Table 4-1: Use Matrix: Agricultural and Residential Types

Use Types	R-1	R-2	R-3	R/ CC	RM	C/L	C-1	C-2	TC	C/A	BP	M-1	M-2	Addl Reg
Agricultural Uses														
Horticulture						P	P	P				P	P	
Crop Production														
Animal Production														
Commercial Feedlots														
Livestock Sales														
Residential Uses														
Single-Family Detached	P	P	P	P	P									
Single-Family Attached	P	P	P	P										
Duplex	P	P	P											
Townhouse		P	P						C					
Multiple-Family*			P						C					
Manufactured Housing Residential	P	P	P	P	P									
Mobile Home Park*					P									
Mobile Home Subdivision*					P									
Retirement Residential*	C	C	P				P	P	C					

P Permitted by right or by right subject to supplemental regulations

C Permitted by Conditional Use Permit

***** Use Permitted after Site Plan Approval

Blank Use not permitted in zoning district, unless established as a lawful nonconforming use

Zoning District Regulations

Use Matrix: Civic Use Types

Use Types	R-1	R-2	R-3	R/CC	RM	C/L	C-1	C-2	TC	C/A	BP	M-1	M-2	Addl Reg
Civic Uses														
Administration						P	P	P	P	P	P	P	P	
Clubs (Recreational)*	C	C	C	C	C	P	P	P	C	P	C	P	P	
Clubs (Social)*	C	C	C	C	C	P	P	P	P	P	P	P	P	
College/Univ*						P	P	P	P	P	P	P		
Convalescent Services		C	P		C	P	P	P	C					
Cultural Services	C	C	P	C	C	P	P	P	P	P	P	P		
Day Care (Limited)	P	P	P	P	P	P	P	P	P	C	C	C	C	
Day Care (General) *	C	C	P	C	C	P	P	P	P	P	P	C	C	
Elder Home	C	C	P	C	C	P								
Emergency Residential	C	C	P	C	C	P	P	P	P					
Family Home	C	C	P	C	C	P	P							
Group Care Facility*			P			P	P	P	P	P				
Group Home		C	P			P	P	P	P	P				
Guidance Services						P	P	P	P	P	P	C	C	
Health Care						P	P	P	P	P	P	C	C	
Hospitals*			C			C	C	C	P	P	P	C	C	
Maintenance Facility*						C		C		C		P	P	
Park and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal Facilities						C	P	P	P	P	P	P	P	
Primary Education*	P	P	P		P	P	P	P	P	C				
Public Assembly*						C	C	C	P	P	C			
Religious Assembly*	P	P	P		P	P	P	P	P	P		C		
Safety Services	P	P	P	P	P	P	P	P	P	P	P	P	P	
Secondary Educ*	C	C	P		C	P	C	C	C	C				
Utilities*	C	C	C	C	C	C	C	C	C	P		P	P	

P Permitted by right or by right subject to supplemental regulations

C Permitted by Conditional Use Permit

* Use Permitted after Site Plan Approval

Blank Use not permitted in zoning district, unless established as a lawful nonconforming use

Zoning District Regulations

Use Matrix: Office and Commercial Use Types

Use Types	R-1	R-2	R-3	R/CC	RM	C/L	C-1	C-2	TC	C/A	BP	M-1	M-2	Addl Reg
Office Uses														
Corporate Offices*			C			P	P	P	P	P	P	P	P	
General Offices			C			P	P	P	P	P	P	P	P	
Financial Offices*			C			P	P	P	P	P	P	P	P	
Medical Offices*			C			P	P	P	P	P	P	P	C	
Commercial Uses														
Ag Sales/Service*								C				P	P	
Auto Services*						C	C	C				P	P	
Body Repair*								C				P	P	
Equipment Repair*								C				P	P	
Bed and Breakfast						P	P	P	P	P				**
Business Support Services						P	P	P	P	P	P	P	P	
Business/Trade School						C	C	P	P	P	P	P	P	
Campground*														**
Cocktail Lounge						C	C	C	C	C	C	C	C	
Commercial Rec* (Indoor)						C	C	P	P	P	P	P	P	
Commercial Rec* (Outdoor)										P		P	P	
Communication Service						P	P	P	P	P	P	P	P	
Construction Sale/Service*							C	C				P	P	
Consumer Service						P	P	P	P	P	P	P		
Convenience Storage*												P	P	
Food Sales (Convenience)*						C	C	C		C	C	P	P	
Food Sales (Limited)						P	P	P	P	P	P	P	P	

P Permitted by right or by right subject to supplemental regulations

C Permitted by Conditional Use Permit

* Use Permitted after Site Plan Approval

Blank Use not permitted in zoning district, unless established as a lawful nonconforming use

** Missouri River corridor

Zoning District Regulations

Use Matrix: Commercial (continued) and Parking Use Types

Use Types	R-1	R-2	R-3	R/CC	RM	C/L	C-1	C-2	TC	C/A	BP	M-1	M-2	Addl Reg
Commercial Uses														
Food Sales (General)						P	P	P	C	P	P	P	P	
Food Sales (Super markets)*						C	C	C	C	C	C	P	P	
Funeral Service			C			P	P	P		P		P	P	
Kennels*												P	P	
Laundry Services												P	P	
Liquor Sales						C	C	C	C	C	C	C	C	
Lodging*						P	P	P	P	P	P	C	C	
Personal Improvement						P	P	P	P	P	P	P	P	
Personal Services						P	P	P	P	P	P	P	P	
Pet Services						P	P	P	P	P	P	P	P	
Research Services						P	P	P	P	P	P	P	P	
Restaurants (Drive-in)*						C	C	P		P	C	C	C	
Restaurants (General)*						P	P	P	P	P	P	C	C	
Restricted Business														
Retail Services (Limited)						P	P	P	P	P	C			
Retail Services (Large)*						C	C	C	C	C	C	P	P	
Retail Services (Mass)*						C	C	C		C		P	P	
Stables*														
Surplus Sales*												C	C	
Trade Services						C	C	C				P	P	
Veh. Storage (Short-term)*												C	C	
Veterinary Services						C	C	C	C	C	C	C	C	
Parking Uses														
Off-Street Parking*						C	C	C	C	C	C	P	P	
Parking Structure*						C	C	C	C	C	C	P	P	

P Permitted by right or by right subject to supplemental regulations

C Permitted by Conditional Use Permit

***** Use Permitted after Site Plan Approval

Blank Use not permitted in zoning district, unless established as a lawful nonconforming use

Zoning District Regulations

Use Matrix: Industrial and Transportation Uses

Use Types	R-1	R-2	R-3	R/CC	RM	C/L	C-1	C-2	TC	C/A	BP	M-1	M-2	Addl Reg
Industrial Uses														
Agricultural Industry*												C	C	
Auto rental/Sales*												C		
Construction Yards*												C	C	
Custom Manufacturing						C		C	C	C		P	P	
Equip Rental/Sales												C	C	
Light Industry												P	P	
General Industry*												P	P	
Heavy Industry*													C	
Recycling Collection*													C	
Recycling Processing*													C	
Vehicle Storage (Long- term)*												C	C	
Warehousing (Enclosed)												P	P	
Warehousing (Open)*												C	C	
Aviation*											C	C	P	
Railroad Facilities														C
Truck Terminal*												C	P	
Transportation Terminal*								P		P		P	P	
Alternative Energy Production Devices														C
Amateur Radio Tower	C	C	C	C	C									
Communications Tower*												C	C	
WECS*														C

P Permitted by right or by right subject to supplemental regulations

C Permitted by Conditional Use Permit

* Use Permitted after Site Plan Approval

Blank Use not permitted in zoning district, unless established as a lawful nonconforming use

SECTION 5

R-1 URBAN RESIDENTIAL SINGLE-FAMILY DISTRICT (LOW-DENSITY)

501 Purpose

This district is intended to provide for conventional single-family residential development, with gross densities generally below 4 units per acre. These areas are characterized by single-family dwellings on relatively large lots with supporting community facilities and urban services, including city water and sanitary sewer service. The R-1 designation may also be used as a “holding zone” prior to subdivision for areas designated in the Comprehensive Plan for residential development.

502 Site Development Regulations

Regulator	1-Family Units Detached	1-Family Units Attached (Section 503)	Other Permitted Uses
Site Area per Housing Unit	8,000 square feet	5,000 square feet	
Minimum Lot Area	8,000 square feet	10,000 square feet	10,000 square feet
Minimum Lot Width (feet)	60	80	80
Minimum Yards (feet)			
Front Yard	25	25	25
Side Yard	5	5	15
Street Side Yard	20	20	20
Rear Yard	Lesser of 20% of lot depth or 25 feet	Lesser of 20% of lot depth or 25 feet	25
Maximum Height (feet)	35	35	35
Maximum Building Coverage	50%	50%	30%
Maximum Impervious Coverage	60%	60%	40%
Floor Area Ratio	NA	NA	NA
Maximum Percentage of Total Parking Located in Street Yard	NA	NA	NA
Minimum Depth of Landscaping Adjacent to Street Right-of-Way Line (feet)	20	20	25

See section 2404 – b –5 –g for “separation from other buildings”.

503 Single-Family Attached Development

Single-Family Attached Development is subject to the following additional requirements:

- a. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
- b. An easement for maintenance of the zero lot line facade is filed with the Pottawattamie County Recorder and the City Clerk at the time of application for a building permit.

SECTION 6

R-2 URBAN RESIDENTIAL MIXED DENSITY DISTRICT

601 Purpose

This district is intended to provide for moderate density residential development, with gross densities generally between 4 and 12 units per acre. These developments are characterized by single-family dwellings on moderately sized lots along with low-density multi-unit residential structures such as duplexes and townhouses. It provides regulations to encourage innovative forms of housing development. It adapts to both established and developing neighborhoods, as well as transitions between single-family and multi-family areas.

602 Site Development Regulations

Regulator	1-Family Detached	1-Family Attached (Section 604)	Duplex	Town-house (Section 603)	Other Permitted Uses
Site Area per Housing Unit (square feet)					
In Conventional Development	6,000	5,000	3,000	3,000	
In Planned Developments	5,000	5,000	3,000	2,500	
Minimum Lot Area					
In Conventional Development	6,000	5,000	6,000	3,000	6,000
In Planned Developments	4,000	4,000	6,000	2,500	6,000
Minimum Lot Width (feet)					
In Conventional Development	60	50	75	35	60
In Planned Developments	45	40	65	25	60
Minimum Yards (feet) (Section 605)					
Front Yard	25	25	25	25	25
Side Yard on detached sides	5	10	10	10	10
Street Side Yard	15	15	15	15	15
Rear Yard	25	25	25	25	25
Maximum Height (feet)	35	35	35	35	35
Maximum Building Coverage	45%	45%	45%	45%	45%
Maximum Impervious Coverage	55%	55%	55%	55%	55%
Floor Area Ratio	NA	NA	NA	NA	0.50
Maximum Percentage of Total Parking Located in Street Yard	NA	NA	NA	NA	50%
Minimum Depth of Landscaping Adjacent to Street Right-of-Way Line (feet)	20	20	20	20	20

603 Townhouse Development

No more than four units may be attached in a single townhouse structure within an R-2 District.

604 1-Family Attached Development

Within a common development, one interior side yard may be equal to zero for single-family detached residential use if:

- a. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
- b. An easement for maintenance of the zero lot line facade is filed with the Pottawattamie County Recorder and the City Clerk at the time of application for a building permit.

605 Flexible Yard Setbacks in Planned Districts

The Planning Board and City Council may vary required minimum setbacks in planned districts. However, the setback from the front facade of a garage to any public or private street right-of-way (including the boundary of sidewalks) must be at least 20 feet.

SECTION 7

R-3 URBAN RESIDENTIAL MULTI-FAMILY DISTRICT

701 Purpose

This district is intended to provide for low and medium density multi-family residential development, with gross densities generally between 12 and 24 units per acre. These developments often are characterized by low-rise buildings in multiple structure configurations, with an emphasis on open space, convenient parking, and, in many cases, common community facilities such as clubhouses and swimming pools. This district is also appropriate for larger townhouse complexes, while still accommodating lower density forms of development.

702 Site Development Regulations

Regulator	1-Family Detached	1-Family Attached	Duplex	Town-house	Multi-Family	Other Permitted Uses
Site Area per Housing Unit (sq ft)						
Conventional Development	6,000	6,000	3,000	2,500	2,000	
Planned Developments	5,000	5,000	3,000	2,000	1,500	
Minimum Lot Area						
Conventional Development	6,000	5,000	6,000	3,000	10,000	6,000
Planned Developments	4,000	4,000	6,000	2,500	1.0 acre	6,000
Minimum Lot Width (feet)						
Conventional Development	60	45	75	35	100	60
Planned Developments	45	40	65	25	150	60
Minimum Yards (feet) (Section 704)						
Front Yard	25	25	25	25	30	25
Side Yard on detached side	* 7	* 7	* 10	* 15	25	10
Street Side Yard	15	15	15	15	25	15
Rear Yard	25	25	25	25	25	25
Maximum Height (feet)	35	35	35	35	35	35
Maximum Building Coverage	55%	55%	55%	55%	55%	45%
Maximum Impervious Coverage	65%	65%	65%	65%	65%	55%
Floor Area Ratio	NA	NA	NA	NA	0.50	0.50
Maximum Percentage of Total Parking Located in Street Yard	NA	NA	NA	NA	50%	50%
Minimum Depth of Landscaping Adjacent to Street Right-of-Way Line (feet)	20	20	20	20	20	20

* 5 ft for one story. 5 ft for each additional story.

1 F. Multifamily

Setback requirements adjacent to R1 & R2

No requirements.

Setback requirements curb vs. no curb.

No requirements.

Performance Point Requirements

In order to receive a permit to proceed with development, project must attain a minimum of 30 performance points, achieved as indicated in the tables in Section 1403 of this document.

703 1-Family Attached Development

Within a common development, one interior side yard may be equal to zero for single-family detached residential use if:

- a. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
- b. An easement for maintenance of the zero lot line facade is filed with the Pottawattamie County Recorder and the City Clerk at the time of application for a building permit.

704 Flexible Yard Setbacks in Planned Districts

The Planning Board and City Council may vary required minimum setbacks in planned districts. However, the setback from the front facade of a garage to any public or private street right-of-way (including the boundary of sidewalks) must be at least 20 feet.

705 Additional Requirements

- a. Parking areas, accessory buildings, and garages must be at least 10 feet from a side or rear lot line. A greater separation from residential zoning districts may be required by Section 26.
- b. Swimming pools must be at least 5 feet from a side or rear lot line.

**SECTION 8
R/CC CARTER LAKE CLUB SPECIAL RESIDENTIAL DISTRICT**

801 Purpose

This district recognizes the special quality of the Carter Lake Club residential district, located north of Avenue Q between 9th and 13th Streets. The Club district is characterized by front door access to a system of sidewalks, with rear access and automobile access provided by looped alleys. This uniquely designed district is crossed by a broadwalk that extends northeast from 9th and Avenue Q. The internal sidewalks connect to the Lakeshore Walk along the South Shore of Carter Lake. This district provides development regulations that are specifically matched to the character of the Carter Lake Club Addition.

802 Site Development Regulations

Regulator	1-Family Detached	1-Family Attached (Section 804)	Other Permitted Uses
Site Area per Housing Unit (square feet)	4,000	3,000	
Minimum Lot Area	4,000	7,000	6,000
Minimum Lot Width (feet)	50	45	50
Minimum Yards from Front Walks			
Front Yard from Sidewalks	10	10	25
Side Yard on detached sides	5	5	10
Street Side Yard	15	15	15
Rear Yard from Alleys	10, (20 for garages facing alleys)	10, (20 for garages facing alleys)	10
Maximum Height (feet)	35	35	35
Maximum Building Coverage	55%	55%	55%
Maximum Impervious Coverage	65%	65%	65%
Floor Area Ratio	NA	NA	0.50
Minimum Depth of Landscaping Adjacent to Alley or Sidewalk Right-of-Way Line (feet)	10	10	10

803 1-Family Attached Development

Within a common development, one interior side yard may be equal to zero for single-family detached residential use if:

- a. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
- b. An easement for maintenance of the zero lot line facade is filed with the Pottawattamie County Recorder and the City Clerk at the time of application for a building permit.

804 Garage Setbacks in the Club District

The setback from the front facade of any new garage to any public or private street right-of-way (including access alleys) must be at least 20 feet.

**SECTION 9
RM MOBILE HOME RESIDENTIAL DISTRICT**

901 Purpose

It is recognized that mobile home development, properly planned, can provide important opportunities for affordable housing. This District designation provides opportunities for mobile home development within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods. The purpose of this chapter is to provide for municipal regulation of mobile homes and mobile home parks in furtherance of the public health, safety, morals and welfare.

902 Site Development Regulations

Regulator	1 Family Detached	Other Permitted Uses
Site Area per Housing Unit (square feet) In Conventional Development	6,000	
Minimum Lot Area In Conventional Development	6,000	6,000
Minimum Lot Width (feet) In Conventional Development	60	60
Minimum Yards (feet)		
Front Yard	25	25
Side Yard	5	10
Street Side Yard	15	15
Rear Yard	25	25
Maximum Height (feet)	35	35
Maximum Building Coverage	45%	45%
Maximum Impervious Coverage	60%	60%
Floor Area Ratio	NA	0.50
Maximum Percentage of Total Parking Located in Street Yard	NA	50%
Minimum Depth of Landscaping Adjacent to Street Right-of-Way Line (feet)	20 *	20 *
	35**	35 *

* **Private Street**

** **Public Street**

903 Flexible Yard Setbacks in Planned Districts

The Planning Board and City Council may vary required minimum setbacks in planned districts. However, the setback from the front facade of a garage to any public or private street right-of-way including the boundary of sidewalks) must be at least 20 feet.

904 Additional Requirements

a. Parking areas, accessory buildings, and garages must be at least 10 feet from a side or rear lot line. A greater separation from residential zoning districts may be required by Section 26.

Zoning District Regulations

b. Swimming pools must be at least 50 feet from a side or rear lot line.

905 Definitions.

For use in this chapter the following terms are defined:

1. “Abandoned Property” means any mobile home or modular home, parked on a street, alley, or highway in the City determined by the police authority to create a hazard to other vehicular traffic.

2. “Manufactured Home” means a factory built structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

(Code of Iowa, Chapter 414)

3. “Mobile Home” or “House Trailer” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa.

(Code of Iowa, Sec. 135D.1[1])

4. “Mobile Home Park” or “Trailer Park” means any site, lot, field or tract of land upon which two (2) or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park. The term “mobile home park” is not to be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students.

(Code of Iowa, Sec. 135D.1[2])

906 Location of Mobile Homes.

It shall be unlawful for any person to park or place any mobile home on the streets, alleys or highways, any public place, or on any private land within the City, except as is provided by State law and this chapter. This section shall not apply to:

1. Mobile Home Parks. Mobile homes parked or placed within mobile home parks.

2. Dealer’s Stock. Mobile homes parked upon private property as part of a dealer’s or a manufacturer’s stock not used as a place for human habitation.

3. Manufactured Homes. Manufactured homes exceeding twenty-two (22) feet in width, or mobile homes meeting the manufacturing requirements of the State Building Code and which are converted to real property in accordance with Section 135D.26 of the Code of Iowa, providing that the location of such manufactured home or mobile home meets all other requirements imposed by this Code of Ordinances.

907 Special Permits.

The Council, upon application of a mobile home owner, may issue special permits for the location of mobile homes outside mobile home parks. The Council shall issue such special permits only when it appears that location within local mobile home parks is impracticable and public health, safety and welfare interests will not be seriously affected by granting the permit. Special permits shall not be granted for periods in excess of fourteen (14) days except in the case of a bona fide owner of a lot or lots who is in the process of building a permanent home on the premises, in which case, the owner may occupy the lot(s) with a mobile home for use as a temporary home for a period not to exceed six (6) months. Not more than one mobile home shall be permitted to be located on the same premises outside of mobile home parks. At expiration, permits may be renewed for a like period of time upon submitting to the Council a new application, together with the reasons for requesting the extension.

908 Application for Special Permit.

Application for a special permit shall be accompanied by an inspection fee of one dollar (\$1.00). The application shall contain:

1. Description of Mobile Home. A description of the applicant's mobile home.
2. Property Description. A property description of the place where the mobile home will be located.
3. Property Owner. The name of the owner of the premises upon which the mobile home will be located together with the written approval from the owner of the premises where the mobile home will be located.
4. Sanitation Facilities. Information on sanitation facilities of the mobile home and those available at the place of location.
5. Mobile Home Park. A statement concerning the practicability of location within a local mobile home park.
6. Duration of Permit. A statement of the desired duration of the special permit.

909 Emergency and Temporary Parking.

Nonresidents of the City may park a travel trailer or motor home on any street, alley, highway or other public place within the corporate limits of the City subject to a permit being issued by the City and to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations pertaining to streets, alleys or highways.

910 Storage Fees and Costs.

The owner of any mobile home or modular home placed or left in a street, alley, highway or other public place within the City shall be responsible for the costs of towing and storage for said mobile home or modular home. The charge for storage of said mobile home or modular home shall be the sum of fifty dollars (\$50.00) per day.

911 Auction Sale.

All mobile homes or modular homes impounded by the police department shall be sold pursuant to Section 321.89 and subsequent sections of the Code of Iowa.

912 Authority to Take Possession of Abandoned Property.

A police authority may take into custody any abandoned mobile home or modular home and shall remove, preserve, store and dispose of said abandoned property.

913 Trailer Park Permit Required.

It is unlawful for any person to construct within the limits of the City any trailer park unless such person shall first obtain a permit therefore.

914 Permit Application.

Any person desiring to construct a trailer park shall first file with the Clerk/Treasurer written application in duplicate on a form furnished by the City for a trailer park permit. Applications shall be accompanied by a plat and other documents showing the following information:

1. The name and address of the applicant;
2. A legal description of the trailer park area, and extent of area to be used for trailer park purposes;
3. The location and legal description of the trailer park;
4. Location and site of trailer lots;
5. Location, number and type of service buildings;
6. Plans and specifications of all other buildings and improvements constructed or to be constructed within the trailer park;
7. Method and plan of
8. Public water supply taps and facilities;
9. Method and plan of garbage disposal;
10. Plan of electric lighting including the location of exterior park lights and the electric facilities provided for trailers;
11. Incinerator and burning space;
12. Children's play area;
13. Drainage facilities; and
14. Fire protection facilities.

All accompanying plans and specifications, as set out in this section, shall also be filed in duplicate.

915 Inspection of Plans.

The health department, building, plumbing and electrical inspectors, planning and zoning commissions, and fire chief shall inspect the proposed plans. If it is found that the proposed trailer park will be in compliance with all provisions of this chapter and all other applicable ordinances or statutes, such report shall be made to the Council, which shall approve the application and issue the permit.

916 Location Within City Restricted.

No trailer park shall be located within the limits of the City except in a commercial or industrial zone, as designated by City ordinance.

917 Water and Sewer Connection.

No trailer park shall be located in the City unless it has City water available to it, and unless it is connected with the City's sanitary sewer system, if available, or proper sanitary facilities if sewer connection is not so available.

918 Location in Regard to Setback and Other Buildings.

No occupied trailer or service building shall be located within the City limits within the recognized setback line for the zoning districts in which such trailer is located, nor less than ten feet from any other building. No trailer shall be located nearer than fifteen (15) feet to any public street or highway.

919 Conformance With Other Ordinances.

Nothing in this chapter shall be deemed or construed to repeal, abrogate or modify any zoning ordinance or any provisions thereof in effect in the City.

920 Site Drainage and Grade.

Each park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.

921 Entrance and Exit.

Each park shall have a surfaced entrance and exit, the entrance and exit, or either of them, being not less than eighteen feet in width and plainly marked in the daytime and adequately lighted at night.

922 Lot Size.

Each park shall be divided into lots for each trailer, each lot having an area not less than twenty-eight hundred square feet with a minimum width of forty feet and minimum depth of seventy (70) feet.

923 Driveways.

All trailer lots shall face or abut upon a driveway of not less than twenty feet in width which shall have unobstructed access to a public street, alley or highway. All driveways shall be all-weather surfaced, well

Zoning District Regulations

marked in the daytime and lighted at night, with twenty-five watt lamps at intervals of one hundred feet located approximately fifteen feet from the ground, or equivalent lighting.

924 Service Buildings Required.

Each park shall provide service buildings to house toilet facilities, bathing facilities, laundry facilities, and other sanitary facilities as more particularly prescribed in Sections 123.22 through 123.31.

925 Outlet on Lot.

Every trailer lot shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse of not less than thirty amperes capacity and a heavy-duty outlet receptacle.

926 Water Supply for Park.

An adequate water supply obtained from the water system of the City must, at all times, be furnished to each trailer park in sufficient quantities to meet all requirements of the park. The water supply shall be connected to the individual trailer or be furnished from faucets conveniently located in the trailer park. A cold water supply shall be located on all lots in a trailer park.

927 Drinking Water System.

No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room or water closet compartment.

928 Hot Water Provided.

An abundant supply of hot water shall be provided at all times for bathing, washing, and laundry facilities.

929 Condition of Service Buildings.

All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public, or constitute a nuisance.

930 Laundry Facilities.

The laundry facilities shall be provided in the ratio of one washing machine for every twenty trailer lots. Dryers shall be provided sufficient to accommodate the laundry of the trailer occupants. The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

931 Waste System.

All waste from showers, toilets, laundries, faucets and lavatories shall be wasted into a sewer system extended from and connected with the City sewer system if available, otherwise an adequate sanitary disposal system. All trailer lots in a trailer park shall be equipped with a sanitary sewer drain for direct connection with a trailer in such lot.

932 Connection With City Required.

All sanitary facilities in any trailer which are not connected with the City sewer system by means of rigid connections shall be sealed and their use is declared unlawful.

933 Waste Water Disposal.

In no case shall any wastewater be thrown or discharged upon the surface of the ground or disposed of by any means other than provided in this chapter.

934 Garbage Receptacles.

Metal or plastic garbage receptacles shall be provided on the basis of one receptacle for every four trailer lots, and shall be located not farther than fifty feet from any trailer lot. The cans shall be tightly covered and shall be kept in sanitary condition. Garbage and rubbish shall be collected and disposed of by the City garbage collection service. Sufficient receptacles shall be provided to prevent littering the ground with rubbish and debris.

935 Fire Extinguisher Requirements.

Each service building shall be equipped with not less than one ten-pound ABC extinguisher on each floor or level of the buildings.

936 Playing Space.

Adequate playing space shall be provided for the children.

937 Permit Not Transferable.

The permit shall not be transferable from one location to another.

938 Additions to Trailer.

No additions shall be built onto any trailer, which shall leave a clearance of less than ten clear feet between the addition and the next trailer. No fences or enclosures shall be constructed without application made to the Building Inspector and a permit issued for such construction. The necessary permit shall be secured before building such structure, which must comply with statutes of the State and ordinances of the City pertaining to housing.

939 Change of Plan.

Any change to be made in a trailer park plan after a permit to construct a trailer park has been obtained shall be filed with the Clerk/Treasurer and the approval thereof secured from the Council.

940 Enclosed or Buried Drain and Sewer Pipes.

The connections consisting of all pipes, fittings and appurtenances from the drain outlets of the mobile home to the inlet of the corresponding sewer riser pipe of the sewage system serving the mobile home park shall be completely enclosed underneath the mobile home, or if located outside the mobile home, the pipes, fittings and appurtenances shall be buried beneath the ground.

941 Tying Down Mobile Home Against Wind.

All trailers, mobile homes and trailer coaches shall be affixed to the ground by tie-downs in accordance with and conforming to the rules and regulations of the Defense Civil Preparedness Agency Department of Defense, Pamphlet TR75, with respect to protecting mobile homes from high winds. All trailers must be tied down within sixty days after being moved into the mobile home park.

942 Violation - Penalty.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction, shall be fined a sum not exceeding one hundred dollars (\$100.00). Each day in which such violation is permitted to exist shall constitute a separate offense, and be punishable as such under this chapter.

SECTION 10

C/L LOCUST STREET CORRIDOR MIXED USE DISTRICT

1001 Purpose

This district recognizes the mixed-use character of the Locust Street urban corridor. Locust Street is Carter Lake’s principal commercial corridor and represents the boundary between the north part of the city, which is primarily residential in use, and the south part, which is principally industrial. In some ways, Locust serves as a central business district for the city. Therefore, this district helps the corridor accommodate a combination of commercial, and office uses. Design standards will gradually upgrade the appearance of the street, as it becomes a service corridor for the nearby airport and convention center. Some uses in the C/L District will require development above normal standards in order to assure compatibility with surrounding uses.

1002 Site Development Regulations

Regulator	Permitted Uses
Site Area per Housing Unit (sq. ft.)	
Minimum Lot Area	6,000
Minimum Lot Width (feet)	75
Minimum Yards (feet)	
Front Yard	Note 1
Side Yard	10
Street Side Yard	15
Rear Yard	25
Maximum Height (feet)	35
Maximum Building Coverage	60%
Maximum Impervious Coverage	80%
Floor Area Ratio	1.0
Maximum Percentage of Total Parking Located in Street Yard	50%
Minimum Depth of Landscaping Adjacent to Street Right-of-Way Line (feet)	10

Note 1: Setbacks along Urban Corridors

Normal minimum setback is 25 feet. Front yard setback may be reduced to 15 feet if:

1. No parking is placed within the street yard.
2. The entire street yard area is landscaped, with the exception of driveways to parking areas or pedestrian accesses to the principal building on the site.

This setback flexibility shall not be applied on any street without the specific approval of the City Council.

Performance Point Requirements

In order to receive a permit to proceed with development, project must attain a minimum of 30 performance points, achieved as indicated in the tables in Section 1403 of this document.

1003 Special Regulations and Standards

- a. Architectural details, including materials, textures, patterns, colors, and design features used on any facade facing a street or easily seen by the public shall be included in the plans and approved by the planning board.
- b. All service and loading areas shall be entirely screened from view.
- c. All buildings and developments shall include a direct, clear, and safe pedestrian connection from adjacent public sidewalks to the entrances of buildings within the development.

**SECTION 11
C-1 LIMITED COMMERCIAL DISTRICT**

1101 Purpose

The C-1 Limited Commercial District is intended for neighborhood shopping facilities serving the needs of residents of a surrounding residential area. Allowed commercial and office uses are generally compatible with nearby residential areas in scale and intensity. Site development regulations are intended to ensure compatibility in size, scale, and site characteristics with these residential environments. C-1 districts are generally most appropriate at intersections of collector and/or arterial streets, at the edge of residential areas, in planned commercial areas in newly developing residential districts, or at other locations where local commercial services are required.

1102 Site Development Regulations for C-1 Districts

	Regulator	Permitted Uses
Site Area per Housing Unit (sq. ft.)		NA
Minimum Lot Area		6,000
Minimum Lot Width (feet)		60
Minimum Yards (feet)		
Front Yard (Note 1)		15
Side Yard		7
Street Side Yard		15
Rear Yard		Less of 15% of lot depth or 20 feet
Maximum Height (feet)		35
Maximum Building Coverage		60%
Maximum Impervious Coverage		80%
Floor Area Ratio (Note 2)		0.5
Maximum Percentage of Total Parking Located in Street Yard		75%
Minimum Depth of Landscaping Adjacent to Street Right- of-Way Line (feet)		10

Note 1: Flexible Yard Setbacks in Planned Districts

The Planning Board and City Council may vary required minimum setbacks in planned districts. However, the setback from the front facade of a garage to any public or private street right-of-way (including the boundary of sidewalks) must be at least 20 feet.

Note 2: Flexible Floor Area Ratios in Planned Districts

The Planning Board and City Council may increase the maximum Floor Area Ratio for a development in a planned district.

Performance Point Requirements

In order to receive a permit to proceed with development, project must attain a minimum of 30 performance points, achieved as indicated in the tables in Section 1403 of this document.

1103 Special Regulations and Standards

- a. Architectural details, including materials, textures, patterns, colors, and design features used on any façade facing a street or easiest seen by the public shall be included in the plans and approved by the Planning Board.
- b. All service and loading areas shall be entirely screened from view.
- c. All buildings and developments shall include a direct, clear, and safe pedestrian connection from adjacent public sidewalks to the entrances of buildings within the development.

SECTION 12

C-2 GENERAL COMMERCIAL DISTRICT

1201 Purpose

The GC General Commercial District accommodates a variety of commercial uses, some of which have significant traffic or visual effect. This district may include commercial uses that are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts.

1202 Site Development Regulations

	Regulator	Permitted Uses
Minimum Lot Area		6,000
Minimum Lot Width (feet)		65
Minimum Yards (feet)		
Front Yard (Note 1)		25
Side Yard		0
Street Side Yard		25
Rear Yard		0
Maximum Height (feet)		35
Maximum Building Coverage		70%
Maximum Impervious Coverage		90%
Floor Area Ratio (Note 2)		1.0
Maximum Percentage of Total Parking Located in Street Yard		100%
Minimum Depth of Landscaping Adjacent to Street Right-of-Way Line (feet)		10

Note 1: Flexible Yard Setbacks in Planned Districts

The Planning Board and City Council may vary required minimum setbacks in planned districts. Along arterials designated in the city’s Comprehensive Development Plan, the Maintenance Supervisor may require a deeper front-yard setback.

Note 2: Flexible Floor Area Ratios in Planned Districts

The Planning Board and City Council may increase the maximum Floor Area Ratio for a development in a planned district.

Performance Point Requirements

In order to receive a permit to proceed with development, project must attain a minimum of 30 performance points, achieved as indicated in the tables in Section 1403 of this document.

1203 Special Regulations and Standards

- a. Architectural details, including materials, textures, patterns, colors, and design features used on any façade facing a street or easiest seen by the public shall be included in the plans and approved by the planning board.
- b. All service and loading areas shall be entirely screened from view.
- c. All buildings and developments shall include a direct, clear, and safe pedestrian connection from adjacent public sidewalks to the entrances of buildings within the development.

SECTION 13

TC CARTER LAKE TOWN CENTER DISTRICT

1301 Purpose

This district is intended to guide development of a new Town Center district at the 13th and Locust Street intersection, as set forth by the Comprehensive Plan. This development plan anticipates the location of significant community retail services at this intersection, and is designed to maintain pedestrian scale. The concept is designed to provide strong building definition and public space at the 13th and Locust intersection, while locating parking around proposed building footprints. The town center concept also permits the incorporation of residential uses in an overall mixed use development.

1302 Site Development Regulations

Regulator	Permitted Residential Uses	Town-house	Multi-Family	All Other Permitted Uses
Site Area per Housing Unit (sq. ft.)				
Conventional Development		2,500	2,000	NA
Planned Development		2,000	1,500	
Minimum Lot Area				
Conventional Development		3,000	10,000	10,000
Planned Development		2,500	1.0 acre	
Minimum Lot Width (feet)				
Conventional Development		35	100	No requirement
Planned Development		25	150	
Maximum Front Yards (feet)				
Locust Street				25
13th Street				25
Other Surrounding Streets				25
Minimum Yards (feet) (Section 704)				
Front Yard		25	30	0
Side Yard		* 15	25	0
Street Side Yard		15	25	0
Rear Yard		25	25	0
Maximum Height (feet)		35	35	35
Maximum Building Coverage		55%	55%	50%
Maximum Impervious Coverage		65%	65%	70%
Floor Area Ratio (Note 1)		NA	0.50	3.0
Maximum Percentage of Total Parking Located in Street Yard		NA	50%	50%
Minimum Depth of Landscaping Adjacent to Street Right-of-Way Line (feet)	Refer to R-3			0

* 5 ft. for one story. 5 ft. for each additional story.

1.F. Multi-Family

Setback requirement adjacent to R1 & R2 – no requirement for now

Setback requirement curb vs. adj curb – no requirement for now

Note 1: Flexible Floor Area Ratios in Planned Districts

Zoning District Regulations

The Planning Board and City Council may increase the maximum Floor Area Ratio for a development in a planned district.

Performance Point Requirements

In order to receive a permit to proceed with development, project must attain a minimum of 30 performance points, achieved as indicated in the tables in Section 1403 of this document.

1303 Special Regulations and Standards

- a. Architectural details, including materials, textures, patterns, colors, and design features used on any façade facing a street or easiest seen by the public shall be included in the plans and approved by the planning board.
- b. All buildings and developments shall include a direct, clear, and safe pedestrian connection from adjacent public sidewalks to the entrances of buildings within the development. In addition, all buildings in a planned development shall have paths that provide safe and defined pedestrian access to all other buildings in the development.
- c. Non-residential buildings shall be designed to create the appearance of multiple-tenants, storefronts, and entrances.
- d. Street orientation includes a consistent building setback, entrances and windows facing the street, and parking areas located to the rear or side of buildings.
- e. All service and loading areas shall be entirely screened from view.

SECTION 14

C/A ABBOTT DRIVE CORRIDOR COMMERCIAL DISTRICT

1401 Purpose

The C/A district addresses development along the Abbott Drive corridor. This strategic corridor is undergoing significant development with commercial and visitor services uses, a demand created by the growth of Eppley Airfield and the development of Omaha’s Qwest Center. The district regulations includes standards appropriate to this type of development and provides special performance based zoning to assure that development in this highly visible corridor exceeds minimum standards.

1402 Site Development Regulations

Regulator	Permitted Uses
Minimum Lot Area	8,000
Minimum Lot Width (feet)	80
Minimum Yards (feet)	
Front Yard (Note 1)	25
Side Yard	0
Street Side Yard	0
Rear Yard	0
Maximum Height (feet)	60 unless reduced by airport approach standards
Maximum Building Coverage	70%
Maximum Impervious Coverage	85%
Floor Area Ratio (Note 2)	3.0
Maximum Percentage of Total Parking Oriented to Abbott Drive	75%
Minimum Depth of Landscaping Adjacent to Street Right-of-Way Line (feet)	15

Note 1: Flexible Yard Setbacks in Planned Districts

The Planning Board and City Council may vary required minimum setbacks in planned districts. Along arterials designated in the city’s Comprehensive Development Plan, the Maintenance Supervisor may require a deeper front-yard setback.

Note 2: Flexible Floor Area Ratios in Planned Districts

The Planning Board and City Council may increase the maximum Floor Area Ratio for a development in a planned district.

Performance Point Requirements

In order to receive a permit to proceed with development, project must attain a minimum of 30 performance points, achieved as indicated in the tables in Section 1403 of this document.

1403 Performance Points System for projects in the C/A District (and all zoning districts located south of Ave. K – R-3, C/L, C-1, C-2, TC, C/A, BP, M-1, M-2)

a. Purpose

The Performance Point Evaluation System is designed to ensure that projects in the highly visible Abbott Drive corridor provide an impression of high quality design and amenity. This approach reinforces the major private investments that have been made in the design of the public right-of-way along Abbott Drive. The system requires attainment of a specified number of Performance Points in order for a project to receive a permit to proceed. It further provides a variety of optional design features and enhancements to permit a developer considerable flexibility in choosing appropriate enhancements.

b. Application

The Performance Point Evaluation System applies to all projects proposed within the C/A District.

c. Performance Point Requirements

In order to receive a permit to proceed with development, projects must attain a minimum of 30 performance points, achieved as indicated in the following tables.

d. Project Evaluation

1. Projects shall be evaluated by the Building inspector, who shall maintain a written record of the evaluation.
2. Administrative evaluations by the Building inspector that result in the denial of a project's approval may be appealed to the Planning Board. Further appeals of the decision of the Planning Board may be taken to the City Council.

e. Evaluation Standards

Landscaped Areas

1. Base Standard: All projects must provide landscaping consistent with the Minimum Depth and Buffer yard Standards established by their base districts and by the Landscaping Ordinance.
2. Performance Points: Projects earn one point for each foot of landscaping provided back from the street property line in addition to the minimum required standards.

Parking Lot Landscaping

1. Base Standard: All parking lots accommodating 20 or more cars shall provide interior landscaping equal to 5% of the paved area of the parking lot.

Zoning District Regulations

2. Performance Points: Projects earn points based on the following table:

<u>Points</u>	<u>Action</u>
0	Project meets minimum standards
5	Project provides 1.25 times the base standard for interior landscaping.
10	Project provides 1.50 times the base standard for interior landscaping.
15	Project provides 2.00 times the base standard for interior landscaping.

Trees

1. Base Standard: All projects must provide one tree of an approved species for each 500 square feet of required landscaping as provided by the Landscaped Area Standards (1403.e1).

2. Performance Points: Projects earn points based on the following table:

<u>Points</u>	<u>Action</u>
0	Project meets minimum standards.
5	Project provides 1.25 times the base standard for tree planting.
10	Project provides 1.5 times the base standard for tree planting.
15	Project provides 1.75 times the base standard for tree planting.
20	Project provides 2 times the base standard for tree planting.

Signage

1. Base Standard: Projects must meet the sign requirement set forth in the sign ordinance.

2. Performance Points: Projects earn points based on the following table:

<u>Points</u>	<u>Action</u>
0	Total sign area = 80% to 100% of permitted sign area.
5	Total sign area = 70% to 80% of permitted sign area.
10	Total sign area = 60% to 70% of permitted sign area.
15	Total sign area = 50% to 60% of permitted sign area.
20	Total sign area = Less than 50% of permitted sign area.

3. Projects that provide all signage as monument or ground signs earn an additional ten points. All such signs must be located outside of vision clearance zones.

Parking in Street Yard Facing Abbott Drive

1. Base Standard: Projects must meet requirements indicated in the Development Regulations for individual districts and the parking ordinance.

Zoning District Regulations

2. Performance Points: Projects earn points based on the following table:

<u>Points</u>	<u>Action</u>
0	Meets minimum standards.
5	Reduces the amount of street yard parking by 10% below district requirements.
10	Reduces the amount of street yard parking by 20% below district requirements.
15	Reduces the amount of street yard parking by 30% below district requirements.
20	Reduces the amount of street yard parking by 40% below district requirements.

Impervious Coverage

1. Base Standard: Projects must meet requirements indicated in the Development Regulations for individual districts.

2. Performance Points: Projects earn points based on the following table:

<u>Points</u>	<u>Action</u>
0	Meets minimum standards
5	Reduces impervious coverage by 10% below district requirements
10	Reduces impervious coverage by 20% below district requirements
15	Reduces impervious coverage by 30% below district requirements
20	Reduces impervious coverage by 40% below district requirements

Building Articulation

1. Base Standard: No requirement

2. Performance Points: Projects earn points based on the following table:

<u>Points</u>	<u>Action</u>
5	Building provides a minimum offset of 5 feet for every 100 feet of length of the facade parallel to the corridor's major street.
10	Building provides a minimum offset of 5 feet for every 75 feet of length of the facade parallel to corridor's major street.
15	Building provides a minimum offset of 5 feet for every 50 feet of length of the facade parallel to corridor's major street.

Building Materials

1. Base Standard: No requirement

Zoning District Regulations

2. Performance Points: Projects earn points based on the following table:

<u>Points</u>	<u>Action</u>
5	30% to 50% of the non-glazed facade of the building is composed of brick or building stone.
10	51% to 75% of the non-glazed facade of the building is composed of brick or building stone.
15	75% to 100% of the non-glazed facade of the building is composed of brick or building stone.

**SECTION 15
BP BUSINESS PARK DISTRICT**

1501 Purpose

The BP Business Park district is intended to promote the development of planned business parks that accommodate office, and commercial uses. These facilities serve a more regional audience, but may provide services to local residents. They are characterized by extensive landscaping, abundant parking facilities, and good visual and pedestrian relationships among buildings. BP zoning is appropriate to existing developments such as Owen Parkway and other proposed development along the Missouri Riverfront.

1502 Site Development Regulations

	Regulator	Permitted Uses
Minimum Lot Area (square feet)		20,000
Minimum Lot Width (feet)		100
Minimum Yards (feet)		
Front Yard (Note 1)		30
Side Yard		10
Street Side Yard		25
Rear Yard		30
Maximum Height (feet) “unless reduced by airport approach standard”		60
Maximum Building Coverage		50%
Maximum Impervious Coverage		70%
Floor Area Ratio (Note 2)		2.0
Maximum Percentage of Total Parking Located in Street Yard		50%
Minimum Depth of Landscaping Adjacent to Street Right-of-Way Line (feet)		20

Note 1: Flexible Yard Setbacks in Planned Districts

The Planning Board and City Council may vary required minimum setbacks in planned districts.

Note 2: Flexible Floor Area Ratios in Planned Districts

The Planning Board and City Council may increase the maximum Floor Area Ratio for a development in a planned district.

Performance Point Requirements

In order to receive a permit to proceed with development, project must attain a minimum of 30 performance points, achieved as indicated in the tables in Section 1403 of this document.

SECTION 16

M-1 LIMITED INDUSTRIAL DISTRICT

1601 Purpose

The M-1 Limited Industrial district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.

1602 Site Development Regulations

Regulator	Permitted Uses
Minimum District Size (square feet)	10,000
Minimum Lot Area (square feet)	10,000
Minimum Lot Width (feet)	100
Minimum Yards (feet)	
Front Yard (Note 1)	25; greater of 35 feet from property line or 50 feet from the centerline along roads on the TEA-21 arterial system
Side Yard	0
Street Side Yard	25
Rear Yard	10
Maximum Height (feet)	75
Maximum Building Coverage	70%
Maximum Impervious Coverage	90%
Floor Area Ratio (Note 2)	1.0
Maximum Amount of Total Parking Located in Street Yard	100%
Minimum Depth of Landscaping Adjacent to Street Right-of-Way Line (feet)	10

Note 1: Flexible Yard Setbacks in Planned Districts

The Planning Board and City Council may vary required minimum setbacks in planned districts. Along arterials designated in the city’s Comprehensive Development Plan, the Maintenance Supervisor may require a deeper front-yard setback.

Note 2: Flexible Floor Area Ratios in Planned Districts

The Planning Board and City Council may increase the maximum Floor Area Ratio for a development in a planned district.

Performance Point Requirements

In order to receive a permit to proceed with development, project must attain a minimum of 30 performance points, achieved as indicated in the tables in Section 1403 of this document.

SECTION 17

M-2 GENERAL INDUSTRIAL DISTRICT

1701 Purpose

The M-2 General Industrial district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

1702 Site Development Regulations

Regulator	Permitted Uses
Minimum Lot Area	1 acre
Minimum Lot Width (feet)	100
Minimum Yards (feet) Front Yard (Note 1)	25; greater of 35 feet from property line or 50 feet from the centerline along roads on the TEA-21 arterial system
Side Yard	0
Street Side Yard	25
Rear Yard	10
Maximum Height (feet)	75
Maximum Building Coverage	80%
Maximum Impervious Coverage	90%
Floor Area Ratio (Note 2)	1.0
Maximum Percentage of Total Parking Located in Street Yard	100%
Minimum Depth of Landscaping Adjacent to Street Right-of-Way Line (feet)	10

Note 1: Flexible Yard Setbacks in Planned Districts

The Planning Board and City Council may vary required minimum setbacks in planned districts. Along arterials designated in the city's Comprehensive Development Plan, the Maintenance Supervisor may require a deeper front-yard setback.

Note 2: Flexible Floor Area Ratios in Planned Districts

The Planning Board and City Council may increase the maximum Floor Area Ratio for a development in a planned district.

Performance Point Requirements

In order to receive a permit to proceed with development, project must attain a minimum of 30 performance points, achieved as indicated in the tables in Section 1403 of this document.

**SECTION 18
SPECIAL AND OVERLAY DISTRICTS**

1801 Purpose

Special and Overlay Districts are established as base districts for innovative developments or unique development areas. They are designed to encourage innovative design of mixed-use projects, to capitalize on the special characteristics and visibility of unique areas in the city, and to integrate special projects into the surrounding environment.

1802 Establishment of Districts

The following special districts are hereby established.

- MU** Mixed Use District
- PUD** Planned Unit Development Overlay District
- W** Water-Oriented/Open Space Development Overlay District
- FP** Floodplain Overlay District

SECTION 19

MU MIXED USE DISTRICT

1901 Purpose

The MU Mixed Use District is intended to accommodate projects that combine several compatible land uses into an integrated development. The MU District may also be used to pre-designate parts of the city that are appropriate for a mixture of residential, commercial, office, and accessory uses. The District permits mixing residential areas with workplaces and services. Development in the MU District must accommodate transportation systems, pedestrian and bicycle movement, and surrounding environments.

1902 Permitted Uses

Each ordinance establishing an MU District establishes the use types permitted within its boundaries.

1903 Site Development Regulations

- a. The minimum area of any MU District is one acre.
- b. Prior to the issuance of any building permits or other authorization, all projects in the MU District shall receive approval by the City Council, following a recommendation by the Planning Board. This approval may be granted for a specific plan for the development of an MU District in lieu of a plan for individual projects, provided that any subsequent developments are consistent with the specific plan.
- c. Applications for approval must contain at a minimum the following information:
 1. A detailed site map, including:
 - (a) a boundary survey
 - (b) site dimensions
 - (c) contour lines at no greater than five foot intervals
 - (d) adjacent public rights of way, transportation routes, and pedestrian or bicycle systems
 - (e) description of adjacent land uses
 - (f) utility service to the site and easements through the site
 - (g) description of other site features, including drainage, soils, or other considerations that may affect development.
 2. A development plan, including:
 - (a) a site layout, including the location of proposed buildings, parking, open space, and other facilities
 - (b) location, capacity, and conceptual design of parking facilities
 - (c) description of the use of individual buildings

Special and Overlay Districts

- (d) description of all use types to be included in the project or area, and maximum floor area devoted to each general use
 - (e) maximum height of buildings
 - (f) schematic location and design of open space on the site, including a landscaping plan
 - (g) vehicular and pedestrian circulation plan, including relationship to external transportation systems
 - (h) schematic building elevations and sections if required to describe the project
 - (i) grading plans
 - (j) proposed sewer and utility improvements
 - (k) location, sizes, and types of all proposed signage.
3. Specific proposed development regulations for the project, including:
- (a) the specific use types permitted within the proposed district
 - (b) maximum floor area ratios
 - (c) front, side, and rear yard setbacks
 - (d) maximum height
 - (e) maximum building and impervious coverage
 - (f) design standards applicable to the project.
4. A traffic impact analysis, if required by the City.

1904 Adoption of District

- a. The Planning Board and City Council shall review and evaluate each Mixed Use District application. The City may impose reasonable conditions, as deemed necessary to ensure that a Mixed Use Development shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- b. The Planning Board after proper notice shall hold a public hearing and act upon each application.
- c. The Planning Board may recommend amendments to MU district applications.
- d. The recommendation of the Planning Board shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any ordinance establishing a MU Mixed Use District. Proper notice shall mean the same notice established for any other zoning amendment.

Special and Overlay Districts

f. An ordinance adopting a Mixed Use District shall require a favorable simple majority of the City Council for approval.

g. Upon approval by the City Council, the Development Plan shall become a part of the ordinance creating or amending the MU District. All approved plans shall be filed with the City Clerk.

1905 Amendments

Any amendment to these provisions shall be submitted to the Planning Board and City Council for action.

SECTION 20

PUD PLANNED UNIT DEVELOPMENT DISTRICT

2001 Purpose

The PUD Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment. The PUD District may be used in combination with any base district specified in this ordinance. The PUD District, which is adopted by the City Council with the recommendation of the Planning Board, assures specific development standards for each designated project.

2002 Permitted Uses

Uses permitted in a PUD Overlay District are those permitted in the underlying base district. A PUD also may be combined with an MU Mixed Use District to allow a combination of use types not anticipated by conventional base districts.

2003 Site Development Regulations

Site Development Regulations are developed individually for each Planned Unit Development District, but must comply with the minimum or maximum standards established for the base district, with the following exceptions:

- a. Lot area and lot width are not restricted, provided that the maximum density allowed for each base district is not exceeded.
- b. Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or 60 percent.
- c. Setback requirements may be varied according to the specific Planned Unit Development plan.

2004 Access to Public Streets

Each PUD District must abut a public street or other public right-of-way for at least 100 feet and allow access from that street.

2005 Application Process

The application for a Planned Unit Development District shall include the following information:

1. A detailed site map, including:
 - (a) a boundary survey
 - (b) site dimensions
 - (c) contour lines at no greater than one foot intervals
 - (d) adjacent public rights of way, transportation routes, and pedestrian or bicycle systems

Special and Overlay Districts

- (e) description of adjacent land uses
 - (f) utility service to the site and easements through the site
 - (g) description of other site features, including drainage, soils, or other considerations that may affect development.
2. A development plan, including:
- (a) A land use plan designating specific uses for the site and establishing site development regulations, including setback, height, building coverage, impervious coverage, density, and floor area ratio requirements.
 - (b) a site layout, including the location of proposed buildings, parking, open space, and other facilities
 - (c) location, capacity, and conceptual design of parking facilities
 - (d) description of the use of individual buildings
 - (e) schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design.
 - (f) a site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans.
 - (g) vehicular and pedestrian circulation plan, including relationship to external transportation systems
 - (h) schematic building elevations and sections if required to describe the project
 - (i) grading plans
 - (j) proposed sewer and utility improvements
 - (k) location, sizes, and types of all proposed signage.
3. A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

2006 Adoption of District

- a. The Planning Board and City Council shall review and evaluate each Planned Unit Development application. The City may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- b. The Planning Board, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Board may recommend amendments to PUD district applications.

Special and Overlay Districts

- d. The recommendation of the Planning Board shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any ordinance establishing a PUD Planned Unit Development Overlay District. Proper notice shall mean the same notice established for any other zoning amendment.
- f. An ordinance adopting a Planned Unit Development Overlay Zoning District shall require a favorable simple majority of the City Council for approval.
- g. Upon approval by the City Council, the Development Plan shall become a part of the ordinance creating or amending the PUD District. All approved plans shall be filed with the City Clerk.

2007 Amendment Procedure

Major amendments to the Development Plan must be approved according to the same procedure set forth in Section 2904.

2008 Building Permits

The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD District unless it is in compliance with the approved Development Plan and any approved amendments.

2009 Termination of PUD District

If no substantial development has taken place in a Planned Unit Development District for three years following approval of the District, the Planning Board shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

SECTION 21

W WATER-ORIENTED/OPEN SPACE DEVELOPMENT OVERLAY DISTRICT

2101 Purpose

The W Water-Oriented/Open Space Development Overlay District is intended to require development design standards and techniques in developments that incorporate significant water features such as canals or ponds, or other common open space. It allows for lot clustering and lot size reductions, if the overall gross density of the development is consistent with the underlying zoning district. For this section the term water is taken to mean privately owned bodies of water.

2102 Process

Subdivisions in a W Overlay district generally follow the approval procedures outlined in Section 30, establishing the process for preliminary and final plat approval. Projects that do not require subdivision follow approval procedures appropriate to the specific project, including conditional use permits, zoning amendments, site plan review, or other applicable measures. The requirements and standards included in this section are in addition to those established procedures.

2103 Permitted Land Uses

Land uses permitted in a W District are the same as those permitted in the underlying base district.

2104 Permitted Yield

Developments in W Overlay districts are permitted the same density on developable area as would be allowed to conventional residential development in the underlying zoning district. Yield in housing units (Y) is calculated by the formula:

$$Y = \frac{.90(TA)}{SA}$$

where:

TA = Total parcel area

.90 = an allowance for the typical percentage of land available after deducting the area of public streets and right-of-ways serving a low-density residential development.

SA = Minimum site area per unit required by the underlying zoning district.

2105 Minimum Percentage of Water Area or Open Space

- a. The minimum percentage of land that shall be designated as permanent water area or open space, not to be further subdivided, shall be a minimum of 25% of the Net Developable Area, defined as $.90(TA-UA)$
- b. The above areas shall generally be designated as undivided open space, to facilitate easement monitoring and enforcement, and to promote appropriate management by a single entity according to approved land management standards.
- c. All undivided open space and any lot capable of further subdivision shall be restricted from further subdivision through a permanent conservation easement, in a form acceptable to the City and duly recorded with the Pottawattamie County Recorder.

d. Storm water management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground pipelines. However, land within the rights-of-way of high tension power lines shall not be included as comprising part of the minimum required open space.

2106 Location Standards for Open Space

a. Access to Residential Lots

Undivided open space shall be directly accessible to the largest practicable number of lots within a water-oriented development. To achieve this, the majority of house lots should abut undivided open space in order to provide direct views and access.

2107 Ownership and Maintenance of Common Open Space

Developments in the W Overlay District shall provide for ownership and maintenance of water areas or common open space. Common open space within a development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the City.

a. Dedication

Water or open space areas may be dedicated to the City of Carter Lake if such dedication is consistent with the parks and open space component of the city's comprehensive plan. Dedication shall take the form of a fee simple ownership. Alternatively, a public agency may accept an easement, subject to the above conditions.

b. Homeowners Association

The undivided water or open space and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions:

1. The developer shall provide to the City Clerk a description of the association, including its bylaws and methods for maintaining the open space.
2. The association shall be organized by the developer and shall be operated with financial assistance from the developer, before the sale of any lots within the development.
3. Membership in the association is automatic (mandatory) for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
4. The association shall be responsible for maintenance of insurance and taxes on water area or undivided open space.
5. The members of the association shall share equitably the costs of maintaining and developing such water area or undivided open space. Shares shall be defined within the association bylaws.

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6. In the event of a proposed transfer, within the methods here permitted, of water area or undivided open space land by the homeowners' association, or of the assumption of maintenance of water area or undivided open space land by a public agency, notice of such action shall be given to all property owners within the development.
7. The homeowners' association may lease open space lands to any other qualified person or corporation for their operation and maintenance.

c. Condominiums

The undivided open space and associated facilities may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the state statute. All undivided open space land shall be held as a "common element."

d. Transfer of Easements to a Private Conservation Organization

An owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and /or natural resources, provided that:

1. The organization is acceptable to the City and is a bona fide conservation organization with perpetual existence;
2. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
3. A maintenance agreement acceptable to the board is entered into by the developer and the organization.

2108 Maintenance Standards

a. Financial Responsibility

The ultimate owner of the open space (typically a homeowners' association) shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues or assessments.

b. Maintenance Enforcement

1. In the event that the association or any successor organization shall, at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the City may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.
2. Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this ordinance.

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3. Should any bill or bills for maintenance of undivided open space by the City or County be unpaid, a late fee of fifteen percent shall be added to such bills and a lien shall be filed against the premises in the same manner as other municipal claims.

SECTION 22

FP/FW FLOODPLAIN/FLOODWAY OVERLAY DISTRICT

2201 Statutory Authority, Findings of Fact and Purpose

A. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

B. Findings of Fact

1. The flood hazard areas of Carter Lake are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
2. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.
3. This ordinance relies upon engineering methodology for analyzing flood hazards, which is consistent with the standards established by the Department of Natural Resources.

C. Statement of Purpose

It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of Carter Lake and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 2201 – B – 1 of this Ordinance with provisions designed to:

1. Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
2. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
3. Require that uses vulnerable to floods, including public facilities, which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
4. Protect individuals from buying lands, which may not be suited for intended purposes because of flood hazard.
5. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

2202 General Provisions

A. Lands to Which Ordinance Apply

The provisions of this Ordinance shall apply to all lands within the jurisdiction of the city of Carter Lake shown on the Official Flood Plain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Flood Plain and Shallow Flooding (Overlay) Districts, as established in Section 2203.

B. Establishment of Official Flood Plain Zoning Map

The *Flood Boundary and Floodway Map(s) prepared as part of the Flood Insurance Study for the city of Carter Lake, dated February 4, 2005 is (are) hereby adopted by reference and declared to be the Official Flood Plain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.

* (Replace “Flood Boundary and Floodway Map(s)” with “Flood Insurance Rate Map(s) (FIRM)” for communities where the FBFW maps were not printed separately)

C. Rules for Interpretation of District Boundaries

The boundaries of the zoning district areas shall be determined by scaling distances on the Official Flood Plain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Building Inspector shall make the necessary interpretation. The Planning Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Building Inspector in the enforcement or administration of this Ordinance.

D. Compliance

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations, which apply to uses within the jurisdiction of this Ordinance.

E. Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

F. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

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G. Warning and Disclaimer of Liability

The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Flood Plain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Carter Lake or any officer or employee thereof for any flood damages that from reliance on this Ordinance or any administrative decision lawfully made thereunder.

H. Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2203 Establishment of Zoning (Overlay) Districts

The flood plain areas within the jurisdiction of this ordinance are hereby divided into the following districts; (i) Floodway District (FW), (ii) Floodway Fringe District (FF), (iv) General Flood Plain District (FP) and (v) Shallow Flooding District (SF). The boundaries shall be as shown on the Official Flood Plain Zoning Map. Within these districts, all uses not allowed as Permitted Uses or permissible as Conditional Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Planning Board.

2204 Floodway (Overlay) District (FW)

A. Permitted Uses

The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
2. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
4. Residential uses such as lawns, gardens, parking areas and play areas.
5. Such other open-space uses similar in nature to the above uses.

B. Conditional Uses

The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in

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Section 2208 - C. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.

1. Uses or structures accessory to open-space uses.
2. Circuses, carnivals, and similar transient amusement enterprises.
3. Drive-in theaters, new and used car lots, roadside stands, signs and billboards.
4. Extraction of sands, gravel and other materials.
5. Marinas, boat rentals, docks, piers and wharves.
6. Utility transmission lines and underground pipelines.
7. Other uses similar in nature to uses described in Section 2204 - A or B, which are consistent with the provisions of Section 2204 - C and the general spirit and purpose of this ordinance.

C. Performance Standards

All Floodway District uses allowed as a Permitted or Conditional Use shall meet the following standards.

1. No use shall be permitted in the Floodway District that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
2. All uses within the Floodway District shall:
 - a. Be consistent with the need to minimize flood damage.
 - b. Use construction methods and practices that will minimize flood damage.
 - c. Use construction materials and utility equipment that are resistant to flood damage.
3. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
4. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
5. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
6. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.

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7. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
8. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
9. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

2205 Floodway Fringe (Overlay) District FF

A. Permitted Uses

All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

B. Performance Standards

All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards.

1. All structures shall:

- a. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.
- b. Use construction methods and practices that will minimize flood damage.
- c. Use construction materials and utility equipment that are resistant to flood damage.

2. Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access, which will be passable, by wheeled vehicles during the 100-year flood.

3. Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood proofed to such a level. When flood proofing is utilized, a professional engineer

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registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are flood proofed shall be maintained by the Administrator.

4. All new and substantially improved structures:

a. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

b. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

c. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-built homes:

a. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

b. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems:

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- a. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system as well as the discharge of effluent into floodwaters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
 - c. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.
 - d. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
 8. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
 9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
 10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access, which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Flood Plain (Overlay) District.
 11. Accessory Structures
 - a. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.
 - (1) The structure shall not be used for human habitation.

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- (2) The structure shall be designed to have low flood damage potential.
 - (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (4) The structure shall be firmly anchored to prevent flotation, which may result in damage to other structures.
 - (5) The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one foot above the 100-year flood level.
- b. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles

- a. Recreational vehicles are exempt from the requirements of Section 2204 – B - 5 of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
- (1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - (2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- b. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section IV B5 of this Ordinance regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

2206 General Flood Plain (Overlay) District FP

A. Permitted Uses

The following uses shall be permitted within the General Flood Plain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstructions, the storage of materials or equipment, excavation or alteration of a watercourse.

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
2. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

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3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
4. Residential uses such as lawns, gardens, parking areas and play areas.

B. Conditional Uses

Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in Section 2208 - C. All such uses shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100 year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

C. Performance Standards

1. All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (Section 2204).
2. All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (Section 2205).

2207 Shallow Flooding (Overlay) District (SF)

A. Permitted Uses

All uses within the Shallow Flooding District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.

B. Performance Standards

The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:

1. In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum flood proofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.
2. In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum flood proofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

2208 Administration

A. Appointment, Duties and Responsibilities of Zoning Administrator

1. The Building Inspector is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
2. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
 - a. Review all flood plain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - b. Review flood plain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.
 - c. Record and maintain a record of (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been flood proofed.
 - d. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
 - e. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
 - f. Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
 - g. Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
 - h. Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the City Council of potential conflict.

B. Flood Plain Development Permit

1. Permit Required - A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
2. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

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- a. Description of the work to be covered by the permit for which application is to be made.
 - b. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - c. Indication of the use or occupancy for which the proposed work is intended.
 - d. Elevation of the 100-year flood.
 - e. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood proofed.
 - f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - g. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
3. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the City Board of Adjustment.
 4. Construction and Use to be as Provided in Application and Plans - Flood Plain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

C. Conditional Uses, Appeals and Variances

1. Appointment and Duties of Board of Adjustment - A Board of Adjustment is hereby established which shall hear and decide (i) applications for Conditional Uses upon which the Board is authorized to pass under this ordinance, (ii) appeals, and (iii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.
2. Conditional Uses - Requests for Conditional Uses shall be submitted to the Administrator, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

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3. Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
4. Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - a. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - b. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - c. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - e. All variances granted shall have the concurrence or approval of the Department of Natural Resources.
5. Hearings and Decisions of the Board of Adjustment
 - a. Hearings. Upon the filing with the Board of Adjustment of an Appeal, an application for a Conditional Use or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

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b. Decisions. The Board shall arrive at a decision on an Appeal, Conditional Use or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Conditional Use or Variance, the board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in Section 2208 - C - 5 - b - (2).

(1) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (b) The danger that materials may be swept on to other land or downstream to the injury of others.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (e) The importance of the services provided by the proposed facility to the City.
- (f) The requirements of the facility for a flood plain location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwater expected at the site.
- (l) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
- (m) Such other factors which are relevant to the purpose of this Ordinance.

Special and Overlay Districts

- (2) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
 - (a) Modification of waste disposal and water supply facilities.
 - (b) Limitation of periods of use and operation.
 - (c) Imposition of operational controls, sureties, and deed restrictions.
 - (d) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
 - (e) Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
6. Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

2209 Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
 1. If such use is discontinued for 24 consecutive months, any future use of the building premises shall conform to this Ordinance.
 2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 3. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance.
- B. Except as provided in Section 2209 – A - 2, any use, which has been permitted, as a Conditional Use or Variance shall be considered a conforming use

2210 Penalties for Violation

Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Conditional Uses or Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent the City of Carter Lake from taking such other lawful action as is necessary to prevent or remedy violation.

2211 Amendments

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

2212 Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

A

B

BASE FLOOD - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

BASEMENT - Any enclosed area of a building, which has its floor or lowest level below ground level (sub grade) on all sides. Also see "lowest floor."

C

D

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

E

EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as "existing structure".

EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by the community.

Special and Overlay Districts

EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

F

FACTORY-BUILT HOME - Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

FACTORY-BUILT HOME PARK - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

FLOOD ELEVATION - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of floodwaters related to the occurrence of the 100-year flood.

FLOOD INSURANCE RATE MAP (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study, which delineates both the flood hazard areas and the risk premium zones applicable to the community.

FLOOD PLAIN - Any land area susceptible to being inundated by water as a result of a flood.

FLOOD PLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood proofing and flood plain management regulations.

FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

FLOODWAY - The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

FLOODWAY FRINGE - Those portions of the flood plain, other than the floodway, which can be filled, levied, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

G

H

HISTORIC STRUCTURE - Any structure that is:

- a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

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LOWEST FLOOR - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section VI B4(a) of this Ordinance and
- b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
- c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
- d. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

M

N

Special and Overlay Districts

NEW CONSTRUCTION - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

NEW FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of flood plain management regulations adopted by the community.

Q

ONE HUNDRED (100) YEAR FLOOD - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

P

Q

R

RECREATIONAL VEHICLE - A vehicle, which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

S

SPECIAL FLOOD HAZARD AREA - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

START OF CONSTRUCTION - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling,

Special and Overlay Districts

floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any improvement to a structure, which satisfies either of the following criteria:

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
2. Any addition, which increases the original floor area of a building by 25 percent or more. All additions constructed after February 4, 2005 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

T

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V

VARIANCE - A grant of relief by a community from the terms of the flood plain management regulations.

VIOLATION - The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

W

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Z

SECTION 23

SUPPLEMENTAL USE REGULATIONS

2301 Purpose

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in other sections of this Ordinance.

2302 Supplemental Use Regulations: Residential Uses

Table 2302

Group Residential Density by Zoning District

Zoning District	Terms of Permitted Use	Maximum Number of Unrelated Persons in Structure	Minimum Floor Area per Resident (square feet)	Minimum Site Area per Resident
R-3	By Right	10	400	1,000
C/L	Conditional	10	350	850
C-1	Conditional	6	350	1,000
C-2	Conditional	10	350	850

a. Mobile Home Parks in the RM District

Mobile Home Parks and mobile home residential use are permitted in the RM District. Such use may be configured in a Mobile Home Park or Mobile Home Subdivision. Following the effective date of this Ordinance, no mobile home shall be located outside of a Mobile Home Park or Mobile Home Subdivision. A Mobile Home Park is subject to compliance with the following regulations:

1. Certification

A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be required of all Mobile Home Parks.

2. Minimum and Maximum Area

A Mobile Home Park shall be considered to be one zoned lot. The contiguous area of a Mobile Home Park shall be no less than two acres nor more than ten acres.

3. Density Requirements

(a) The maximum gross density of a Mobile Home Park shall be 6 units per acre.

(b) The minimum size of an individual mobile home space shall be 6,000 square feet.

Supplemental Use Regulations, Landscaping, and Parking

(c) Each mobile home space shall have a width of at least 50 feet and a length of at least 70 feet.

4. Site Development Standards

(a) Setbacks: Each Mobile Home Park shall have a minimum perimeter setback of 35 feet. No space for a dwelling unit or any other structure shall be permitted in the required setback.

(b) Setback landscaping: All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Section 25 of this Ordinance. Screening shall be provided in conformance with Section 25 for any common property line with another non-residential use.

(c) Impervious Coverage: Impervious coverage for a Mobile Home Park shall not exceed 60 percent of the total site area.

(d) Open Space: Each Mobile Home Park shall provide a minimum of 300 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.

(e) Separation Between Mobile Home Units: The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 20 feet.

(f) Separation and Setbacks for Accessory Buildings: An accessory building on a mobile home space maintains a minimum rear and side yard setback of five feet. A minimum distance of ten feet shall be provided between any mobile home and an unattached accessory building.

5. Street Access and Circulation Requirements

(a) Access to Public Street: Each Mobile Home Park must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.

(b) Vehicular Circulation: The Mobile Home Park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be 28- feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a radius at the outside of the pavement of at least 25-feet and a radius at the outside of the right-of-way of at least 40-feet. No such cul-de-sacs may exceed 600 feet in length.

(c) Separation between Units and Circulation Areas: The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be ten feet.

(d) Sidewalks: Each Mobile Home Park shall provide a sidewalk system to connect each mobile home space to common buildings or community facilities constructed for the use of its residents; and to the fronting public right of way. Sidewalk width shall be at least four feet.

(e) Street and Sidewalk Standards: All internal streets shall be asphalt or concrete and sidewalks shall be concrete. Electric street lighting is required along all internal streets.

Supplemental Use Regulations, Landscaping, and Parking

(f) **Parking Requirements:** Each Mobile Home Park must provide at least two off-street parking stalls for each mobile home space.

6. **Utilities**

(a) All Mobile Home Parks shall provide individual units and common facilities with an adequate, piped supply of hot and cold water for both drinking and domestic purposes; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space.

(b) Complete water and sewer service shall be provided within each Mobile Home Park in accordance with the Subdivision Chapter of the Land Development Ordinance.

(c) Properly spaced and operating fire hydrants shall be provided for proper fire protection within each Mobile Home Park in accordance with the Subdivision Chapter of the Land Development Ordinance.

(d) All electric, telephone, gas, and other utility lines shall be installed underground.

7. **Financial Responsibility:** Each application for a Mobile Home Park shall include a demonstration by the developer of financial capability to complete the project, and a construction schedule.

8. **Completion Schedule:** Construction must begin on any approved Mobile Home Park within one year of the date of approval by the Planning Board and City Council. Such construction shall be completed within two years of approval, unless otherwise extended by the Board.

9. All other uses and provisions of the Carter Lake Mobile Home Park regulations are incorporated herein by reference. These provisions include tie-down and other structural requirements included in the Carter Lake Municipal Codes.

b. Mobile Home Subdivisions in the MH District

1. Mobile Home Subdivisions shall be developed in accordance with all standards and requirements set forth in the Subdivision Chapter of the Land Development Ordinance of Carter Lake. Site development regulations shall be the same as those required in the R-2 Zoning District. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.

2. Mobile home units within Mobile Home Subdivisions shall be built in accordance with the minimum design standards of the US Department of Housing and Urban Development and display a certification of such compliance. All units shall be installed on a permanent foundation with complete removal of wheels and towing packages.

c. Retirement Residence

1. Maximum Floor Area Ratio is 0.5 for buildings up to and including three stories, 0.75 for buildings from 4 to 6 stories, and 1.0 for buildings over 6 stories. Number of living units and occupants is determined by Floor Area Ratio rather than site area per unit regulators.

Supplemental Use Regulations, Landscaping, and Parking

2. Any action that would result in occupancy of the project by persons less than retirement age requires approval by the City Council following a recommendation by the Planning Board.

2303 Supplemental Use Regulations: Civic Uses

a. Clubs

Clubs located adjacent to residential uses shall maintain a buffer yard of not less than fifteen feet along the common boundary with such residential use.

b. Group Care Facilities and Group Homes

1. Each group care facility or group home must be validly licensed by either the State of Iowa or the appropriate governmental subdivision.

2304 Supplemental Use Regulations: Commercial Uses

a. Auto Service, Repair, Equipment Repair, and Body Repair

1. Where permitted in commercial districts, all repair activities, including oil drainage, must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-way. Screening is subject to provisions of Section 25 of this Ordinance.

2. Any spray painting must take place within structures designed for that purpose and approved by the Building inspector.

3. All entrances and exits serving gasoline service station, convenience store offering gasoline sales, or automobile repair shop shall be at least 150 feet from a school, public park, religious assembly use, hospital, or residential use, as measured along any public street. Such access shall be at least 40 feet away from any intersection.

4. All gasoline pumps shall be set back at least fifteen feet from any street line.

b. Auto Washing Facilities

1. Each conveyor-operated auto washing facility shall provide 100 feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side.

2. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.

c. Automobile and Equipment Rental and Sales

1. All outdoor display areas for rental and sales facilities shall be brick pavers, asphalt, or concrete.

2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

Supplemental Use Regulations, Landscaping, and Parking

d. Construction Sales and Service

Retail home improvement stores and centers may include outdoor storage of materials and must comply with the following conditions:

1. Architectural design and materials shall be consistent with the current or projected character of the surrounding area.
2. All outside storage or display of merchandise or other materials or equipment shall be screened from view at eye level from a public street or adjacent property.
3. All storage buildings with overhead doors, drive openings, or open bays and all loading areas shall be fully screened from view at eye level from a public street or adjacent property.
4. Minimum screening shall be consistent with screening standards set forth in Section 25.
5. All areas not occupied by buildings or landscaping shall be paved with concrete or asphalt.

e. Convenience Storage

When permitted outside of the M-2 District, convenience storage facilities shall be subject to the following additional requirements:

1. The minimum size of a convenience storage facility shall be one acre.
2. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
3. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
4. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
5. No storage buildings may open into required front yards.
6. Facilities must maintain landscaped buffer yards of 35 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Section 25.

f. Kennels

1. The minimum lot size shall be two acres.
2. No building or dog runs shall be located nearer than 100 feet from any property line and 500 feet to the property line of any residential use or district.
3. All kennel facilities shall be screened around their parameters or at the property lines to prevent distracting or exciting animals. Screening shall be of a type provided by Section 25, establishing landscape and screening standards.

Supplemental Use Regulations, Landscaping, and Parking

g. Marinas

A boat marina, including related commercial sales, boat service, and amphibious events of sport, skill, or exhibition, shall be located at least 100 feet from the boundary of any residential district, unless such marina is developed as part of a mixed use or planned unit development, as established by Sections 19 and 20.

h. Restricted (Adult Entertainment) Businesses

See chapter 166 of the Code of Ordinances of the City of Carter Lake, Iowa 2006 entitled "Sexually Oriented Businesses".

2305 Supplemental Design Standards for Non-Residential Districts

- a. Window area on each street-facing facade shall be equal to at least 20% of the area of that facade.
- b. Each site design shall provide a clear and safe method of pedestrian circulation along the street right-of-way and between the street right-of-way and a principal customer entrance of the business.
- c. Site Design Criteria
 1. Buildings shall be oriented so that drive through canopies, overhead doors, loading docks or open bays face away from the street. When utilized, such elements shall be designed as part of the overall building and screened from the highway or streets.
 2. Decorative site elements and streetscape elements, e.g. sidewalks and plazas, sculptures, monuments, fountains, clock towers, landscape lighting, brick pavers, modular paving, and decorative concrete, shall be used within the interior of developments to provide visual continuity throughout the development area and to define special purpose areas.
 3. Decorative architectural accent lighting, landscape lighting, and pedestrian light poles shall be located at primary entrances and shall be located throughout business park, mixed use, commercial, and residential developments.
 4. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged so as to deflect light away from any adjoining property and from public streets through fixture type, height (with a recommended limit of 35 feet), and location. Exterior lighting of buildings should be limited to low level incandescent spotlights, floodlights, and similar illuminating devices hooded in such a manner that the direct beam of any light sources will not glare upon adjacent property or public streets. Exceptions may be considered for sports and athletic field lighting, flagpole lighting, public street lighting, temporary lighting for seasonal/holiday or special events, and lighting used for public safety.
 5. Storm water detention areas should be designed to create high quality focal points or entrance features.
 6. Developments should preserve natural and scenic areas. Natural physical features, including existing vegetation and mature trees, should be preserved to the maximum extent possible and should be incorporated into new developments. Stream valleys and floodplains are encouraged to be protected and maintained as open space, greenways, and/or parks. All site designs should incorporate public access to these areas.

Supplemental Use Regulations, Landscaping, and Parking

7. The internal transportation network for a development should be designed to accommodate all modes of transportation and must consist of interconnecting streets and blocks with respect to the natural landscape. The internal network should provide alternate routes to every destination to diffuse traffic. Numerous linkages between properties should be incorporated into the design of development plans, unless prevented by topography or other physical conditions.
8. All buildings and open space in each development shall be connected to adjacent developments by sidewalks or trails. An internal system of sidewalks or paths shall be provided that makes clear and direct connections between buildings, pad sites, and adjacent developments.
9. Interior pedestrian crosswalks shall be delineated with decorative material.

d. Building Design and Material Criteria

1. The primary materials used in the construction of primary exposure facades shall be clay face brick, glaze face brick, architectural faced concrete block (integrally colored, stained or painted,) glazed face concrete masonry units (cmu), burnished face concrete masonry units (cmu), calcium silicate masonry, or stone shapes of natural or manufactured stone.
2. Facades facing interior distribution/loading courts, service courts or other areas generally not visible to the public, regardless of occupancy or function, may be of standard faced non-architectural concrete masonry (integrally colored, stained or painted), stacked or running bond or non-architecturally finished structural pre-cast concrete panels (integrally colored, stained or painted.) Painted metal may be used as a secondary material. (No more than 40% of the covered area.)
3. Window canopies and awnings, where appropriate, shall be constructed of materials complimentary to the building. Materials with a synthetic or plastic appearance are discouraged. Indirect lighting of window canopies/awnings is preferred to backlighting.
4. Architectural styles and themes should remain similar and harmonious within individual developments along the corridor. This does not mean that all buildings should look identical; rather, each should have similar qualities and architectural elements. Within each individually planned development, consistent architectural design, including building materials and colors, should be carried throughout all buildings. Designs that provide visual interest and variety, yet are consistent with the theme, are desired.
5. Human scale shall be created by building massing and form, as well as the use of architectural elements such as canopies or porticos, arcades, colonnades, street-level window displays, raised landscape planters, pedestrian level lighting, and special building material treatments at the base of the building.
6. Building facades or walls that face a public street shall not have a blank, uninterrupted length exceeding fifty (50) feet without including at least two (2) of the following design elements: a change in plane a minimum of five-feet, a change in texture or masonry pattern, windows, or an equivalent element, such as accent materials that subdivide the wall into human scale proportions.

Supplemental Use Regulations, Landscaping, and Parking

7. The roof design shall provide variations in rooflines to add interest to, and reduce the scale of buildings. Roofs shall include two (2) or more roof planes with a pitch of at least 5/12 or shall be enclosed by parapet walls if the pitch is less than 5/12.
8. Loading docks and other service areas shall be incorporated into the building design, and screened or located in a manner so as not to be readily visible from public spaces.
9. Any exterior trash receptacle areas shall be designed to be integral to the building design, of similar materials, and adjacent to the building whenever possible.

e. Screening Requirements

Site plans or landscaping plans shall include details regarding enclosure and screening methods, as required below. The phrase “screened from public view: means not visible to the extent possible, at any distance, from adjoining properties or any street right-of-way.

1. Refuse and Recycling Receptacles and Enclosures. All waste and recycling receptacles should be stored within the principal structure or within an accessory enclosure area, subject to the following:
 - a. The enclosure shall be located adjacent to the structure whenever possible.
 - b. The exterior wall treatment of the enclosure should be of similar color and materials as the principal structure. Exterior walls should be at least six (6) feet in height.
 - c. The enclosure must be accessible to waste and recycling collections vehicles.
2. Mechanical and Other Equipment. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utility meter banks, and coolers shall be screened from public view with landscaping or with an architectural treatment compatible with the building’s architecture.
3. Rooftop Equipment. All rooftop equipment shall be screened from public view with an architectural treatment that is compatible with the building’s architecture and integral to the overall appearance of the building. The methods of screening rooftop equipment include, but are not limited to, encasement or partition screens. Equipment screens are required to be at a height that is as high as or higher than the equipment that is being screened. Exceptions may be permitted to the screening requirements in cases where one of the following criteria is shown to exist:
 - a. A building is located at a high elevation in relation to surrounding properties and it is clearly demonstrated that rooftop equipment will not be visible.
 - b. A building is located within the middle of an industrial development and rooftop equipment will not be visible from arterial roadways or residential properties, nor will it have a negative impact upon any sensitive areas or scenic view or vistas.
 - c. A building is sited in such a manner that the location and setback of rooftop equipment from the building edge, in relation to the elevation and visibility of surrounding properties, is such that the equipment will not be visible from any distance.

Supplemental Use Regulations, Landscaping, and Parking

- f. Outdoor Storage. Outdoor storage or display of merchandise, equipment, or garden center items is prohibited except for within screened display areas that are integral to the primary building. Such areas shall be screened from view of public right-of-way and surrounding residential or public use areas, as follows:
 1. The display area design shall be entirely integrated into the appearance of the building. The display area walls and/or columns shall be constructed of the same materials as the primary building façade.
 2. Screening fences or walls, when utilized, shall be constructed of attractive, permanent finished materials, compatible with those used in the construction of the principal structure. The recommended fencing material for display areas is wrought iron. Chain link fencing and plastic sheeting are prohibited.

2306 Supplemental Use Regulations: Industrial Uses

a. Salvage Services

1. Screening:
 - (a) The perimeter of each new facility shall be fully enclosed by opaque, freestanding fencing or screen walls. Minimum height of this enclosure shall be eight feet. Any such enclosure shall be constructed behind required landscaped buffer yards.
 - (b) Each existing salvage services facility shall be screened as provided above within one year of the effective date of this Ordinance.
2. Storage of materials within any salvage services facility shall not be higher than the height of the surrounding screen fence or wall.
3. No new Salvage Services use may be established within the city limits.

2307 Performance Standards in Industrial Districts

a. Uses in the M-1 District: Performance Standards

The following performance standards apply to all industrial uses permitted within a M-1 Limited Industrial zoning district:

1. Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored outside. Normal daily inorganic wastes may be stored outside in containers, provided that such containers are not visible from the street.
2. Fire Hazard: No operation shall involve the use of highly flammable gases, acid, liquids, or other inherent fire hazards. This prohibition shall not apply to the normal use of heating or motor fuels and welding gases when handled in accordance with the regulations of Pottawattamie County and the City of Carter Lake.
3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: No operation in the M-1 district shall generate sound levels in excess of those specified in Table 2308 at the

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boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.

4. Sewage and Wastes: No operation shall discharge into a sewer, drainage way, or the ground any material that is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.

5. Air Contaminants: No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance, or annoyance to the public in general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.

Particulate matter measured at the point of emission by any generally accepted method shall not be emitted in excess of 0.2 grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

6. Odor: The emission of odors determined by Health Inspector to be obnoxious to most people shall be prohibited. Such odors shall be measured at the property line of the operation.

7. Gases: No release of noxious or poisonous gases shall be permitted except as provided in this section. Maximum measurements taken at the property line of the operation shall not exceed 5 parts per million for sulfur dioxide, hydrogen sulfide, or carbon monoxide, or one part per million for nitrous fumes.

8. Vibration: All machines shall be mounted to minimize vibration. No vibration exceeding a displacement of 0.003 inch shall occur at the property line of the operation.

9. Glare and Heat: All glare generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five degrees Fahrenheit above the ambient air temperature.

10. Storage of Chemical Products: If allowed by Conditional Use Permit, below ground storage of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed 150,000 gallons when stored on one lot less than one acre. Such storage shall not exceed 25,000 gallons in any one tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 gallons shall be located at least 50 feet from any structure intended for human habitation and at least 200 feet from any residential, office, business park or commercial zoning district.

b. Uses in the M-2 District: Performance Standards

The following performance standards apply to all industrial uses permitted within a M-2 General Industrial zoning district:

1. Physical Appearance: Junk, salvage, auto wrecking, and similar operations shall be screened from view from streets and adjacent properties consistent with the screening standards of Section 25 and the requirements for salvage services contained in this section.

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2. Fire Hazard: All flammable substances involved in any activity established in the district shall be handled in conformance with the latest edition of the Fire Prevention Code published by the American Insurance Association and other city ordinances.
3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: No operation in the M-2 district shall generate sound levels in excess of those specified in Table 2308 at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.
4. Sewage and Wastes: No operation shall discharge into a sewer, drainage way, or the ground any material that is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
5. Air Contaminants: No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance, or annoyance to the public in general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.

Particulate matter measured at the point of emission by any generally accepted method shall not be emitted in excess of 0.2 grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

6. Odor: The emission of odors determined by the Health Inspector to be obnoxious to most people shall be prohibited. Such odors shall be measured at the property line of the operation.
7. Gases: No release of noxious or poisonous gases shall be permitted except as provided in this section. Maximum measurements taken at the property line of the operation shall not exceed 5 parts per million for sulfur dioxide or hydrogen sulfide, 25 parts per million for carbon monoxide, or five parts per million for nitrous fumes.
8. Vibration: All machines shall be mounted to minimize vibration and shall not interfere with industrial operations on neighboring lots. No vibration shall be perceptible on any adjacent lot in a residential zoning district.
9. Glare and Heat: All glare generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five degrees Fahrenheit above the ambient air temperature.
10. Storage of Chemical Products: Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 gallons shall be located at least 50 feet from any structure intended for human habitation and at least 200 feet from any residential, office, business park, or commercial zoning district.

2308 Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts

Table 2308 displays the maximum permitted sound levels that may be generated by uses in the C/L, C-1, C-2, BP, M-1, or M-2 zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

Table 2308

Maximum Permitted Sound Levels at Residential Boundaries

<u>Originating Zoning District</u>	<u>Time</u>	<u>Maximum One Hour Leq* (dbA)</u>
C/L, C-1, C-2, BP, M-1	7:00 a.m. - 10:00 p.m.	60
	10:00 p.m. - 7:00 a.m.	55
M-2	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 7:00 a.m.	55

* Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.

2309 Supplemental Use Regulations: Miscellaneous Uses

a. Communications, Microwave, and Cellular Towers

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

2. Applicability. Communication towers exceeding the maximum height allowed in the underlying zoning district to a maximum height of 125 feet are permitted in M1 and M2 zoning districts only, subject to approval of the minimum standards in the Chapter.

(a) The following types of communication towers are subject to the standards and procedure of this Chapter.

1. UHF, VHF and cable television
2. Am, FM and two-way radio
3. Fixed point microwave
4. Wireless communications, including but not limited to paging, cellular, enhanced specialized mobile radio (ESMR), and personal communications systems (PCS).

(b) An antenna and supporting structure for the following are exempt from the development standards of this Chapter and are allowed in any zoning district, if accessory to a permitted use and in compliance with other applicable regulations of that zoning district.

1. Amateur radios licensed by the FCC
2. Citizens band radios
3. Direct broadcast satellite discs
4. Conventional home television antennas, including UHF and VHF antennas

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- (c) Towers for police, fire and emergency communications or other municipal systems are exempt from the development standards of this section.
- (d) Towers attached to utility poles located in public right-of-way are exempt from the development standards of this Section. However, placement of such towers shall be subject to review and approval by the Maintenance Department and the appropriate utility.
- (e) Communication facilities to be co-located onto an existing legally established tower with no increase in height are exempt from the review procedures of this Section. However, documentation of the capacity of the structure to support weight or wind load from the additional equipment shall be provided to the Building Inspector prior to the issuance of a building permit.
- (f) Building-attached facilities, either roof mounted antennas or antennas attached to the side of a building are exempt from the standards and conditions of this section. These structures shall be subject to review for compliance with all applicable federal, state and local regulations by the Building Inspector, prior to issuance of any local permits. The City Council shall have the authority to approve placement of communication facilities proposed to be mounted on other structures such as water tanks, steeples or other creative locations, if it is determined that the proposed location is consistent with the facilities exempted from the procedures of this Section.

3. Accessory uses.

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

4. Site plan review procedure.

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

- 1. Legal description and location of the property with a scaled drawing with north arrow and date, showing the relationship of the parcel to the surrounding area.
- 2. A site plan showing all existing and proposed structures located within the property, total acreage of the parcel, dimensions and distances of all structures within the property and 200' beyond the property line.
- 3. Engineering information and drawings pertaining to tower design, building materials, accessory structures and attached equipment, capacity and the number and type of antennas.
- 4. A landscape plan including screening, fencing, lighting and security measures. Notice or proof of application to the Federal Aviation Administration, Federal Communications Commission and/or any other applicable state or federal regulator

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allowing a tower at the proposed location. Final notice shall be required prior to issuance of the building permit, if a conditional use permit is granted.

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

A. The type and purpose of the tower.

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

C. Minimum setbacks from all adjoining property equal to:

1. One hundred percent of the tower height from the base of the tower to any adjoining residential dwelling, whether located upon residentially zoned property or not.

2. Twenty (20) feet from the base of the tower to any adjoining lot that is not zoned for residential use.

3. The Zoning Board of Adjustment may reduce the required setbacks on a finding that such reduction will not adversely affect adjacent properties and is consistent with the purpose and intent of this Section.

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

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

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

G. Proximity to other towers and documentation of incompatibility with those towers attempts to co-locate and/or accommodate other providers of the proposed tower.

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

6. Additional regulations.

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

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

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C. After proper notice of a public hearing on the matter as required elsewhere in this title, the city Council may revoke a conditional use if it finds that the use is in violation of the terms of approval.

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

b. Wind Energy Conservation Systems (WECS)

1. The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the diameter of the rotor. A reduction of this requirement may be granted as part of a Conditional Use Permit approval if the Planning Board finds that the reduction is consistent with public health, safety, and welfare.

2. The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted as part of a Conditional Use Permit approval if the Planning Board finds that the reduction does not impede the operation of either WECS.

3. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.

4. A fence six feet high with a locking gate shall be placed around any WECS tower base; or the tower climbing apparatus shall begin no lower than twelve feet above ground.

5. The WECS is exempt from the height restrictions of the base district.

2310 Supplemental Use Regulations: Accessory Uses

a. Home-Based Businesses/ Home Occupations

Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:

1. External Effects:

(a) There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.

(b) No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right of way.

(c) The home occupation shall be carried on entirely within the principal residential structure.

(d) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.

(e) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.

(f) No home occupation shall discharge into any sewer, drainage way, or the ground any material that is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.

2. Employees: The home occupation shall employ no more than one full time or part time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee.

3. Extent of Use: For all residential zoning districts, the lesser of 25% of the floor area of the principal residential structure or 400 square feet may be devoted to the home occupation, inclusive of any detached accessory buildings used for the home occupation.

4. Signage: See Section 27 – Sign Regulations

5. Traffic Generation and Parking

(a) Home-based businesses may generate no more than 10 vehicle trips per day, corresponding to amount of traffic normally generated by a dwelling unit.

(b) Deliveries or service by commercial vehicles or trucks rated at ten tons or more gross empty weight is prohibited for any home-based business located on a local street.

(c) Parking needs generated by a home-based business shall be satisfied with off-street parking. No more than one vehicle used in connection with any home occupation shall be parked on the property. Such parking shall not be located in a required front yard.

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6. Prohibited Home-Based Businesses/Home Occupations: The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:

- (a) Animal hospitals.
- (b) Beauty and Barber Shops, except with a Conditional Use Permit. Such uses shall, as part of their application, demonstrate the adequacy of the sewer system that serves the use.
- (c) General retail sales.
- (d) Mortuaries.
- (e) Repair shops or service establishments including major electrical appliance repair, motorized vehicle repair, and related uses.
- (f) Stables or kennels.
- (g) Welding, vehicle body repair, or rebuilding or dismantling of vehicles.

b. Permitted Accessory Uses: Residential Uses

Residential uses may include the following accessory uses, activities, and structures on the same lot.

- 1. Private garages and parking for the residential use.
- 2. Recreational activities and uses by residents.
- 3. Home occupations, subject to Section 2310 - a of these regulations.
- 4. Non-commercial convenience services for the primary use of residents of multi-family uses or mobile home parks, including laundromats, clubhouses, and post offices.
- 5. Garage sales, provided that the frequency of such sales at any one location shall not exceed one during a continuous, two month period or four sales during any twelve month period.

c. Permitted Accessory Uses: Civic Use Types

Guidance Services and Health Care use types are permitted in the M-1 Limited Industrial zoning districts only as accessory uses to a primary industrial use.

d. Permitted Accessory Uses: Other Use Types

Other use types may include the following accessory uses, activities, and structures on the same lot:

- 1. Parking for the principal use.
- 2. Manufacturing or fabrication of products made for sale in a principal commercial use, provided such manufacturing is totally contained within the structure housing the principal use.

3. Services operated for the sole benefit of employees of the principal use.

2311 Supplemental Use Regulations: Outdoor Storage outside of the M1 and M2 Zoning Districts

Outdoor storage is prohibited in all zoning districts except zoning district, except the M1 and M2 zoning districts, except as provided in this section.

a. Civic Use Types

Outdoor storage is permitted only where incidental to municipal maintenance facilities.

b. Commercial Use Types

1. Outdoor storage is permitted where incidental to agricultural sales and service, auto rentals and sales, construction sales and service, equipment sales and service, and surplus sales.
2. Outdoor storage is permitted where incidental to Auto Services, Equipment Repair, and Body Repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Section 25. This provision shall apply to any Auto Services, Equipment Repair, or Body Repair use established after the effective date of this Ordinance.

c. Industrial and Miscellaneous Use Types

1. Outdoor storage is permitted where it is incidental to industrial uses within the M-1 zoning districts and is generally permitted in the M-2 district. Any such outdoor storage is subject to screening requirements.

2312 Supplemental Use Regulations: Temporary Uses

a. Purpose

These provisions are intended to permit occasional, temporary uses and activities, when consistent with the objectives of the Zoning Ordinance and compatible with surrounding uses. They are further intended to prevent temporary uses from assuming the character of permanent uses.

b. Temporary Use Types

The following temporary uses are permitted, subject to the regulations contained within these sections:

1. Model homes or apartments, if contained within the development to which they pertain.
2. Development sales offices. Such offices may remain in place until 90% of the lots or units within the development are sold and may not be located within a mobile home or manufactured home/structure.
3. Public assemblies, displays, and exhibits.

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4. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring non-profit organization or are located within a CBD or more intensive zoning district.
5. Outdoor art shows and exhibits.
6. Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
7. Construction site offices, if located on the construction site itself.
8. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month and are located in commercial or industrial zoning districts.
9. Construction Batch Plants in the C-2 or M-1 Districts, provided that:
 - (a) No plant may be located within 600 feet of a developed residential use, park, or school.
 - (b) The facility is located no more than one mile from its job site. The Building inspector may extend this distance to two miles if such extension avoids use of local streets by plant-related vehicles.
 - (c) Hours of operation do not exceed 12 hours per day or start before 7:00 AM.
 - (d) The duration of the plant's operation does not exceed 180 days.
10. Additional temporary uses that the Building inspector determines to be similar to the previously described uses in this section.

c. Required Conditions of All Temporary Uses

1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.
2. The Building inspector may establish other conditions that he/she deems necessary to ensure compatibility with surrounding land uses.

d. Permit Application and Issuance

1. An application to conduct a temporary use shall be made to the Building inspector and shall include at a minimum a description of the proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.
2. The Building inspector may authorize a temporary use only if he/she determines that:
 - (a) The use will not impair the normal operation of a present or future permanent use on the site.

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- (b) The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.
- 3. The duration of the permit shall be explicitly stated on the permit.
- 4. Decisions of the Building inspector may be appealed to the City Council.

SECTION 24
SUPPLEMENTAL DEVELOPMENT REGULATIONS

2401 Purpose

The Supplemental Site Development Regulations establish basic requirements for developable lots, including frontage requirements. They recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this Ordinance and provide for specific areas of exception.

2402 Required Street Frontage

Except as permitted below, any lot used in whole or part for residential purposes shall provide a minimum frontage of 20 feet along at least one public street or right-of-way, or shall possess an exclusive, uninterrupted private easement of access or right of way at least 20 feet wide to a public street. There shall not be more than one single-family housing unit for such frontage or easement. A common easement of access at least 40 feet in width may be provided for two or more single-family units or for one or more duplex, two-family, townhouse, or multiple-family housing units.

2403 Lot Size Exceptions

In any district permitting residential use types, a single-family use type may be located on any lot or plot of official record but nonconforming in size as of the effective date of this Ordinance, regardless of its area or width, but subject to the following requirements:

- a. The sum of the widths of the side yards of such lot shall be the lesser of those required by the district regulations or 25% of the width of the lot. No single side yard shall be less than 10% of the width of the lot. This exception does not apply to street side yards.
- b. The depth of the rear yard of such lot need not exceed 20% of the depth of the lot, but shall not be less than 20 feet.
- c. If two or more such adjacent lots are combined under single ownership, the resulting combined lots shall be treated as a single lot for purposes of applying these setback requirements.

2404 Setback Adjustments

a. Lots Adjoining Alleys

In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no residential structure may be nearer than three feet to the near side of the alley.

b. Encroachments on Required Yards

Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

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1. Architectural projections, including roofs that cover porches, enclosed porches, windowsills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project three feet into a required yard.
2. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than three feet above or below the adjacent ground level may project six feet into a required front yard or ten feet into a required rear yard. However, all such projections must be set back at least five feet from an adjacent side lot line or twenty feet from any street property line.
3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 feet into required yards provided that they do not obstruct the light and ventilation of adjacent buildings.
4. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
5. Accessory buildings are subject to all site development regulations of its zoning district, except as provided below:
 - (a) Side Yards: An accessory building may be located a minimum of five feet from the side lot line of the property if it is located between the rear building line of the principal building and the rear property line and is under 15 feet in height. An additional one-foot setback is required for every two feet above 15 feet in height, up to the minimum requirements of the zoning district.
 - (b) Front Yards: No accessory building may be located between the front building line of the principal building and the front property line.
 - (c) Rear Yard: The minimum rear yard setback for accessory buildings shall be 5 feet. This minimum rear yard setback shall be increased to 20 feet if the accessory building is a garage with a vehicular entrance door that is directly oriented toward an alley. Double-frontage lots shall require front-yard setbacks along both street frontages. Easements may be incorporated into these required setbacks. No accessory building shall be located within any easement or right-of-way along the rear property line.
 - (d) Street Yards: No accessory building shall be located within 20 feet from any street right-of-way line.
 - (e) Maximum Size: No accessory building other than a garage shall exceed 200 square feet, or 1.5% of total lot area, whichever is larger, within the R-1, R-2, R-3, R/CC, and RM zoning districts, providing that the necessary building permit is obtained. The maximum size of a detached garage for a single-family detached, single-family attached, or duplex residential uses shall not exceed 720 square feet, or 25% of the building coverage of the main residential structure, whichever is larger. All accessory buildings on a site, taken together, must comply with the building coverage requirements for the zoning district and shall not occupy more than 30% of any required rear yard. Any individual accessory structure with an area over 120 square feet shall require a building permit and shall utilize exterior materials and building design consistent with the character of the primary structure.

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- (f) Height: In residential districts, the maximum height shall be 16 feet for any accessory building.
- (g) Separation from Other Buildings: No accessory building shall be placed within ten feet of any other building on its own property or any adjacent properties.
- (h) Attached Accessory Structures: Any accessory structure physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.
- (i) Effect on Adjacent Properties: If an adjacent lot is built upon, any accessory building that utilizes any setback adjustment permitted by this section must be entirely to the rear of the front building line of any principal building on such adjacent lot. No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.
- (j) Hazards: Any accessory use that creates a potential fire hazard shall be located a minimum of 10 feet from any residential structure. Such uses include but are not limited to detached fireplaces, barbecue ovens, or storage of flammable materials.
- (k) No accessory building shall be built upon any lot until construction of the principal building has begun.

6. Swimming pools shall be subject to the same location and setback requirements as accessory buildings.

7. Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet from property lines. The spread of a flag when fully extended shall not extend onto public right-of-way.

8. Garage Setbacks: Any garage that fronts on a public street must be set back at least 20 feet from such street, regardless of the setback requirement within the zoning district. This shall not be interpreted to waive a larger required minimum setback required by the zoning district.

c. Setbacks on State and Federal Highways

Notwithstanding any other provision of this ordinance, all buildings built or altered, or off-street parking areas developed along a state or federally designated highway shall maintain a setback equal to the greater of 50 feet from the centerline of the road or 35 feet from the front property line.

Lots of record under five acres in size; lots of record duly platted and approved prior to the effective date of this Ordinance; or lots in which a properly dedicated and accepted frontage road right-of-way exists are exempt from these provisions and are instead subject to the setback requirements of their respective zoning district.

d. Setback Adjustments

- 1. Setbacks on Built-Up Block faces

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These provisions apply if thirty percent or more of the buildings on that block face have front yard setbacks different from those required for the specific district.

- (a) If a building is to be built on a parcel of land within 100 feet of existing buildings on both sides, the minimum front yard shall be the mean setbacks of the adjacent buildings.
- (b) If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.
- (c) If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the mean setback of all existing buildings on the block face.
- (d) No setback adjustment pursuant to this section shall create a required front yard setback more than five feet greater than that otherwise required by the applicable zoning district.

2. Corner Lots

- (a) Required setbacks shall not reduce the buildable width of any corner lot to less than 24 feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.
- (b) No setback adjustment shall permit encroachment into the vision clearance triangle.

e. Rear Yard Exceptions - Residential Uses

When an irregular lot is used for residential purposes, the rear yard may be measured as the average horizontal distance between the building and rear lot line, provided that the minimum setback shall not be less than sixty percent (60%) of the rear yard required by the zoning district.

f. Double Frontage Lots

Residentially zoned double frontage lots on a major street and with no access to that street may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.

g. Satellite Antennas

1. Each residence shall have no more than one satellite antenna.
2. Antennas with a surface area larger than 6.3 square feet that are accessory to a primary use and are designed to receive and transmit electromagnetic signals, or to receive signals from satellites, shall not be located within any front yard of the primary use.
3. Antennas with a surface area of larger than 6.3 square feet are subject to the following additional regulations:
 - (a) Such antennas shall be located at least ten feet from the property line of an adjacent property line.
 - (b) The maximum diameter shall be 3 feet.

h. Vision Clearance Zones

No structure, including a fence, shall be built to a height of more than two feet above the established curb grade on the part of the lot within a vision clearance zone. The vision clearance zone shall be a triangle measured from the point of intersection of the curb or edge line of the streets to a point 40 feet in each direction from the intersection along such street lines. At the intersection of major streets as defined in the Comprehensive Development Plan, the 40-foot distance shall be increased to 60 feet. No landscaping shall be planted in such area that will materially obstruct the view of drivers approaching the street intersection.

2405 Height Exceptions

These provisions allow exceptions to the height limit of any zoning district in certain situations.

a. Vertical Projections

1. Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25 percent of total roof area, flag poles, stage towers or scenery lofts, and water towers may be built to any height in accordance with existing and future ordinances.
2. Any such equipment or vertical projections attached to a building and exceeding the height limit shall be screened to prevent visibility from public right-of-way or adjacent property using materials or design features that are consistent with the overall design of the main building.
3. No such projection may be built which in the event of failure could constitute a hazard or fall onto either public right-of-way or property, or onto another private property

b. Civic Buildings

Buildings housing civic use types may be built to a maximum height of 60 feet. Such buildings located in residential districts shall be set back one foot in addition to required setbacks from each property line for each foot of height over the maximum height of the zoning district.

c. Wind Energy Conservation Systems (WECS)

Wind Energy Conservation Systems are exempt from the height restrictions of the base district but are subject to the regulations of Section 2309 – b.

d. Conditional Use Approvals

The Planning Board may grant an exception from the height limit for a zoning district for a Conditional Use as part of its approval of that use. The limit or extent of this exception shall be a specific part of the Conditional Use Permit.

2406 Fence Regulations

a. Location Restriction

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1. Unless otherwise provided by this Ordinance or other sections of the Carter Lake Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines or tract outside the surveyed lot lines.
2. No fence shall be built by a private party on public land without the specific prior approval of the City. Removal of any such fence shall be at the expense of its owner.

b. Applicability

The regulations contained in Section 2406 apply to all fences with a height above grade of 30 inches and over.

c. Required Openings

Unless otherwise provided by this Ordinance or other sections of the Carter Lake Municipal Code, any fence built on residential property within required front or street side yards shall contain openings constituting no less than 50 percent of the surface area of the fence.

d. Sight Obstruction at Street Intersections

No fence or hedge permitted or required by this article or other sections of the Carter Lake Municipal Code shall be built to a height of more than three feet above the established curb grade on the part of the lot within a vision clearance zone. The vision clearance zone for fence construction shall include:

1. At street intersections, a triangle measured from the point of intersection of the street edge lines of the streets to a point 40 feet in each direction from the intersection along such street edge lines. At the intersection of major streets, the 40-foot distance shall be increased to 60 feet. No landscaping shall be planted in such area that will materially obstruct the view of drivers approaching the street intersection.
2. At intersections of a sidewalk and alley or non-residential driveway or parking lot access, a triangle whose legs extend 10 feet back from the sidewalk along the alley or driveway, and 20 feet parallel to and along the back of the sidewalk back from the intersecting alley or driveway.

e. Facing

The finished surfaces of any fence shall face toward adjacent properties and street frontage.

f. Effect on Adjacent Properties and Drainage

1. Fences shall be erected and maintained so as to avoid limiting or obstructing the flow of water in natural drainage courses, or drainageways created within easements.

g. Fence Construction on Public Utility Easements

Any fence erected on a tract of land subject to an easement for the construction, maintenance, operations, or replacement of any water, sanitary or storm sewer, gas line, electric power, telephone, or other utility poles, or other cables or lines shall be designed and constructed to be readily removable to permit the use of the easement. Such fences shall be subject to removal by request of the owner of the easement whenever necessary to permit access. The cost of removal or replacement shall be the responsibility of the owner of the fence.

h. Barbed Wire

It shall be unlawful for any person, firm, association or corporation to use barbed wire to enclose land within the City limits without the consent of the City Council unless such land consists of ten (10) acres or more and is used as agricultural land.

i. Encroachments

It is unlawful for any person, firm, association or corporation to encroach upon or to place a fence upon any City street, avenue, public way or City property. A survey shall be required and filed with the City Clerk showing that a proposed fence does not encroach upon any City street, avenue, public way or City property.

j. Protective Fences around Swimming Pools

Protective fences around swimming pools shall be compliant with the terms listed under the following section (i. Residential Fences). Any gate on a protective fence shall be lockable and maintained in a locked state when the pool is not in use.

k. Fences

1. When located within a front yard shall not exceed four feet (4') in height measured from the adjacent ground level;

2. When located in a rear yard, six-foot (6') privacy fences shall be allowed from the rear of the house to the rear property line, height measured from the adjacent ground level.

a. When yard abuts the lake, it is unlawful for any person, firm association or corporation to build, construct or maintain a solid six-foot (6') privacy fence in their lakeside yard. No application can be made to the Board of Adjustment for the establishment of a privacy fence on above said properties, exception for required six-foot (6') fence around pools.

3. When located in a side yard, six-foot (6') privacy fences shall be allowed from the rear of the house to the front of the house only by special permit from the Board of Adjustment. Height to be measured from the adjacent ground.

a. When yard abuts the lake it is unlawful for any person, firm, association or corporation to build, construct or maintain a solid six-foot (6) privacy fence in their side yard. No application can be made to the Board of Adjustment for the establishment of a privacy fence on above said properties.

4. Fences shall be located so no part thereof is within one foot (1') of any alley or street right-of-way line.

a. Except in areas where streets or alleys have no curb and gutter, fences shall be located no closer than five foot (5') from the edge of alley or street surface to allow for snow removal. No application to the Board of Adjustment or the City Council can be made to place such fences closer to the edge of the alley or street surface.

5. No portion of any fence shall exceed six feet (6') in height, measured from the adjacent ground.

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6. Corner lots – Privacy fences on corner lots and double corner lots shall only be allowed directly behind the residence and not be allowed along side yards.
7. Fence installation – It is unlawful for any person, firm, association or corporation to build, construct or maintain any fence of any kind unless the poles/posts are on the inside of the fence facing the property upon which the fence is being installed, and the finish side of the fence shall be placed on the side of the poles/posts facing the property other than the property of the owner.
8. Exception for the Carter Lake Club Area – In the historic and unique district known as “The Carter Lake Club” area, fences as described above may be installed where no neighbors view of the lake is impeded by said fence.
 - a. Fences installed along “Club Area” sidewalks may be installed on city right-of-way with City Council permission at a distance from said sidewalk to be determined by the City Council.
9. Swimming pools, dog runs and fence gates.
 - a. An outdoor swimming pool with a depth of eighteen inches (18”) or more, the edge of which is less than four feet (4’) above grade, shall be completely surrounded by a fence not less than six feet (6”) in height. The fence shall be so constructed as not to allow a four-inch (4”) diameter sphere to pass thru the fence. A principal or an accessory building or a retaining wall may be used as a part of such enclosure.
 - b. Dog runs shall be enclosed by a fence of sufficient height and construction to contain the dog at all times. A closed top shall be installed if necessary to contain the dog.
 - c. All gates or doors opening through an enclosure to a pool or a dog run 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, except the door of any building which forms a part of the enclosure need not be so equipped. The Building inspector may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute device or structure is not less than the protection afforded herein.

10. Materials

- a. Fences shall be constructed of wood, chain-link, PVC/resin, stone or masonry materials, or ornamental metals only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence. Wire mesh fences may be permitted to enclose tennis courts and game and recreation areas on public land and residential lots.

I. Civic, Office, Commercial, and Industrial Fences

Fences constructed in commercial and industrial districts are subject to the following special provisions:

1. The maximum height of a fence for any permitted use in any non-residential zoning district shall be eight feet.

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2. Civic Uses in Residential Districts: The maximum height of fences installed as part of Primary and Secondary Educational Facilities, Day Care, and Park and Recreation Use Types, or any other use that provides secured outdoor space for the use of children within Residential Zoning Districts shall be eight feet.
3. Electrified fences are not permitted within the jurisdiction of the City of Carter Lake.

2407 Appeals

Denial, revocations, or cancellations of a building permit based on the provisions of this Section may be appealed to the City Council or Board of Adjustment, as set forth in Sections 29.

SECTION 25

LANDSCAPING AND SCREENING

2501 Purpose

The Landscaping and Screening Regulations provide additional guidance on the development of sites within Carter Lake by addressing landscaping and screening requirements for both commercial and residential properties. They are designed to improve the appearance of the community, buffer potentially incompatible land uses from one another, and conserve the value of properties within the City of Carter Lake. The Landscape and Screening provisions are further intended to expedite development approval by including predictable, uniform standards for landscaping.

2502 Applicability

The provisions of this section shall apply to all new development on each lot or site upon application for a building permit, and within 5 years of enactment of this ordinance to all existing developments.

2503 Landscaping Depth

For determining required landscaping depth, the lot adjacent to each street property line shall be divided into two zones as shown in Figure 1. The Row Yard is located immediately adjacent to the street and its required width is shown in the second column of Table 25-1. (Note that all widths are measured perpendicular to the property line). This zone must be 100% landscaped. The Street Yard is the area between the Row Yard and the face of any structure on the property. The percentage of required landscaping in this zone is shown in columns 3 and 4 of Table 25-1. Note that there is a different requirement for the first 80 feet of depth in the Street Yard and for depths greater than 80 feet.

Table 25-1:
Required Landscape Depth Adjacent to Street Property Lines

Zoning District	Depth of Landscaping Adjacent to Street Property Lines (Row Yard)	% of first 80 feet of street yard that must be landscaped	% of street yard beyond first 80 feet that must be landscaped
R-1, R-1A	20 feet for residential uses 25 feet for other uses	NA	0
R-2, R-3	20 feet	NA	0
R/CC	10 feet from greenways and alleys	NA	0
RM	35 feet for mobile home parks 20 feet for other uses	40	0
C/L	10 feet	20	5
C-1	25 feet for residential uses 15 feet for other uses	20	10
C-2	10 feet	15	5
TC	No requirement	0	0
C/A	15 feet	20	5
BP	20 feet	20	10
M-1	10 feet	15	0
M-2	10 feet	0	0

2504 Buffer yard Provisions

These provisions apply when use is established in a more intensive zoning district (District A) which is adjacent to a less intensive zoning district (District B). The owner, developer, or operator of the use within District A shall install and maintain a landscaped buffer yard on his/her lot or site, as set forth in this section. Buffer yard requirements apply only to those districts indicated in Table 25-2. Buffer yards are not required of single-family, 2-family, duplex, or townhouse use types in the more intensive zoning district. *See Figure 1: Zoning Concepts: Landscape Standards that schematically depicts what is found in more detail in Table 25-2, (p.4)*

- a. The buffer yard dimensions set forth in Table 25-2 apply to zoning districts, which share a common lot line or are adjacent but separated by an intervening alley.
- b. When a street separates adjacent zoning districts requiring a buffer yard, the size of the buffer yard shall be one-half the required buffer yard set forth in Table 25-2.
- c. Each required buffer yard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

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Table 25-2
Buffer yard requirements (in feet)

Zoning District	Width of Buffer Yard (in feet) District B (Less Intensive Adjacent District)	% of first 80 feet of street yard that must be landscaped	% of street yard beyond first 80 feet that must be landscaped
District A (More Intensive District) Note 3	R-1, R-2, R/CC, RM (Note 1)	R-3 (Note 1, Note 2)	C/L, C-1 (Note 1, Note 2)
R-3	---	20 for multi-family and permitted non-residential uses	---
RM	---	50 for mobile home parks adjacent to other residential uses	---
C/L	15 for multi-family and non-residential uses	15 for multi-family and non-residential uses	---
C-1	20 for non-residential uses	20 for non-residential uses	20 for non-residential uses
C-2	30	20	---
TC	20	20	---
C/A	30	30	30
BP	20	20	20
M-1	40	30	20
M-2	100	100	20

Notes to Table 25-2

Note 1: Applies only to residential uses previously established in the zoning district.

Note 2: Applies only to residential uses previously established in the zoning district, or to vacant land designated as residential in the city's Comprehensive Development Plan.

Note 3: Buffer requirements do not apply to single-family, duplex, or townhouse residential uses established in District A.

2505 Screening and Buffering Standards

a. Application

Screening is required between adjacent zoning districts indicated on Table 25-2 when one or more of the following conditions in the more intensive zoning district are directly visible from the faces toward the boundary of the less intensive zoning district.

1. The rear elevation of buildings.
2. Outdoor storage areas or storage tanks, unless otherwise screened.
3. Loading docks, refuse collection points, and other service areas.
4. Major machinery or areas housing a manufacturing process.
5. Major on-site traffic circulation areas or truck and/or trailer parking.
6. Sources of glare, noise, or other environmental effects.
7. Bailing or stockpiling of cardboard or other shipping or packaging materials.

b. Opaque Barrier

A six-foot opaque barrier shall be provided which visually screens the conditions listed in Section 2505 from less intensive uses. Acceptable means of providing an opaque barrier are listed below.

1. A solid wood, PVC, and/or masonry fence or wall at least six feet in height.
2. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting.
3. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.
4. Any combination of these methods that achieves a cumulative height of six feet.

c. Location of Screening Wall

1. A screening wall or fence shall be installed no closer to the less intensive zoning district than one-half the width of the required buffer yard.

d. Screening: Effect on Drainage - Screening shall not adversely affect surface water drainage.

e. Permitted Interruptions of Screening - Screening may be interrupted to provide access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed 20% of the length of the required screened area.

f. Planting shall be accepted in lieu of the required fencing for buffering the back of commercial buildings abutting residential zones.

1. Screening planting shall include a 20-foot minimum width-planting strip with a tall hedge as defined and recommended by the West Pottawattamie County State University Extension Office. The hedge shall include deciduous or evergreen shrubs in a double row planted in a triangular pattern. Shrub species shall be selected from those that are recommended by the West Pottawattamie County State University Extension Office and conform to the minimum sizes and spacing specified therein.

g. All dumpsters and exterior trash storage shall be screened using walls or fences that are a minimum of 6 feet in height. The walls and fences shall be fabricated and finished using the same materials and colors as the adjacent building, and shall include a matching lockable gate that when closed, completely eliminates the view of the trash area and its contents.

2506 Parking Lot Landscaping

a. Landscaping and Screening Requirements

Unless otherwise noted, each unenclosed parking facility over 6,000 square feet (i.e., 30 or more parking spaces) shall comply with the following regulations:

1. Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet along any street property line.
2. Each parking facility that abuts a residential district shall provide a ten foot landscaped buffer along its common property line with the residential district.
3. Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature, which blocks the sight line of headlights into a residential property, may satisfy this requirement, subject to the determination of the Building Inspector.
4. All unenclosed parking facilities in non-residential and multi-family residential areas shall have curb and gutters around their perimeters as well as their internal landscaping areas (i.e. peninsula or island).

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5. Each unenclosed parking facility over 6,000 square feet within any street yard shall provide interior landscaped area equal to no less than 10 percent of the total paved area of the parking facility over and above what is on the street line or residential property line. The interior landscaped area is defined as landscaping within vehicular parking areas, which break up the large expanses of pavement, provides relief from reflected glare and heat, and guides vehicular and pedestrian traffic.
6. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in this section.
7. Landscaping or screening installed in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

2507 Planting

1. Because an approved list of plantings is ever changing as new information about old and new species becomes available; individuals and/or developers are required to consult with the West Pottawattamie County University Extension office as to approved species and space requirements.
2. Planting in the landscape frontage strips shall include not less than the following:
 - a. One large deciduous shade tree for each 35 feet of frontage.
 - b. Where the strip abuts a parking lot or the side of a building that does not include pedestrian entrances, a shrub hedge shall be added. The hedge shall include deciduous or evergreen shrubs in a double row planted in a triangular spacing. Shrub species shall be selected from recommended plant listing and conform to the minimum sizes and spacing recommended by the West Pottawattamie County Extension office.
 - c. A variety of tree and shrub species shall be used to provide visual four-season interest. Not more than one-third (1/3) of the required number of trees or shrubs may be comprised of any one (1) species and at least one third (1/3) of the plants should be coniferous or evergreen species.

3. Monument Signage Landscaping

A heavily landscaped base area shall be provided consisting of at least (100) one hundred square feet for all entry marker and monument signs and at least five hundred (500) square feet for all development complex signs. Turf grass is not considered to be landscaping for the purposes of this section.

4. Automatically controlled underground irrigation shall be installed for all lawns and plantings in the landscape frontage strips and anywhere else there is landscaping.

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5. Site Planting requirements:

- a. At least 10% of the gross site square footage (calculated without including the building coverage) shall be pervious unpaved planted surfaces. Any frontage or side street planting strips shall be included in the calculation of planted areas.
- b. All planted surfaces shall be planted with grasses, shrubs, perennials, or groundcover plants so that they shall be completely covered by installed plants within 3 years of the planting date. Open mulch or rock beds without plantings that meet the spacing requirements, shall not be accepted as planting area.
- c. Large deciduous shade trees shall be installed in parking lots in excess of 30 spaces. The trees shall be located in planting areas of not less than 50 square feet of unpaved surface per tree and at least 1 tree shall be planted for each 3,000 square feet of paving on site.
- d. Public right-of-way areas that are disturbed by construction on private sites shall be graded smooth and planted with sod.
- e. In any landscaped area for commercial use only required by the Minimum Depth Requirements, the Buffer yard Requirements, or the Parking Lot Interior Landscaping Requirements, one tree of an approved species with a minimum caliper size of two inches shall be planted and maintained for each 500 square feet of required landscaped area. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.
- f. Any tree of an approved species planted or maintained with a caliper of three inches or above shall count as 1.25 trees toward the satisfaction of the requirements of this section. An approved existing tree with a caliper of eight inches or above preserved on a site shall count as 2.00 trees toward the satisfaction of the requirements of this section.

6. Residential Landscape Requirements

- a. Two (2) deciduous shade or evergreen trees, one (1) in the front yard and (1) in the rear yard, shall be installed per single family, townhouse, duplex, attached single family or two-family dwelling unit. The trees shall be installed within two (2) years of the start of construction.
- b. Multi-family (high-density residential areas) developments shall provide one (1) deciduous shade or evergreen tree, or two (2) ornamental trees, and three (3) shrubs for every dwelling unit. These requirements are in addition to street yard or buffer yard landscaping requirements.

7. Locust Street Corridor Requirements and Landscaping

- a. Residential developments adjacent to the Locust Street Corridor shall provide, in addition to the requirements of the underlying zoning district, a 25-foot landscaped buffer yard adjacent to Locust Street, and running the length of the development.
 - i. Plant materials shall be planted in staggered rows, shall provide a screen of 70% opacity, and shall attain a minimum height of six feet (6') within four (4) years.
 - ii. Plant materials shall include a combination of deciduous and coniferous or evergreen trees with a minimum placement of 1 tree every 30 feet.

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- iii. A landscaped earth berm not exceeding six feet (6') in height may be used in combination with the plant materials.
 - iv. The landscaped yard shall contain only approved landscaped materials.
- b. Low or medium density residential developments backing to arterial minor arterial or collector streets shall provide, in addition to the yard requirements of the underlying zoning district, a 10 foot deep landscaped yard, the length of the development, adjacent to the street.
- i. Plant materials shall include one (1) deciduous shade or one (1) ornamental tree, and three (3) shrubs for every forty linear feet (40') of adjacent area.
 - ii. A landscaped earth berm not exceeding six feet (6') in height may be used in combination with the plant materials.
 - iii. No fence shall be placed within the 10-foot yard.
 - iv. The landscaped yard shall contain only approved landscaped materials.
- c. Multi-family residential, commercial, office, and mixed use developments shall provide a 25 foot deep landscaped yard adjacent to any street or highway, running the entire length of the development.
- i. Plant materials shall include a least one (1) deciduous shade or one (1) ornamental tree, and three (3) shrubs for every forty linear feet (40') of adjacent area.
 - ii. The landscaping shall include a planting screen or a random or informal screen of plant materials providing 50% opacity and attaining a minimum height of six feet (6') within four (4) years.
 - iii. A landscaped earth berm not exceeding six feet (6') in height may be used in combination with the plant materials.
- d. Landscaping shall include a planting screen or a random or informal screen of plant materials substantially blocking the views and attaining a minimum height of six feet (6') within four (4) years.
- e. Plant materials should include one (1) deciduous shade or evergreen tree, one (1) ornamental tree, and three (3) shrubs for every forty linear feet (40') of adjacent area.
- f. A landscaped earth berm not exceeding six feet (6') in height may be used in combination with the plant materials.
- g. A six-foot (6') solid wood and/or masonry fence or wall may be used in combination with the plant materials, provided that the fence or wall is set back from the property line the distance of the buffer yard.

2508 Maintenance of Required Landscaping

Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy

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shall be replaced, in a timely fashion, consistent with this section and the approved landscaping plan for the project.

2509 Obstruction of View

Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk, and shall be consistent with the provisions of the city's Vision Clearance Zone regulations.

2510 Earth Berm Locations

All earth berm locations shall be reviewed and approved by the Building Inspector, or his/her designee in consultation as needed with the City's Maintenance Supervisor (i.e. City Right of Way) and Park & Recreation Director (i.e. Parks), to determine how the berms shall relate to drainage and public utilities.

2511 Use of Inorganic Landscaping Materials

- a. No artificial trees, shrubs, plants or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as stone or stone decorative pavers, such as brick decorative pavers, may be used provided that such material does not comprise more than 35% of the minimum required landscaped area. Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for driveways and walkways.
- b. Loose rock without plantings that meet the spacing requirements, shall not be accepted as planting area and shall not be permitted within the required depth area set forth in Table 25-1.

2512 Removal of Trees

2512.01 Permit required

- a. No person, firm, corporation, association or other legal entity shall remove any tree in or upon any public right-of-way or any other public property within the city limits of the city of Carter Lake without first obtaining a permit as provided herein.
- b. The application for a permit required herein shall be made to the Building Inspector in consultation as needed with the City's Maintenance Supervisor (i.e., City Right of Way) and Park & Recreation Director (i.e., parks) of the city of Carter Lake on forms furnished by the city, setting forth the name and address of the applicant, the nature of the proposed action or work, the entity who will perform the proposed action or work, the location where such action or work will take place, the names and addresses of surrounding property owners, and any other information which the Building Inspector or his/her designee may require in order to adequately review the permit application.
- c. The application shall have attached thereto a signed indemnity agreement whereby the applicant agrees to indemnify and defend the city from all claims or causes of action, which may result as a consequence of the applicant's performance of work authorized herein.
- d. Removal of Trees. The Maintenance Supervisor shall remove, on order of the Council, any tree on the streets of the City, which interferes with the making of improvements or

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with travel thereon. The Maintenance Supervisor shall additionally remove any trees on the street, not on private property, which are dead or have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance.

2512.02 Denial of permit.

- a. The proposed removing would violate any provisions of this chapter or any other law or ordinance of the city of Carter Lake or any applicable laws of the state of Iowa;
- b. The proposed removing would cause the deterioration, harm, impairment or injury to the natural aesthetic quality or symmetry of the area;
- c. The applicant is proposing to remove a tree of desirable species in a desirable location, or the applicant is proposing to remove a tree and has not presented a reasonable justification for such removal.
 1. Upon determining that a permit shall not be issued herein, the Building Inspector or his/her designee shall serve notice of such determination upon the applicant by ordinary mail, setting forth the reasons for such denial and advising the applicant of the right to appeal such denial.
 2. The applicant shall have the right to appeal to the City Council of the City of Carter Lake the denial of a permit herein by the Building Inspector or his/her designee. An appeal shall be made by filing a written notice of appeal with the Mayor within ten days of the date set forth on the denial notice received from the Building Inspector or his/her designee. Within thirty days after receiving the written appeal, the City Council shall hold a hearing on the appeal after providing notice of the time and place of such hearing upon the applicant no less than five days prior thereto. At said hearing, the City Council shall make an independent determination as to whether to confirm the denial or to grant the permit.

2512.03 Bond, deposit.

Prior to the issuance of a permit to remove any tree, the Building Inspector in consultation as needed with the City's Maintenance Supervisor (i.e., City Right of Way) and Park & Recreation Director (i.e., parks) shall require the applicant to submit to the city of Carter Lake a cash bond or deposit to guarantee that the work performed under the permit shall be completed in accordance with the plans as approved by the Building Inspector or his/her designee and any other specifications set forth by the Building Inspector or his/her designee. The amount of the bond shall be determined by the Building Inspector or his/her designee based upon the estimated cost to restore the site to an acceptable condition. The applicant shall also be required to submit a certificate of insurance to the city clerk of the city of Carter Lake indicating the existence of insurance in such amount and with whatever coverage the Building Inspector or his/her designee in his/her sole discretion may require.

2512.04 Standards and conditions.

Any removing allowed under a permit issued herein shall be performed in accordance with the following standards and conditions, whether or not such are specified in the permit:

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1. All trees shall be removed by removing the stump thereof, filling in the resulting hole with dirt and seeding the filled area;
2. All trees, including limbs and debris there from, shall be removed from the street, parkway, sidewalk space or other public way within forty-eight hours after being cut, and the ground shall be raked clean of all chips and debris;
3. When a tree is being felled, it shall be felled away from or parallel with the roadway, when possible, and the sidewalk and street shall be guarded so as to protect pedestrians and vehicles thereon;
4. All damage to curbs, sidewalks and other public property occurring in the performance of such work shall be promptly and properly repaired at the permittee's expense.

2512.05 Certificate of completion.

Upon notification of the completion of any removing by the permittee, the Building Inspector in consultation as needed with the City's Maintenance Supervisor (i.e., City Right of Way) and Park & Recreation Director (i.e., parks) shall perform a final inspection of the site. The Building Inspector or his/her designee may repair or clean-up the site or complete the operations as expected, if necessary, and the cost of such work shall be applied against the cash bond or deposit, and the balance thereof, if any, returned to the permittee. If the removing is completed in accordance with the plans as approved, the Building Inspector or his/her designee shall issue a certificate of completion to the permittee which shall release the permittee of further responsibility to the city and which shall entitle the permittee to the return of the cash bond or deposit.

2512.06 Responsibilities of property owners.

The owner or owners of private property in the city of Carter Lake, Iowa, shall be responsible for the maintenance, care and preservation of all trees, shrubs, and hedges growing in or upon such private property and growing in or upon the part of the public right-of-way abutting such private property in such a manner so that such trees, shrubs and hedges shall not interfere with:

1. The normal and customary usage of sidewalks, streets or alleyways and other public improvements situated in the public right-of-way;
2. The diffusion of light from any street light;
3. The visibility of traffic at any intersection of streets;
4. The visibility of any traffic sign, warning sign, warning device or traffic control device;
5. The public safety and general welfare through the spread of diseases or insects among trees, shrubs or hedges in the area. Such responsibility shall include, but not be limited to the following:

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- a. All shrubs, hedges, flowers, plants or other vegetation shall be kept trimmed back from all streets, sidewalks or alleyways so that vehicular and pedestrian traffic thereon is not impaired.
- b. All shrubs, hedges, flowers, plants or other vegetation in the public right-of-way shall be kept trimmed to a height not greater than thirty inches above the street pavement level and shall be trimmed at least three feet back from the edge of the pavement of a street.
- c. All branches of trees projecting over any sidewalk shall be trimmed to a height not less than *nine* feet above the sidewalk.
- d. All branches of trees projecting over any primary road extension within the city shall be trimmed to a height not less than fifteen feet above the pavement level.
- e. All branches of trees projecting over any other street or alleyway shall be trimmed to a height not less than twelve feet above the pavement level thereof.
- f. Any tree, shrub, hedge, flower, plant or other vegetation on private property which is infected with a disease or with insects which may spread to other trees, shrubs, hedges, flowers, plants or other vegetation in the area shall be sprayed or otherwise treated, if possible, or removed if spraying or treatment will not remedy the situation.
- g. The root of a tree projecting under or into a sidewalk or other public improvement in the public right-of-way causing damage thereto shall be cut and removed from the tree, and the sidewalk or other public improvement shall be repaired at the owner's expense.

2512.07 Prohibited acts.

A. No person shall injure, destroy or prevent the growth of any tree, shrub or hedge in or upon any public right-of-way or any other public property within the city limits of the city of Carter Lake, Iowa, or deviate from accepted methods of good forestry practice with respect thereto, including, but not limited to the following acts:

1. Pouring or spraying an injurious matters such as salt, brine, white wash or toxic chemicals on or around any tree or on the ground around it;
2. Posting any sign on a tree, tree stake or guard, and fastening any electrical wire, conduit, guy wire, cable or rope to any tree, tree stake or guard;
3. Piling materials around any tree which would, in fact or potentially, cause injury to a tree or damage the tree, tree stake or guard;
4. Using concrete, asphalt, brick or gravel around trees so as to shut off air, light, or water from the roots;
5. Cutting or girdling completely around the main trunk of a tree as a means to destroy the tree;
6. Trimming a tree by cutting its limbs or branches except at proper crotches of the tree;
7. Trimming a tree without uniformly and symmetrically rounding its shape to conform to its natural shape and form prior to trimming;
8. Removing limbs or branches from a tree in such a manner as to place the tree in a state of physical imbalance without installing necessary cables or braces;
9. Using climbing spurs in scaling a tree;
10. Using dull or improper tools upon a tree or making otherwise rough, jagged or unnecessarily large wounds upon such tree;
11. Splitting the wood in or around wounds of a tree;
12. Tearing, splitting or otherwise damaging the bark around wounds of a tree;

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13. Chopping, hacking or mutilating in any manner any live tree, except for the purpose and at the time of felling and removing such tree as permitted herein;
14. Excavating any ditch, tunnel or trench or laying any driveway near a tree in such a manner as will cause damage to such tree;
15. Building a tree house or other structure in a tree or otherwise driving a nail into a tree for any reason;
16. Spraying any chemical in such a manner as to cause undue deterioration, harm, impairment or injury to the growth and natural development of any tree, shrub or hedge.

B. No person shall plant any tree, shrub or hedge in or upon any public right-of-way within the city limits of the city of Carter Lake, Iowa, unless it is done so in accordance with the following standards and conditions:

1. Any tree planted shall be one inch or more in diameter at one foot above the ground surface;
2. After any tree, shrub or hedge is planted, it shall be and remain the property of the city of Carter Lake subject to the provisions of this chapter;
3. No tree, shrub or hedge shall be planted within thirty inches of the edge of the pavement of a street;
4. No trees which are expressly prohibited herein or which are not included in the master street tree plan as provided herein shall be planted;
5. No tree shall be planted in such a location as would impair the normal growth and development of such tree or of any existing tree in the vicinity thereof, or in such a location as would destroy the natural aesthetic quality or symmetry of the area, or in such a location as would cause damage to any public improvements or to any property of city franchisees. The director of parks, recreation and public property or his/her designee, is authorized to develop standards and guidelines for applying the above-mentioned general restrictions to particular situations which shall be set out in the master street tree plan as provided herein.

C. No person, shall allow any tree, shrub, hedge, flower, plant or other vegetation in or upon any public right-of-way abutting the person's real property or on the persons' private property lying within an isosceles triangle having sides of thirty-five feet each running along the edge of the pavement of intersecting streets with the apex thereof at the point of the intersection of the edges of the pavement of such streets to grow to or exist at a height in excess of thirty inches from the pavement.

2512.08 Abatement and assessment of costs.

A. The failure of a private property owner to fulfill a responsibility imposed by this chapter or the performance by a private property owner of an act prohibited by this chapter shall be deemed to create a nuisance which may be abated as such. Whenever the Building Inspector in consultation as needed with the City's Maintenance Supervisor (i.e., City Right of Way) and Park & Recreation Director (i.e., parks) determines that such a nuisance exists, the Building Inspector or his/her designee shall order appropriate remedial action to be taken by the private property owner involved.

B. When action is ordered to be taken as authorized herein, the Building Inspector or his/her designee shall serve written notice upon the property owner that such action is required. The notice required herein shall be directed and sent by certified mail to the

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name and address of the property owner as shown by the records of the Pottawattamie County auditor's office. The notice shall set forth with particularity the nature of the property owner's failure to comply, the specific remedial action required, the time within which the property owner must perform the required remedial action, the procedures for appealing the order of the Building Inspector or his/her designee, and the consequences of the owner's failure to perform the required remedial action in the time allowed, including abatement and assessment of costs. If the remedial action required is removal of a tree, the property owner shall make application for a permit to do so as provided in this chapter prior to removing such tree.

C. Except in cases of extreme emergency, the owner shall have the right to appeal to the City Council of the City of Carter Lake the determination and order of the Building Inspector or his/her designee. An appeal to the City Council shall be made by filing a written notice of appeal within ten days of the date set forth on the notice received from the Building Inspector or his/her designee. Within thirty days after receiving the written appeal, the City Council shall hold a hearing on the appeal after providing notice of the time and place of such hearing upon the appellant no less than five days prior thereto. At said hearing, the City Council shall make an independent determination as to whether the property owner has failed to exercise a responsibility imposed herein or has performed an act prohibited herein and whether remedial action is required.

D. The property owner shall have fifteen days from the date of receipt of notice herein or fifteen days from the adverse decision of the City Council after appeal to perform the required remedial action; provided, however, if the remedial action required is removal of a tree which has been planted by the property owner contrary to the standards set out herein, then the property owner shall have ninety (90) days from the date of receipt of notice herein or ninety (90) days from the adverse decision of the City Council after appeal to remove such tree. If the owner fails to perform the required remedial action in the time allowed, the Building Inspector or his/her designee shall perform the action or contract for the performance of the action and assess the cost thereof against the owner's property.

2512.09 Trimming by franchisees

Any franchisee of the city of Carter Lake which owns, operates or maintains any overhead or underground wires, cables, electric distribution or transmission lines, or pipelines within the public rights-of-way of the city shall have the right to trim the branches or root system of any tree growing on or projecting over or through any public right-of-way of the city which may at anytime interfere or come in contact with any such wires, cables, lines or pipelines; provided, that such trimming shall be done in accordance with the requirements and specifications set out, and further provided that such right to trim trees shall not include the right to remove trees without first making application for and obtaining a permit to do so as required by this chapter; however, in the event of an emergency which requires immediate removal of a tree, the permit required herein may be acquired after the fact.

2512.10 Trimming of trees to be supervised.

It shall be unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

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2512.11 Fees

An application for a permit shall be accompanied by a fee as set forth in the prevailing schedule of fees as most recently adopted by the city council of the City of Carter Lake.

2512.12 Enforcement

Trimming of trees. If the abutting property owner fails to trim the trees as required in this chapter, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

2512.13 Dutch Elm Disease, Pine Blight and other tree related diseases

- a. Trees subject to removal. The Council, having determined that the health of the elm trees within the City is threatened by a fatal disease known as the Dutch elm disease, hereby declares the following shall be removed:
 1. Living or Standing Trees. Any living or standing elm tree or part thereof infected with the Dutch Elm Disease fungus or which harbors any of the elm bark beetles, that is *scolytus multistriatus* (eichb.) or *hylurgopinus rufipes* (marsh.).
 2. Dead Trees. Any dead elm tree or part thereof including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.
- b. Duty to Remove. No person or entity shall permit any tree or material as defined in Section 2512.13 a. (above) to remain on the premises owned, controlled or occupied by such person or entity within the City.
- c. Inspection. The Maintenance Supervisor shall inspect or cause to be inspected any elm trees reported or suspected to be infected with the Dutch Elm Disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles.
- e. Removal from City Property. If the Maintenance Supervisor, upon inspection or examination, determines that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within the City and that danger to other elm trees within the City is imminent, the Maintenance Supervisor shall immediately cause such condition to be corrected so as to destroy or prevent as fully as possible the spread of Dutch Elm Disease or the insect pests or vectors known to carry such disease fungus.
- f. Removal from Private Property. If the Maintenance Supervisor, upon inspection or examination, shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises and that the danger to other elm trees within the City is imminent, the Maintenance Supervisor shall immediately notify by certified mail the owner, occupant or person in charge of such property to correct such condition within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the

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Council may cause the nuisance to be removed and the cost assessed against the property.

If the Maintenance Supervisor is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch elm disease, the Maintenance Supervisor is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

SECTION 26

PARKING REGULATIONS

2601 Purpose

The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

2602 Non-residential Off-street Parking, Loading and Unloading Ordinance

a. At the time of major repair, replacement, construction or enlargement of a structure or enlargement of the parking surface or change in use of a structure, a hard-surfaced parking area, other than the street or public way, shall be provided for use in the parking and/or storage of passenger automobiles and commercial vehicles. Buildings or structures to be constructed or substantially altered that will receive and distribute materials by trucks, shall provide and maintain hard-surfaced off-street loading and unloading spaces in sufficient number and size to adequately handle the needs of the particular use. Minimum off-street parking space and loading and unloading requirements shall be observed in accordance with the following provisions:

1. Whenever an addition to an existing structure is proposed, all of the applicable provisions contained within this chapter regarding the number of spaces, area or usability of existing parking, loading, and unloading spaces or other areas requiring a paved surface shall be complied with.
2. With prior recommendation by the Planning Board and approval by the City Council, contractual agreements may be made between uses that generate parking and at different intervals in such a manner that the requirements of more than one use may be met by the same space, provided the parking demand for each use involved is met.

All required parking spaces shall be located a distance not to exceed four hundred (400) feet measured in a straight line from the principle entrance of the building which they are required to serve.

3. In the event several uses occupy a structure or parcel of land, the total requirements for off-street parking or loading and unloading spaces shall be the sum of the requirements of the several uses computed separately.
4. Loading or unloading spaces shall not be located in a required front yard, but they may be located within a required side or rear yard. Once designated these spaces cannot be converted to passenger car parking to satisfy parking requirements.
5. All such off-street parking lots or areas, sales lots, apron space and loading and unloading spaces shall be so drained as to prevent damage to abutting properties and/or public streets or areas.
6. All off-street parking lots and areas, sales lots and loading and unloading spaces, including entrances, exits and driveway approaches shall be constructed of hard surface concrete or hot-mix asphalt to prevent mud, dust or loose material. Asphalt grindings

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and seal coats are not acceptable surfaces. Paving standards contained in this section should be considered minimum standards. Only concrete shall be used within the public right-of-way (sidewalks and drive approaches).

7. All parking surfaces, spaces, circulation and aisles along the outer boundaries of a parking lot, vehicle entry paths, apron spaces, all driveways and other traveled areas shall be set back a minimum of five (5) feet from the property line unless a greater setback is required for approved access.
 8. Raised curb and gutter (6 inches high and a minimum of 2 feet wide) must extend all around the perimeter of the parking area and drain into storm sewers. Such curb and gutter and other interior features shall be constructed of concrete. A raised walkway or green area at least six (6) feet wide and 6 inches high must be constructed between parking lanes in which cars would otherwise be abutted. Such areas may be used to defray requirements for green space as specified in *Landscaping, Screening and Planting Standards*.
 9. When a computation of required parking spaces results in a fraction of 0.5 or greater, the requirement shall be rounded up the next whole number.
 10. No addition to an existing building shall be constructed which reduces the number of spaces, area or usability of existing parking or loading unless such building, and its addition, conform with the regulations for parking and loading contained herein.
 11. When employees or customers may occupy buildings after dusk, lighting adequate to guide and protect them during access to and egress from automobiles shall be provided. All lighting shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists and pedestrians.
 12. The use of portable curb-stops of any type is prohibited.
 13. The use of asphalt paving is not acceptable for sidewalks or fuel-dispensing areas.
- b. Design Standards, off-street parking lots and areas, sales lots, loading and unloading areas, vehicle storage facilities and residential uses other than one and two family residences shall, observe the following design guide lines:
1. General use parking and traveled areas including all required and non required parking, driveways, entrances and exits, vehicles or sales.
 - (a) Required parking and aisle widths
Each automobile space shall be not less than one hundred seventy one square feet in area, with dimensions of nine feet by nineteen feet.

<u>Type</u>	<u>Minimum Aisle Width</u>
Two-way traffic angled parking	27'
Two way traffic perpendicular parking	27'
One-way traffic angled parking	27'
One-way traffic perpendicular parking	27'

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- (b) Parking areas must provide adequate entrance and exit driveways to connect each parking space with a street or alley open to use by the public except where vehicles are parked by attendants. One-way entrance and exit driveways shall not be less than 13' nor exceed 16' in width. Two-way entrance and exit driveways must be 24-30' in width. Driveways to accommodate semis shall be 30-40' in width.
- (c) Parking spaces including loading and unloading areas shall be located in such a way that maneuvering of vehicles to enter or exit can be accomplished entirely on private property and does not require backing into or other use of a public street or alley.
- (d) **Pavement Requirements**
Six (6) inches of Portland cement concrete or asphalt or 4 inches of rock base with 4 inches of asphalt on a prepared sub-base or sub-grade. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.
- (e) **Layout/Markings**
The developer/owner shall submit to the Building Inspector for review and approval a detailed and accurately scaled parking lot layout clearly showing the location of parking spaces and aisles, all conforming to said standards. Upon construction of the parking lot, the parking spaces must be marked on the parking lot surface according to the extent that those spaces are required in connection with the development. Parking aisles should be designed to reduce pedestrian-vehicular conflicts by placing them perpendicular to the structure. Handicapped parking stalls shall be designed, installed and signed as required by Chapter 18 of the Iowa Administrative Code and all ADA requirements.
- (f) **Required Green Space**
All landscaping must conform to *Landscaping, Screening and Planting Standards of the City*.
- (g) **Screening Requirements**
All parking lots shall be screened along the boundary of the parking lot adjacent to residential uses. This screening shall consist of a landscaped area no less than 20 ft in width, measured perpendicular to the property line. No screen is required between abutting parking lots.
- (h) **Bicycle Parking**
(1) Any type of use that is likely to have bicycle traffic shall provide parking accommodations for bicycles as provided by Table 26-3 at a minimum:

Table 26-3: Bicycle Parking Requirements

Number of Parking Stalls	Required Bicycle Spaces
1-50	2
51-100	5
101-150	8
151-200	10
Over 200	10 + 2 additional spaces for each 50 parking stalls

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- (2) Bicycle parking facilities shall include bicycle racks secured to prevent easy removal, bicycle lockers, or bicycle posts or bollards expressly designed for the secure storage.
 - (3) The location of bicycle parking facilities shall be at least as convenient to the main entrance of the primary use as the most convenient automobile parking not reserved for use by disabled people.
 - (4) Bicycle parking should be located to prevent hazards or obstructions to the normal flow of pedestrians into a use.
- (i) Stacking Requirements for Drive-Through Services
- (1) Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distance as provided by Table 26-4.

Table 26-4: Off-Street Stacking Requirements

Type of Operation	Minimum Stacking Space
Financial services with drive-up tellers	3 vehicles per window or kiosk
Financial services with drive-up ATM	3 vehicles per ATM station
Self-service or automatic car wash	Entrance: 4 vehicles per bay Exit: 1 vehicle per bay
Fast food restaurant*	Behind menu board: 4 vehicles Behind first service window: 2 vehicles
Photo processing, dry cleaning, or other drive-up personal services	2 vehicles per service window
Gas stations	2 vehicles per pump
Gated parking lot, community entrance, or overhead door	1 vehicle per gate or door

Note: Minimum vehicle lane shall be 12 feet. Vehicle length=20 feet.

*May be increased based on Site Plan review.

- (2) The City Council may reduce these requirements for specific projects, provided that the applicant can present a traffic study prepared by a professional traffic engineer demonstrating that such reduction is appropriate to the function of the project.
2. Tractor/trailer terminals, service centers, intermodal operations and open storage areas including but not limited to vehicle entry paths, apron space, all driveways and other traveled areas.
- (a) Surface Layout
The developer shall submit to the Building Inspector for review and approval a detailed and accurately scaled hard surface layout clearly showing the location of parking spaces and aisles, truck entry paths, apron space, driveways and other traveled areas, all conforming to the codes in this Design Standards Section.
 - (b) Pavement Requirements
Seven (7) inches of Portland cement concrete or 9 inches of asphalt or 6 inches rock base with 6 inches of asphalt on a prepared sub-base or sub-grade. The

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standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.

(c) Required Green Space

A minimum of twenty (20) feet of landscaped area is required between a parking lot, loading and unloading spaces and the property line. All landscaping must conform to *Landscaping, Screening and Planting Standards of the City*.

(d) Screening

All parking spaces and aisles, truck entry paths, apron spaces, driveways and other traveled areas shall be screened along the boundary adjacent to residential uses. This screening shall consist of a landscaped area no less than 20 ft in width, measured perpendicular to the property line.

c. Submission of plans. A plan drawn to scale and indicating how the off-street parking or loading and unloading requirements are to be fulfilled shall accompany an application for a building permit. Said plan shall show all elements necessary to indicate fulfillment of said requirements, inclusive of the following:

1. Delineation of individual parking and loading spaces;
2. Circulation area necessary to serve spaces;
3. Ingress and egress;
4. Material specifications and locations for paving, barriers, lighting and landscaping;
5. Dimensions, continuity, and substance of screening;
6. Grading drainage, surfacing, and subgrading details;
7. Delineation of obstacles to parking and circulation in finished parking areas;
8. Specifications as to signage;
9. Delineation of handicapped parking spaces and sidewalks;
10. An overall site plan showing lot boundaries and building and parking locations.

The parking plan must be part of the building plan and specifications and must be reviewed and approved as described in Ordinance 557.

d. Completion time for off street parking, loading and unloading areas. Required parking lots and areas, sales lots, loading and unloading areas, personal and recreational vehicle parking, truck terminals and intermodal facilities shall be improved as required and made available for use before the final inspection is completed by the Building Inspector and before issuance of a certificate of occupancy.

e. Parking spaces required. The number of off-street parking spaces required shall be no less than as set forth in the following:

<u>1. Institutional Types*:</u>	
College/Technical schools	1 space for every 3 full-time equivalent students
Cultural Service	1 space per each 500 square feet
Hospitals	1 1/2 spaces for each bed
Convalescent and nursing homes	1 space for every three beds

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Religious assembly	1 space per 6 person capacity in the main auditorium
Day care services	1 space for every six children
Schools – Elementary and Junior High	2 spaces per classroom
Schools - High School	12 spaces per classroom
<u>2. Places of Public Assembly*:</u>	
Clubs and lodges	1 space per 4 person capacity
Commercial recreation (Indoor)	1/2 space per capacity of the occupant load of the facility
Public assembly	1 space per 4 person capacity
Sports arena or auditorium	1 space per 4 person capacity
Theaters	1 space per 4 person capacity
Commercial recreation (outdoor)	Parking spaces equal to 50% of the occupant load of the facility
<u>3. Service and Retail Sales*:</u>	
Agricultural sales and service	1 space per 1,500 square feet of floor area
Automobile repair, minor	1 space per 500 square feet of floor area
Automobile repair, major	1 space per 750 square feet of floor area
Automobile service establishment	1 space per 750 square feet of floor area
Automobile sales and leasing	1 space per 500 square feet of floor area
Consumer service establishment	1 space per 200 square feet of floor area
Equipment sales and rental	1 space per 400 square feet of floor area
Financial services	1 space per 400 square feet of floor area
Funeral services	1 space per 6 person capacity
Hotels and motels	1 space per each guest room
Laundry and dry cleaning	1 space for every 150 square feet of floor area
Medical and dental offices	2 spaces for each office, examining room and treatment room
Professional offices	1 space for every 400 square feet of floor area
Restaurant, general	1 space per 3 person capacity
Restaurant, drive-in or carry-out	1 space per 3 person capacity
Retail sales, including grocery stores	1 space for every 200 square feet of floor area

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Retail sales, including bulky merchandise, household furniture, appliances	1 space for every 400 square feet of floor area
Tavern	1 space per 3 person capacity
Veterinary services	1 space for each office, examining room and treatment room
4. Industrial Types:	
Contractor and construction yards	1 space per employee
Laboratories and research facilities*	1 space for every 400 square feet of floor area
Printing and publishing*	1 space for every 400 square feet of floor area
Wholesale and distribution*	1 space for every 500 square feet of floor area
Manufacturing*	1 space for every 500 square feet of floor area
5. Any other use	As specified by the Planning Board and City Council
* Additional parking spaces for employees shall be one per each employee on the working shift that has the largest staff scheduled.	

- f. Loading spaces required. Any use that involves the receipt or distribution of freight, merchandise supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading. Loading space shall meet the following requirements:
1. Loading and unloading berths shall each contain at least nine hundred (900) square feet measuring twelve feet in width and seventy-five feet in length, and shall have a clearance of at least fourteen feet.
 2. Off-street loading space may not be located in any required yard adjacent to a residential district.
 3. Circulation and access to loading spaces must allow maneuvering into or out of the space to occur outside of any public street or right-of-way.

2603 Residential Off-street Parking.

- a. At the time of major repair, replacement, construction or enlargement of a structure or major repair, replacement or enlargement of the parking surface, a hard-surfaced parking area, other than the street or public way, shall be provided for use in the storage of passenger automobiles.
- b. Parking provisions for personal vehicles. All vehicles in one, two family and multi-family residential uses shall be parked or stored in the following manner, unless otherwise permitted herein:
 1. All residential drives required and non-required parking surfaces shall be hard surfaced, i.e., concrete, asphalt or brick pavers. However, all sidewalks and driveway approaches need to be concrete.

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2. All required parking spaces shall be a minimum of two hundred square feet in area, with dimensions of ten (10) feet by twenty (20) feet.
3. **Pavement Requirements**
Four (4) inches of Portland cement concrete or 4 inches of granular sub-base with brick pavers or use of asphalt material under current City Code and ordinances but in any event not less than 4" of asphalt shall be used. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications. All asphalt overlay shall be in lifts of at least one and one-half inches (1 ½"). A permit shall be obtained prior to starting any overlay project.
4. Parking is permitted in the side yard or in the rear yard, behind the required front yard setback and must be contiguous with the primary surfaced driveway. However, this provision is not intended to prohibit the permitted parking in the driveway.
5. Parking requirements must be met without use of public right-of-way.
6. Parking requirements must be met before a certificate of occupancy is issued.
7. Driveways shall have a maximum grade of ten (10) percent. Driveways and curb cuts shall be located not less than three (3) feet from the side lot line. Curb cuts for straight curbs and the flare for rolled curbs shall be three (3) feet wider than the driveway pavement on each side. Curb cuts shall be prohibited within fifty (50) feet of an intersecting corner.

c. Parking spaces required. The number of off-street parking spaces required shall be no less than as set forth in the following:

<u>1. Residential Types:</u>	
Boarding, lodging, rooming houses, or bed and breakfasts	112 space for each rooming unit
Dormitories	1 space each 300 square feet of floor area
Dwelling, single-family attached and detached dwelling, townhouse	2 spaces per dwelling unit
Dwelling, two-family and multi-family	
Efficiency and 1 bedroom	2 spaces per dwelling unit
2 bedroom or more	2 spaces per dwelling unit
Government sponsored elderly housing*	1/2 space per resident
Group care home*	1/2 space per resident
Family home*	1/2 space per resident
*Additional parking spaces for employees shall be one per each employee on the working shift that has the largest staff scheduled.	

d. Parking for Personal vehicles, Recreational Vehicles, Boats and Commercial Vehicles and Equipment.

1. Applicability

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This section permits the parking of personal vehicles on a single lot in a residential district subject to specific conditions. In order to be parked in a residential area, the vehicles must be in working order and have applicable licenses and/or registrations.

- A. Personal vehicles include: passenger cars; vans; pick-up trucks; camper shells, toppers, and other similar appurtenances intended for attachment to a personal vehicle
- B. Commercial vehicles and/or equipment include but are not limited to tow trucks, semi-tractors and/or trailers, backhoes, end loaders, and similar items, of gross vehicle weight of six (6) tons or more, shall be prohibited from being parked in a residential district except as provided herein. Residents currently owning and parking commercial vehicles in excess of six (6) tons shall obtain a permit to continue parking said commercial vehicle at their primary residence in a residential area within ninety (90) days of the effective date of this Ordinance. See Section 2604 of the permitting requirements.
- C. Recreational vehicles, trailers and boats may be parked in off-street, hard surfaced areas in residential districts as provided herein.

2. Location of Parking for Personal Vehicles

- (a) Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
- (b) Parking is permitted on a paved driveway (outside of an enclosed structure) within the front yard setback, but shall in no case encroach upon the public right-of-way.

Parking may occur in the rear yard setback (outside of an enclosed structure and not on the front yard paved driveway) if the building inspector determines that such parking conforms to the provisions of the Zoning Ordinance and the parking space is provided on a paved surface connected by a paved surface to a dedicated public right-of-way and/or alley.

3. Location of Parking and Storage for Commercial Vehicles and Equipment

Parking for commercial vehicles and equipment within a residential district is subject to the following additional conditions. These conditions are in addition to those requirements for parking of personal vehicles.

- (a) Commercial vehicles and equipment must be maintained in a clean, well-kept state.
- (b) Commercial vehicles and equipment must be parked outside of required front yard and side yard setbacks.
- (c) No parts or accessories, attachments, or similar items may be stored on the residential lot, unless in an enclosed structure.
- (d) At no time shall the commercial vehicle and equipment be parked on the street or public right of way.
- (e) A special permit is obtained under Section 2605 of this Ordinance.

4. Location of Parking for Recreational Vehicles, Trailers and Boats

Supplemental Use Regulations, Landscaping, and Parking

Parking and storage of recreational vehicles, trailers and boats within residential districts is subject to the following additional conditions. These conditions are in addition to those requirements for parking of personal vehicles.

- (a) Recreational vehicles, trailers and boats must be maintained in a clean, well-kept state and owned by owner of the primary residence.
- (b) Recreational vehicles, trailers and boats equipped with liquefied petroleum gas containers must meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation, or the American Society of Mechanical Engineers regarding use of such containers. Any valves must be closed at all times that the vehicle is not in preparation for immediate use. Leaks in containers must be repaired immediately.
- (c) Recreational vehicles and trailers may be used as temporary lodging by non-paying guests of a resident for a maximum of thirty (30) days total during any calendar year.
- (d) Recreational vehicles, trailers and boats may not be permanently connected to utility lines.
- (e) Recreational vehicles, trailers and boats may not be used for the storage of goods, materials, or equipment other than those items that pertain to the use of the vehicle.
- (f) Recreational vehicles, trailers and boats shall be parked outside of required front yard and street side yard setbacks.

2604 Supplementary Regulations: Storage and Parking of Unlicensed or Other Vehicles.

The storage or keeping of motor vehicles not having a properly issued current motor vehicle registration and current motor vehicle license plate properly displayed is prohibited on any lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of Carter Lake, except for motor vehicles held for sale by a licensed motor vehicle dealer at his or her place of business in a zoning district that permits such use. Nothing in this provision shall be deemed to limit enforcement of storage of unlicensed or abandoned vehicles under the ordinances of the City.

2605 Special Permitting Provisions for Otherwise Prohibited Commercial Parking.

Subject to compliance with Section 2603 of the City Code, a Special Parking Permit will be issued to individuals that have, at the time this ordinance was enacted, routinely parked commercial vehicles at their primary residence in residential zones and have obtained a permit as provided herein within ninety (90) days of the enactment of the Ordinance. The Special Parking Permits are issued to the qualified individuals at their primary residence and are not in any way attached to the ownership of the land. If a qualified individual moves from their current address, the Special Parking Permit allows the individual to park commercial vehicles at their new address subject to compliance with this Section and Section 2603 of the City Code. No more than two commercial vehicles and/or equipment may be permitted at any one location, regardless of ownership. In other words, whether the commercial vehicle and/or equipment is leased, owned by a corporation, partnership, spouse, etc., only two items will be allowed on any residential premises regardless of the underlying ordinance. When the owner of the primary residence dies, no permit shall be renewed for that vehicle and/or equipment. Further, when the vehicle or equipment is disposed of and not immediately replaced, no further permits shall be issued. A replacement of the items will be allowed upon return of the permit to the City for the item being replaced and the replacement be obtained within ten (10) days.

Supplemental Use Regulations, Landscaping, and Parking

Special Parking Permits under this section will be issued by the City Clerk upon application by the qualified individual and the payment of an annual fee of \$20.00 per vehicle to be parked under permission of the permit. The Special Parking Permit must be displayed on each vehicle. Application for the Special Parking Permit shall be considered as the granting of consent for the City Police Officers to come upon the property and inspect the commercial vehicles for the required Special Parking Permit.

In addition, the party seeking the Special Parking Permit shall be subject to the following:

- a. This parking of commercial vehicles is accessory to the applicant's use of the property.
- b. All required parking in any residential district shall be outside of the required front yard.
- c. All required parking in any residential district shall be off-street parking.
- d. The parking is intended for the permit holder's vehicles only.
- e. All parking areas established shall be paved and maintained by the permit holder.
- f. All repairs to said commercial vehicles and equipment shall be completed within seven days or conducted in an enclosed garage.
- g. All accessories to the commercial vehicles and equipment shall be neatly stored in an enclosed garage.
- h. No salvage vehicles or equipment may be stored on the premises unless completely stored in an enclosed garage.
- i. The permit holder shall not stockpile materials on the property.

2606 **Violations and penalties.** Any person found guilty of a violation of any of the provisions of this chapter shall be subject to the penalty provided by Chapter 8 of the City Code. Each day that a violation is allowed to continue shall constitute a separate violation of the provisions of this section and may be pursued as a municipal infraction according to Chapter 8 of the City Code.

SECTION 27

SIGN REGULATIONS

2701 SIGN PERMITS

1. Signs shall not be erected or installed without first obtaining a building permit.
2. All sign permits will be reviewed by the Planning Board for their recommendation.
3. A permit issued for a temporary sign shall designate the dates for use of the temporary sign.
4. The fee for a temporary sign permit is \$10.00 per sign.
5. A temporary sign permit may be renewed only once, on the condition that the renewal shall last for no more than 45 days and that the applicant pays an additional permit fee of \$100 for each temporary sign.

2702 PROHIBITED SIGNS

1. All signs painted on or attached to rocks, trees or other natural objects.
2. All signs or sign structures which resemble or conflict with traffic-control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard.
3. All signs on public property, unless specifically authorized by the appropriate public agency.
4. All pole signs.
5. All roof signs.
6. All off premises off site signs (i.e., bill boards).
7. All pole banners located on public right of way.
8. Any sign constructed which resembles any official marker erected by the City, State or any governmental agency.
9. Any sign or portion of a sign that encroaches upon or overhangs the City's right-of-way of any street, sidewalk, or highway. This shall include any political campaign sign.
10. Any outdoor sign or portion of a sign that is located on any property without consent of the owner, holder, lessee, agent or trustee.
11. Any sign that obstructs the view of any street or railroad so as to render dangerous the use of the street or road or by reason of position, shape or color would conflict with the proper functioning of any traffic sign or signal.
12. More than one free standing advertising sign erected per building, per street side.
13. More than one business sign located on one free standing advertising sign at any one advertising sign location.

2703 TYPES OF PERMITTED SIGNS:

1. Directional On-premises Signs
 - a. One on-premises directional sign is permitted at each entrance to or exit from a multifamily residential, civic, commercial, industrial, transportation or parking use.
 - b. Such directional signs are not considered in calculating compliance with the total sign area.
 - c. Directional signs shall not exceed four square feet in face area per side.
 - d. Directional signs shall not exceed four feet in height above the ground.
2. Ground and Monument Signs:
 - a. Ground and monument signs may be used on the premises if the front wall of the building or structure which the sign serves is set back at least 15 feet from the right-of-way line of the street, private way, or court to which the sign is oriented.

- b. A monument sign should be no larger than 32 square feet and 6 feet in height (residential) and no more than 64 square feet and 8 feet in height (non-residential).
 - c. A maximum of one sign per entrance is permitted.
3. Projecting Signs and Graphics:
- a. Each projecting sign must maintain at least the following vertical clearances to the bottom of the sign:
 - b. Eight feet six inches over private sidewalks.
 - c. If a canopy is used, the canopy may reduce vertical clearance of the sign from eight feet six inches to seven feet six inches over a private sidewalk.
 - d. Sixteen feet six inches over alleys, driveways or parking lots.
 - e. No projecting sign may be located within 25 feet of any other projecting sign.
 - f. Projecting signs must minimize visible support structure and may not expose guy wires, cables, turnbuckles, angle iron, or other similar external support structure.
4. Temporary Signs:
- a. A temporary sign shall be defined as a sign that is designed to inform the public that a new business is opening or will be opening. The use of a temporary sign shall be limited to three months unless otherwise extended herein.
 - b. A maximum of three temporary signs may be installed.
 - c. A temporary sign can be a maximum of 32 square feet.
 - d. Temporary Promotional Banners:
 1. A temporary banner is defined as a banner that may be used for no longer than thirty days.
 2. Temporary banners or cloth signs may be utilized as projecting graphics in certain zoning districts.
 3. A temporary banner sign may not project from a building and may not exceed the wall height of the building.
 4. Maximum projection for any temporary banner is five feet, with a minimum clearance of ten feet.
 5. Maximum size of a temporary banner is 32 square feet.
5. Wall Signs and Graphics:
- a. For the purpose of calculating permitted sign areas pursuant to this chapter, signs painted on the walls of buildings and signs mounted on cupolas shall be considered wall signs.
 - b. A wall sign shall not:
 1. Extend more than 18 inches from the wall to which it is attached.
 2. Cover in whole or in part any wall opening or major architectural feature of the building.
 3. Extend beyond the corner of the wall to which it is attached except where attached to another wall sign, it may extend to provide for the attachment.
 4. Extend beyond its building's roofline.
 5. Where permitted, canopy signs are counted as wall signs when calculating total permitted sign area.
6. Window signs:
- a. Window signs may not occupy more than 40 percent of the total area of the window in which they are displayed.
 - b. Up to 2 percent of this the total window area may be permanent window signs.
 - c. Permanent window signs are not counted against the total permitted sign area for each premise.

2704 NUMBER OF FREE STANDING SIGNS PER LOCATION.

- a. No more than one free standing advertising sign may be erected per building, per dedicated public street side.
- b. For buildings containing one business, no more than one business sign may be displayed on any one free standing advertising sign, at any one location.
- c. For buildings containing more than one business, each business may use their pro-rata share of the signage space allowed in proportion to that business entity's percentage of occupancy of the developed premises.

2705 SIGN SIZING:

- a. Total permitted sign area.
 1. Total permitted sign area is one of the following:
 - (a) Residential - see 5a below
 - (b) Commercial and Industrial - For frontage(s) on a dedicated street, two times the frontage for a single frontage property or two times the longest frontage for a single frontage property plus ½ additional frontage for multiple frontage property.
 2. For common developments containing several business entities, each business may use only their pro-rata share of the frontage allowed for signage in proportion to that business entity's percentage of occupancy for the developed premises.
- b. Sign area.
 1. Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign, or architectural elements of the building.
 2. The area of double-faced (back to back) signs is calculated on the largest face only.
 3. For signs with more than two faces, the area of each face is calculated separately and totaled.
 4. The sign area for ground signs, monument signs and architectural sign bands is calculated as the area enclosing the extreme limits of the sign copy only.
 5. In the case of letters mounted to a wall, the total area of all the letters themselves including the space between the letters is included within the sign area.
- c. Sign Height
The height of a sign is measured from the average grade level below the sign to the top most point of the sign or sign structure.
- d. Sign Setback.
 1. The setback of a sign is measured from the property line to the nearest part of the sign placed on the property.
- e. Residential Signs:
 1. Attached Wall Signs
 - a. Total permitted sign area - 2 square feet per premise.
 - b. Maximum area - 2 square feet
 - c. Maximum height - 8 feet
 2. Detached signs - Not permitted, except exempt signs.
 3. Neighborhood identification signs:
 - a. Total permitted sign area - 32 square feet including support structure
 - b. Maximum Height - 6 feet
 - c. Minimum setback - 15 feet back from property line
- f. Commercial Signs:
 1. Attached Wall Signs:
 - a. Maximum area - 20% of street facade
 - b. Maximum height - Top of exterior wall
 - c. Projecting Signs a. Maximum area - 40 square feet b. Maximum height - 24 feet

2. Ground/Monument:
 - a. Maximum area - 64 square feet
 - b. Maximum height - 8 feet
 - c. Minimum setback - 15 feet from City Right-of-Way line
- g. Industrial Signs:
 1. Attached Wall Signs:
 - a. Total permitted sign area - 2 x frontage
 - b. Maximum area - 20 % street facade
 - c. Maximum height - wall height
 - d. Projecting Signs a. Maximum area - 40 square feet b. Maximum height - height of wall
 2. Ground/Monument
 - a. Maximum area - 64 square feet
 - b. Maximum height - 8 feet
 - c. Minimum setbacks - 15 feet from City Right-of-Way line

2706 SIGN CONSTRUCTION AND MAINTENANCE:

1. Construction:
 - a. All signs shall be constructed of permanent materials.
 - b. All signs shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame or structure except for temporary banners, flags, temporary signs, and window signs which conform in all respects with the requirements of this ordinance.
2. Maintenance:
 - a. All signs shall be maintained in accordance with all applicable requirements of the City's building and electrical codes.
 - b. All signs shall be maintained in good and safe structural condition.
 - c. The painted portions of signs shall be periodically repainted and be kept in good condition.
 - d. The general area in the vicinity of any ground sign must be kept free and clear of sign materials, weeds, debris, trash and other refuse within an area having a radius equal to the height of any such ground sign.
 - e. All signs must be readable.

2707 ABANDONED SIGNS

In addition to all other applicable regulations, sign structures that contain no sign copy on all faces for a continuous period of six months shall be considered an abandoned sign and shall be removed.

2708 SIGN ILLUMINATION

1. Signs may be illuminated by indirect and internal lighting only, subject to the following conditions:
 - a. Lighting when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway.
 - b. No sign shall be lit in a manner that impairs the vision of the driver of any motor vehicle.
 - c. Signs may not contain or be illuminated by flashing lights.
 - d. Signs may include an electronic information sign.
 - e. Lighting shall be shielded to direct light away from streets and surrounding property and shall not cause glare or impair vision.

- f. Neon or incandescent illumination that is integral to the design of the sign face shall be permitted on such sign face, provided that this illumination does not cause glare or impair vision.

2709 SIGN MOTION

Slow and continuous motion or rotation within a portion of the sign face comprising less than 38 percent of the area of such sign shall be permitted.

2710 EXEMPT SIGNS

1. Official signs authorized by a government or governmental subdivision that give traffic, directional warning information.
2. Seasonal decorations for display on private or public property.
3. Political signs, provided they are installed no more than two months prior to the election to which they pertain and are removed within seven days after the election to which they refer, except no political campaign signs may be placed on the City Right-of-Way.
4. Street numbers.
5. "For Sale" signs that are equal to or less than 6 square feet.

2711 NON-CONFORMING SIGNS

Any sign in existence on the effective date of this ordinance which does not comply with the provisions of the ordinance and which at the time of its erection was in conformity with all other applicable ordinances and statutes may continue in existence so long as the size is not increased beyond its existing size and it complies with the construction and maintenance requirements of this ordinance.

2712 ENFORCEMENT

1. Remedies.
 - a. If a violation of this ordinance occurs, the City shall have the following remedies:
 1. Issuing a stop-work order for any and all work on any signs.
 2. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;
 3. Imposing any penalties that can be imposed directly by the City under this ordinance;
 4. The Building Inspector can order the removal and disposal of any sign that poses a danger to the public health or safety, or has been abandoned or is not used by the property owner for at least six months,
 - b. Procedure.

The City shall notify the property owner that the sign is considered abandoned and shall direct the property owner to have the sign removed within ten days of the date of the letter. Failure of the property owner to remove the sign shall authorize the City to enter upon the premises for the purposes of removing the sign and charging the cost of the sign removal to the property owner through the placement of a lien on the property or shall authorize the City to institute abatement procedures under the City Code to seek fines and penalties for the property owner's failure and refusal to remove the sign and to provide for Court-ordered authority for the City to remove the sign from the premises.
2. Penalties.

Any property owner, sign erector, installer or other person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this

ordinance, shall be deemed guilty of a civil municipal infraction and upon conviction thereof shall be fined \$200 for a first offense and \$500.00 for each subsequent offense.

2713 APPEALS & VARIANCES:

Property owners may request a variance in this ordinance or may appeal the Planning Board's recommendation to the City Council for the Council's review and determination.

**Table 27-1:
Permitted Signs by Type and Zoning Districts**

Sign Types	R-1 R-2 R/CC	R-3 R-M	C/L	C-1	C-2	TC	C/A	BP	M-1	M-2
Detached Signs										
Residential	P	P	P	P	P	N	N	N	N	N
Premise Identification	P(C)	P(C)	P	P	P	P	P	P	P	P
Directional	P(C)	P(C)	P	P	P	P	P	P	P	P
Ground	P(C)	P(C)	P	P	P	P	P	P	P	P
Pole	N	N	P	N	P	N	P	N	P	P
Attached Signs										
Awning	N	N	P	P	P	P	P	P	P	P
Banner	N	N	N	N	N	N	N	N	N	N
Building Marker	P	P	P	P	P	P	P	P	P	P
Canopy	N	N	P	P	P	P	P	P	P	P
Premise Identification	P(C)	P(C)	P	P	P	P	P	P	P	P
Incidental	P(C)	P(C)	P	P	P	P	P	P	P	P
Marquee	N	N	P	P	P	P	P	P	P	P
Projecting	N	N	P	P	P	P	P	P	P	P
Roof, Integral	N	N	N	N	N	N	N	N	N	N
Roof, Above Peak	N	N	N	N	N	N	N	N	N	N
Wall	P	P	P	P	P	P	P	P	P	P
Window	P	P	P	P	P	P	P	P	P	P
Miscellaneous										
Flag Sign	N	N	N	P	P	P	P	P	P	P

P: Permitted for All Uses
P(C): Permitted for Civic Uses
N: Not Permitted

**Table 27-2:
Auxiliary Sign Elements**

	R-1 R-2 R/CC	R-3 R-M	C/L	C-1	C-2	TC	C/A	BP	M-1	M-2
Design Element										
Illumination										
Indirect	P(C)	P(C)	P	P	P	P	P	P	P	P
Direct	N	N	N	N	N	N	N	N	N	N
Internal	P(C)	P(C)	P	P	P	P	P	P	P	P
Neon	N	N	P	P	P	P	P	N	P	P
Flashing	N	N	N	N	N	N	N	N	N	N
Flame	N	N	N	N	N	N	N	N	N	N
Bare Bulb	N	N	N	N	N	N	N	N	N	N
Other										
Electronic Information	N	N	P	P	P	P	P	P	P	P
Moving	N	N	N	N	N	N	N	N	N	N
Rotating	N	N	N	N	N	N	N	N	N	N

P: Permitted for All Uses

P(C): Permitted for Civic Uses

N: Not Permitted

**Table 27-3:
Permitted Signs by Maximum Permitted Area and District**

This Maximum Permitted Area for all signs on a premises excluding directional signs, building marker signs, and US, State, or University flags shall not exceed the lesser of the following:

Zoning District	R-1 R-2 R-3 R/CC RM	C/L	C-1	C-2	TC	C/A	BP	M-1 M-2
Square Feet of Signage per Linear Foot of Frontage	NA	1.0	1.0	2.0	1.5	2.5	1.0	2.0
Maximum Total Square Feet	Note 3	300 Note 4	300 Note 5	800	500	800	300	800

Note 1: 200 square feet for civic or commercial uses, 2 square feet for residential uses, including home occupations.

Note 2: 50 square feet for project identification signs or civic uses, 2 square feet for residential uses, including home occupations.

Note 3: 32 square feet for civic uses, 50 square feet for project identification signs for multi-family or mobile home developments and for non-residential uses when permitted, 2 square feet for residential uses, including home occupations.

Note 4: Maximum limits apply to non-residential premises only. On premises with primary residential use, 50 square feet for project identification signs for multi-family developments, 2 square feet for residential uses, including home occupations.

Note 5: One Business Center Identification Sign with a maximum area of 100 square feet is permitted in addition to the Maximum Total Square Feet established here, subject to the regulations set forth by Table 27-4.

**Table 27-4:
Permitted Signs by Numbers, Dimensions, and Location**

Each individual sign shall comply with the regulations for maximum quantity, maximum size, minimum setbacks, and height limits shown in this table:

Zoning District	R-1 R-2 R-3 R/CC RM	C/L	C-1	C-2 (Note 2)	TC	C/A (Note 2)	BP	M-1 M-2 (Note 2)
<i>Detached Signs</i>								
Number Permitted Per Premise	1	1	1	NA	1	NA	NA	NA
Per Feet of Frontage of Property	NA	NA	1	1 per 300	NA	1 per 300	1 per 300	1 per 300
Maximum Size* (sq. ft.)	X	100	100	300	100	300	150	300
Maximum Height (feet) of Structure Above Ground	10	10	10	25	25	35	15	35
Front Yard Setback (feet)	10	10	10	10	0	5	5	0
Side Yard Setback (feet)	10	10	5	5	0	5	5	0
<i>Attached Signs</i>								
Maximum Size* (sq. ft.)	X	50	150	NA	NA	300	300	300
% of Street Facade		15%	15%	20%	20%	20%	20%	20%

X See Table 27-3 for maximum sign sizes.

Note 1: In addition to its total permitted sign area, each premises used for a business center may have one detached center identification sign, subject to the following conditions:

1. The maximum area for a center identification sign shall be 100 square feet.
2. No center identification sign shall be within 300 feet of any other center identification sign or within 150 feet of any other detached sign on the same or adjacent premises.
3. The sign shall display no more than the name and location of the business center.
4. Each sign shall be subject to all other regulations for detached signs or graphics set forth in this Article.

Note 2: Within the total maximum sign allowance permitted by Table 27-3, properties in the C/A district may elect to locate an outdoor advertising sign in excess of 300 square feet, subject to the conditions set forth in Section 2711.

SECTION 28

NONCONFORMING USES AND DEVELOPMENT

2801 Purpose

Within the various districts established by this title or amendments that may later be adopted, there exist structures and uses of land and structures that were lawful prior to the adoption of the ordinance codified in this title but that would be prohibited, regulated, or restricted under the provisions of this title. It is the intent of this title to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this title to be incompatible with permitted uses in the districts involved.

All nonconforming use of land, use of structures and nonconforming structures shall cease upon change of ownership (with the exception for change of ownership to an immediate family member), of the land use of structure or structure.

2802 Regulations Additive

Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

2803 All Districts

a. Nonconforming Use of Land

The lawful use of land upon which no building or structure is erected or constructed that becomes nonconforming under the terms of this title as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance codified in this title.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel that was not occupied by such use at the effective date of adoption or amendment of the ordinance codified in this title.
3. If any such nonconforming use of land ceases for any reason for a period of more than three months, any subsequent use of such land shall conform to the regulations for the district in which such land is located.

b. Nonconforming Use of Structures

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

1. No existing structure devoted entirely or in part to a use not permitted by this title in the district in which it is located, except when required by law, shall be enlarged, extended,

Nonconforming Development

- reconstructed, moved, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located.
2. In the event that a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for a period of three months, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
 3. Any structure devoted to a use made nonconforming by this title that is destroyed by any means to an extent of fifty percent of the assessed value of the structure at the time of destruction, shall not be reconstructed and used as before such happening. If the structure be less than fifty percent of the assessed value of the structure, it may be reconstructed and used as before, provided it be done within six months of such happening, and be built of like or similar materials.

c. Nonconforming Structures

Where a structure exists at the effective date of adoption or amendment of the ordinance codified in this title that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way, which increases its nonconformity.
2. Should such structure be destroyed by any means to an extent of fifty percent of assessed value of the structure, it shall not be reconstructed except in conformity with the provisions of this title.

2804 Repair, Maintenance and Remodeling of Nonconforming Structures

- a. On any non-conforming structure or portion of a structure containing a con-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty-five (25) percent of the current assessed value of the structure, of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.
- b. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

2805 Recognition of Nonconformances

- a. Unauthorized Nonconformances

Nonconforming Development

Any use of land or structure which was not an authorized nonconformity under any previous zoning ordinance or similar regulations shall not be authorized to continue its nonconforming status pursuant to this title.

b. Nonconforming Uses and Conditional Use Permits

A lawful pre-existing use that would require a Conditional Use Permit in its zoning district shall be presumed to have the appropriate permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of permits, set forth in Section 29.

SECTION 29

ADMINISTRATION AND PROCEDURES

2901 Purpose

The Administration and Procedures Provisions establish the methods for implementation of the Zoning Ordinance. These provisions include procedures for reviewing specific uses within certain zoning districts; amending the Zoning Ordinance; and granting variances.

2902 Site Plan Review Procedure

1. PLAN REVIEW.

All required plans and specifications for residential, multi-family, commercial, industrial, and manufacturing building projects shall be reviewed by the Building Inspector for completeness and compliance. Except for residential projects, (single-family and two-family structures) the Building Inspector or his or her designee will forward these plans and specifications on to other City departments or personnel to determine whether or not such plans and specifications are in compliance with the laws and ordinances under their jurisdictions.

2. MULTI-FAMILY, COMMERCIAL, INDUSTRIAL, AND MANUFACTURING BUILDING PROJECT PLANS AND SPECIFICATIONS REVIEWED BY THE PLANNING AND ZONING COMMISSION.

The Planning and Zoning Commission (Planning Board) shall review the plans and specifications for multi-family, commercial, industrial and manufacturing building projects before the Building Inspector approves the building permit. Included in this class of construction are all proposed tenant-finished projects, residential subdivisions, and multi-family dwellings of more than 3 units. Within thirty (30) days of receiving the Building Inspector's report, checklist and complete plans (approved by the City's Engineering Firm or other licensed firm, if appropriate, and by all appropriate City departments), the Planning Board shall convene to review the proposed plans and specifications and make its recommendations. Recommendations by the Planning Board shall be considered by the Building Inspector before approval.

3. No building permits are to be issued by the Building Inspector until the final plat for the subdivision has been approved by the Planning Board and City Council.

a. Purpose

The Site Plan Review Procedure provides for the administrative review in addition to plan review required by other sections of the Unified Land Development Ordinances and/or the Carter Lake Municipal Code of projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.

Administration and Procedures

b. Administration

The Building Inspector, or his/her designee shall review, evaluate, and act on all site plans submitted pursuant to this procedure. An applicant may appeal a denial of any application to the City Council.

c. Uses Requiring Site Plan Review

All uses indicated as subject to Site Plan Review in Table 29-1 are subject to the provisions of this section, unless otherwise subject to a Conditional Use Permit procedure for specific zoning districts.

d. Application Requirements

An application for a Site Plan Review may be filed by the owner(s) of a property or the owners' authorized agent with the Building Inspector. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address, and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
 - a) The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - b) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
 - c) The location, size, and use of proposed and existing structures on the site.
 - d) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
 - e) Location of any major site feature, including drainage and contours at no greater than five-foot intervals.
 - f) Any other information that may be required for review by the Building inspector or his/her designee.

e. Administrative Action and Appeal

The Building Inspector, or his/her designee must act upon each complete application within ten working days of filing. An applicant may appeal a denial to the Board of Adjustment within ten days of the action. The Board of Adjustment shall consider the appeal at the first available meeting after the filing of the appeal.

f. Review and Evaluation

1. The Building Inspector or his/her designee (or the Board of Adjustment in cases of appeal), shall review and approve the site plan based on the criteria established in Table 29-1 and conformance with applicable regulations in these Zoning Regulations.
2. The Building Inspector, or his/her designee (or the Board of Adjustment in cases of appeal), shall make the following findings before approval of the site plan:
 - a) The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 29-1.
 - b) Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects.
 - c) The site plan conforms to the Zoning Regulations.

g. Modification of Site Plan

The Building Inspector, or his/her designee (or the Board of Adjustment in cases of appeal), may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, welfare, community character, property values, and/or aesthetics.

h. Term and Modification of Approval

1. A Site Plan Approval shall become void two years after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.
2. The Building Inspector, or his/her designee, may approve an application to modify a previously approved site plan if he/she determines that the modification does not affect findings related to the criteria set forth in Table 29-1.
3. The Building Inspector, or his/her designee may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Board of Adjustment.

2903 Conditional Use Permits

a. Purpose

The conditional use permit procedure provides for Planning Board review and approval of uses within zoning districts that have unusual site development or operating characteristics that could adversely affect surrounding properties. Denials may be appealed to the City Council.

b. Administration

The Planning Board shall review, evaluate, and act upon all applications submitted pursuant to this procedure. The Planning Board, following proper notice, shall hold a public hearing on each conditional use permit application and, following such public hearing, shall act on the application. Before approval of any conditional use permit, the Board shall review the conformity of the proposal with the criteria set forth in Table 29-1. The Board may approve or disapprove the conditional permit as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the proposal as the board deems necessary to the end that it preserves the intent and purpose of this title to promote public health, safety and the general welfare.

c. Application Requirements

An application for a conditional use permit may be filed with the Building Inspector by the owner(s) of a property or the owners' authorized agent. Applications for a conditional use permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a detailed site plan containing all requirements for site plan review set forth under Section 24.

d. Criteria for Review

The Board shall review and act upon the request based on the criteria established in Table 29-1 and conformance with applicable regulations in this Zoning Ordinance.

e. Scope of Planning Board's Approval

1. The Planning Board may, at its discretion, apply a conditional use permit to a specific owner or applicant. The Planning Board may establish special site development or operational regulations as a condition for approval of a conditional use permit.
2. The Planning Board shall not grant a conditional use permit for any home occupation/home-based business that is otherwise prohibited under Section 2310 of this Ordinance.

f. Change in Approved Conditional Use Permits

In the event a conditional permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

g. Lapse and Revocation of Permit

1. A conditional use permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period, or sooner if so conditioned by the Planning Board.
2. The Planning Board may revoke a conditional use permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.

h. Previously Approved Permits

Any conditional use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid conditional use permit, subject to requirements imposed at the time of its approval.

i. Appeals

1. Actions taken by the Planning Board subject to this section may be appealed to the City Council. The appealing party shall file a written request for an appeal with the City Clerk, stating the reasons for the appeal and the areas of difference with the decision of the Planning Board.
2. Appeals to the City Council may be filed by the applicant in the event of a denial of the permit application or by a notarized petition signed by a minimum of 50% of the owners of property within 200 feet of the location of the proposed permit.
3. The City Council shall consider the appeal at the soonest practical meeting that is at least two weeks from the date of the filing of the appeal.

2904 Amendment Procedure

a. Purpose

The amendment procedures describe the methods by which changes may be made in the text of the Zoning Ordinance (text amendment) and/ or the official boundaries of zoning districts (rezoning).

b. Initiation of Amendments

1. Text amendments may be initiated by the Planning Board or City Council.
2. Rezoning may be initiated by a property owner or authorized agent; the Planning Board; or the City Council.

c. Rezoning Application Requirements

An application for a rezoning may be filed with the Building Inspector, the City Clerk, or a designee for either office holder. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address and legal description of the property.
3. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
4. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Building Inspector to be necessary to describe the proposed use to the Planning Board and/or the City Council.

d. Amendment Process

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1. If the amendment was initiated by the City Council or by a property owner (or authorized agent), the Planning Board shall consider the request and return its recommendation in writing to the Council within sixty days. Upon request of the Board to the Council, the Board shall have an additional 30 days to return its recommendation.
2. The Planning Board, following a minimum of ten days notice and publication, shall hold a public hearing on each proposed text or rezoning and, following such public hearing, shall recommend action to the City Council.
3. The City Council, after publication and public hearing, shall act on the proposed amendment. A simple majority vote of those members either elected or appointed to the City Council is required for approval.

e. Required Notice and Publication

Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the governing body, notice of public hearings shall be provided by:

1. **Notice By Posted Sign:** A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than eighteen inches in height and twenty-four inches in width with a white background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.
2. In addition, notice of public hearing shall also be provided by at least one of the following methods:
 - a) **Publication:** At least ten days before the date of hearing, the City Clerk shall have published in a newspaper having a general circulation in the City of Carter Lake a notice of the time, place and subject matter of such hearing.
 - b) **Notification by Mail:** At least ten days prior to the date of hearing, the party initiating the rezoning request shall present the City Clerk an address list of those persons who own property within 300 feet of the subject site. The City Clerk shall mail notice of the time, place and subject matter of the hearing to such property owners at least ten days prior to the date of the hearing.

2905 Building Permits and Certificates of Zoning Compliance

a. Administration and Enforcement

1. The Building Inspector shall administer and enforce this ordinance. The City Council may direct other persons to assist him/her.
2. If the Building Inspector, or his/her designee shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/ she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes;

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discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance or to ensure compliance with or to prevent violation of its provisions.

b. Building Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Building Inspector. No building permit shall be issued by the Building Inspector except in conformity with the provisions of this ordinance, unless he/she receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this ordinance.

1. Asphalt and Concrete Installation. No asphalt or concrete shall be poured or installed on any lot in Carter Lake without there first being a permit issued for such work. The permit application must be signed by the property owner, shall include a description of the area of property to be covered by the asphalt or concrete, and shall state when said work is to be completed. If any part of the City right-of-way is to be covered by the project, said portion covering the City right-of-way shall be covered by concrete only and not by asphalt.
2. Dirt Hauling. It shall be unlawful for any person except authorized city employees or persons contracted by the city to haul, or authorize to be hauled, any earth in excess of ten (1) cubic yards over, across, or along any paved street or alley in the city without a permit from the Building Inspector to do so.

a. Application for permit.

Any person desiring a permit required by the provisions of this division shall make application therefore to the Building Inspector. Such application shall contain:

- (1) The place from which the earth is to be removed;
- (2) The place to which the earth is to be hauled; and
- (3) An approximate estimate of the number of cubic yards to be moved.
- (4) The Building Inspector shall require proof of contractor's liability insurance coverage of the applicant in cases where dirt hauling will occur over city streets and city rights-of-way.

b. Deposit.

Before any permit shall be issued under the provisions of this division, the applicant therefore shall deposit with the City an amount determined by the amount of earth to be moved as follows:

- (1) Less than 100 cubic yards: \$10.00
- (2) 100 to 1,000 cubic yards: \$20.00
- (3) Over 1,000 cubic yards, not more than \$100.00, as determined by the Building Inspector.

c. Issuance of permit.

Upon compliance with the requirements of this division, the Building Inspector shall issue a permit required by the division to the applicant therefore.

d. Contents of permit.

Each permit issued under the provisions of this division shall contain:

- (1) The streets or portions of streets over, across or upon which dirt may be hauled; and

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- (2) The time when such work will be permitted.
- (3) In no event shall a dirt-hauling permit exceed six (6) months in duration.

e. Inspection of permit.

A permit issued under the provisions of this division shall be subject to inspection upon demand by any city officer or employee who may be designated by the Building Inspector to look after work performed coming under this division. If necessary, the Building Inspector shall provide directions to the permit holder of the appropriate steps to provide dust control during the project. All reasonable measures will be taken to ensure a minimum amount of dust and dirt blowing.

f. Duty to prevent spilling of dirt; duty to clean street.

It shall be the duty of any person engaged in hauling earth over, along or across any part of any paved street or ally in the city in pursuance of a permit issued under the provisions of this division to use wagons or trucks for hauling such earth of such construction as the Building Inspector may approve, and to so load such wagons or trucks in such manner and to so clean them after unloading as to prevent the spilling or wasting of earth there from in passing over the streets and alleys. It shall be the duty of such person holding such permit, during the progress of such work, to keep the paved streets and alleys over which dirt shall be hauled by them free from any dirt that may accidentally, or otherwise, be spilled upon pavements, gutters or sidewalks, and properly clean the same when required by the Building Inspector.

g. Protection of sidewalks.

No person holding any permit issued under the provisions of this division shall haul dirt or earth over, across or upon any permanent sidewalk in the city without first covering such sidewalk with planks of not less than two (2) inches in thickness. It shall be the duty of such permittee to remove and clean sidewalk (planked) crossing areas for pedestrian use after hauling hours each day.

h. Cleaning of street by city.

The Building Inspector shall have the right, when any person operating under a permit issued under this division shall fail to removed dirt spilled, wasted or left by such permittee upon any pavement, gutter, sidewalk or crossing along the line of their haulage when required, to cause the same to be done at the expense of, and out of, the funds specially deposited in connection with such permit, with the balance of such fund, if any, remaining after the completion of the work under such permit to be returned to the permittee. If at any time the deposit shall prove to be insufficient, the Building Inspector shall be empowered to stop further work and haulage until an additional amount shall have been deposited which in the opinion of the Building Inspector shall be sufficient to maintain the pavements, gutters, sidewalks and crossings clear of earth during the progress of the work; and after the completion of such work the balance of such deposit shall be returned to the depositor upon the return of the permit and receipt issued to him.

i. Site plan with final grades.

If a permit for dirt hauling is applied for, a grading plan shall be filed with the Building Inspector showing the final grade of the property affected. The Building Inspector shall give his/her approval of the final grade. The site shall be graded to near level within thirty (30) days of hauling dirt.

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j. Violation.

Anyone violating this provision shall be subject to a civil municipal infraction and a \$100.00 a day penalty for each day the violation occurs and/or may be subject to injunctive or equitable relief issued by a court so as to restore the property to its previous condition prior to the fill or removal of dirt on the site.

c. Application for Building Permit

1. All applications for building permits shall include plans if applicable in duplicate drawn to an appropriate scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.

2. The application shall include such other information as lawfully may be required by the Building Inspector, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

3. One copy of the plans shall be returned to the applicant by the Building Inspector, after he/she shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of the plans, similarly marked, shall be retained by the Building Inspector.

d. Posting of Building Permits

A building permit shall be posted by the applicant on the property in question at least five (5) days prior to the start of construction. It shall be placed so that it is readable from the public street and shall remain in place during the construction period. If a building permit is not obtained and properly posted prior to construction, construction must cease until such permit is granted. The usual permit fee will be doubled and other penalties may be levied. Construction may resume following a required ten (10) day posting of the building permit.

e. Certificates of Occupancy for New, Altered or Non-Conforming Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Building Inspector stating that the proposed use of the building or land conforms to the requirements of this ordinance.

f. Expiration of Building Permit

1. If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the Building Inspector; and written notice thereof shall be given to the persons affected.

2. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the Building Inspector, and written notice thereof shall be given to the persons affected, together

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with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

3. The expiration date of a building permit may be established for a period longer than two years if established at the time that such permit is issued by the City. The Building inspector, or his/her designee may, at his/her discretion, extend the expiration period of the building permit.

g. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Occupancy

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Section 2905 hereof.

2906 Schedule of Fees, Charges and Expenses.

- a. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance.
- b. The schedule of fees shall be posted in the office of the City Clerk and may be altered or amended only by the City Council.
- c. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

2907 Board of Adjustment

a. Creation, Terms, Meetings, Rules

A City Board of Zoning Adjustment is hereby created and shall be known as the City Board of Zoning Adjustment. The City Board of Zoning Adjustment shall consist of five (5) members appointed by the City Council for a term of five (5) years, excepting when the Board shall first be created one (1) member shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

The City Board of Zoning Adjustment shall annually elect one (1) of its members as Chairperson, another as Vice-Chairperson, who shall act as Chairperson in the chairperson's absence, and appoint a secretary who may be an officer or an employee of the City. Each shall serve until his/her successor has been selected.

The City Board of Zoning Adjustment shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board, decisions of the Board and the vote upon each question. Records of all official actions shall be kept in the office of the city Clerk and shall be

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open to public inspection during reasonable business hours. All meetings of the Board shall be open to the public.

b. Appeals to City Board of Zoning Adjustment

The City Board of Zoning Adjustment shall hear and determine appeals from or other matters referred to it regarding the application of this Ordinance. The Board shall fix a reasonable time for the hearing of an appeal or any other matter referred to it. Notice of the time, place and subject of such hearings shall be published one in the official City newspaper at least fifteen days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party in interest, property owners within two hundred (200) feet, and to the Planning Board.

Appeals to the City Board of Zoning Adjustment may be taken by any person aggrieved, or by any officer of the City or any governmental agency or body affected by any decisions of the officer administering the provisions of this Ordinance. Such appeal shall be taken within a reasonable time as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof and the payment of the fee required therefore. The officer, from whom the appeal is taken, when notified by the Board or its agent, shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

c. Powers and Jurisdiction Relating to Administrative Review

The City Board of Zoning Adjustment shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures or to interpret any map.

d. Powers and Jurisdiction Relating to Exceptions

The City Board of Zoning Adjustment shall have the power to hear and decide, in accordance with the provisions of this Ordinance, requests for exceptions upon which the Board is authorized by this Ordinance to pass; to decide such questions as are involved in determining whether exceptions should be granted; and to grant exceptions with such conditions and safeguards as are appropriate under this Ordinance. In no event shall exceptions to the provisions of this Ordinance be granted where the use or exception contemplated is not specifically authorized to be granted such exceptions and only under the terms of this Ordinance. Further, under no conditions shall the City Board of Zoning Adjustment have the power to grant an exception where conditions of such exception are not found to be present. And exception shall not be granted by the City Board of Zoning Adjustment unless and until:

1. Application: A written application for an exception is submitted indicating the section of the Ordinance under which the exception is sought and stating the grounds on which it is required;
2. Hearings: The public hearing shall be held. Any party may appear in person, or by agent or attorney;
3. Findings: The City Board of Zoning Adjustment shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the exception, and that the granting of the exception will not adversely affect the public interest;
4. Rules Governing Individual Exceptions: Before any exception shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual exceptions and that satisfactory provision and arrangement have been made concerning the following, where applicable:

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- a. entrance and exit to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- b. off-street parking and loading areas where required, with particular attention to the items in (a) above and the noise, glare, odor or economic effects of the exception on adjoining properties and properties generally in the district;
- c. refuse and service areas, with particular reference to the items in (a) and (b) above;
- d. utilities, with references to locations, availability, and compatibility;
- e. screening and buffering with reference to type, dimensions, and character;
- f. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
- g. required yards and other open space;
- h. general compatibility with adjacent properties and other property in the district.

e. Powers and Jurisdiction Relating to Variances

The City Board of Zoning Adjustment shall have the power to authorize in specific cases a variance from the specific terms of this Ordinance which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship, and provided that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. A variance may be granted in such case, upon a finding by the Board that all of the following conditions have been met:

1. Unique Circumstances: That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district; and is not created by an action nor actions of the property owner or the applicant;
2. Consideration of Adjacent Property Rights: That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
3. Application of Regulations Constitutes Undue Hardship: That the strict application of the provisions of this Ordinance from which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
4. Consideration of General Welfare of Public: That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;
5. Adherence to Intent of Regulations: That granting the variance desired will not be opposed to the general spirit and intent of this Ordinance;
6. Requirement for Written Application and Conditions: A variance from the terms of this Ordinance shall not be granted by the City Board of Zoning Adjustment unless and until a written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance, that the special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other land, structures, or buildings in the same district;
7. Effect of Non-Conformance: No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance;
8. Public Hearing and Findings of the Board: Notice of public hearing shall be given as in Section 2907 - b above; the public hearing shall be held. Any party may appear in person or by agent or by attorney; the City Board of Zoning Adjustment shall make findings that the

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requirements of this section have been met by the application for a variance; the Board shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; the Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

9. Conditions Imposed: In granting any variance, the City Board of Zoning Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 2908 of this Ordinance.

10. Use Variances: Under no circumstances shall the City Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

f. Board has Powers of Administrative Officer on Appeals: Reversing Decision of Administrative Officer

In exercising the above mentioned powers, the City Board of Zoning Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

A concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such officer, or to decide in favor of the applicant or any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

g. Appeals to District Court

Any person, official or governmental agency aggrieved with any decision or determination of the city Board of Zoning Adjustment may present a petition to the District Court, specifying the grounds of illegality and the procedure thereof as provided. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board.

2908 Administrative Procedure and Enforcement

a. Duties of the Administrative Official, City Board of Zoning Adjustment, and Courts on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Building Inspector and that such questions shall be presented to the City Board of Zoning Adjustment only on appeal from the decision of the Building Inspector, and that recourse from the decisions of the City Board of Zoning Adjustment shall be to the courts as provided by law, except as provided in Article 2908.

It is further the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance, the City Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law and of establishing a schedule of fees and charges as stated herein.

b. Administration and Enforcement

Administration and Procedures

An administrative official who shall be known as the Building Inspector and who shall be designated by the City Council shall administer and enforce this Ordinance. He/she may be provided with the assistance of such other persons as the City Council may direct.

If the Building Inspector shall find that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

c. **Building Permits Required**

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Building Inspector. No building permit shall be issued by the Building Inspector except in conformity with the provisions of this Ordinance, unless he/she receives a written order from the City Board of Zoning Adjustment or City Council in the form of an administrative review, special exception, or variance as provided by this Ordinance.

d. **Application for Building Permit**

All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.

The application shall include such other information as lawfully may be required by the Building Inspector, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance.

One copy of the plan shall be returned to the applicant by the Building Inspector after he/she shall have marked such copy either as approved or disapproved and attested to same by his/her signature on such copy. If a building permit is refused, the Building Inspector shall state the reasons for such refusal in writing. The original and one (1) copy of the plans, similarly marked, shall be retained by the Building Inspector. The issuance of a building permit, shall, in no case, be construed as waiving any provisions of this Ordinance.

e. **Certificates of Zoning Compliance for New, Altered or Non-Altered or Non-Conforming Use**

It shall be unlawful to use or occupy or permit the use or occupancy of any (non-farm) building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Building Inspector stating the proposed use of the building or land conforms to the requirements of this Ordinance.

No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the Building Inspector. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this Ordinance provided, that within six (6) months of the enactment or amendment of this Ordinance, the Building Inspector shall notify in writing the owners or occupants of non-conforming uses or structures that the uses or structures are in non-conformance with the provisions of this Ordinance and that a certificated of zoning compliance is required. Failure by

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the Building Inspector to make such notification within six (6) months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance.

No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

A temporary certificate of zoning compliance may be issued by the Building Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The Building Inspector shall maintain a record of certificates of zoning compliance and a copy shall be furnished upon request to any person. Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable under Section 2905 of this Ordinance.

f. Expiration of Building Permit

If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Building Inspector; and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not be substantially completed within two (2) years of the date of the issuance thereof, said permit shall expire and be cancelled by the Building Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

g. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Building Inspector authorize on the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 2905 thereof.

h. Schedule of Fees, Charges and Expenses

There is hereby established in a schedule of fees, charges and expenses for building permits and certificates of zoning compliance, as presented below.

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FEES FOR BUILDING PERMITS AND ZONING COMPLIANCE

<u>Value of Building</u>	<u>Fee</u>
To and including \$1,000	\$5.00 minimum
For each additional \$1,000 or fraction Thereof up to and including \$15,000	\$1.00/\$1,000
For each additional \$1,000 or fraction Thereof up to and including \$50,000	\$0.50/\$1,000
For each additional \$1,000 or fraction Thereof, exceeding \$50,000	\$0.25/\$1,000

The schedule of fees shall be posted in the office of the Building Inspector and may be altered or amended only by the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

i. **New Buildings on Unapproved Streets**

No building permit shall be issued for, or no building shall be erected on any lot within the jurisdiction of this Ordinance, unless the street giving access to the lot upon which said building is proposed to be placed shall be accepted or opened as, or shall have otherwise received the legal status of, a public street prior to that time, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the City Council after submission to the Planning Board, and in case of said Planning Board's disapproval, is later approved by a minimum of two-third's (2/3) vote of the City Council. Any building erected in violation of this section shall be deemed an unlawful structure and the City may bring action to enjoin such erection or cause it to be vacated or removed.

TABLE 29-1: Criteria For Site Plan Review And Conditional Use Permits

Land Use Compatibility	CRITERION	APPLICATIONS TO	
		Site Plan Review	Conditional Use Permit
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.	X	X
Height and Scale			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variation should be justified by site or operating characteristics.	X	X
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X
Site Development			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X
Landscaping	Landscaping should be integral to the development, providing street landscaping breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainageways should be preserved.	X	X
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations		X
Operating Characteristics			
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X
Industrial Access	Projects must provide direct access from major arterials without requiring travel through residential areas or along local, residential streets.	X	X
Hazardous Effects	Projects must minimize external hazards to surrounding properties or, if hazardous materials are handled or stored, take measures to provide appropriate separations between the site and neighboring inhabited properties.	X	X

TABLE 29-1: Criteria For Site Plan Review And Conditional Use Permits (continued)

CRITERION		APPLICATIONS TO	
		Site Plan Review	Conditional Use Permit
Operating Characteristics			
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
Public Facilities			
Sanitary Waste Disposal	Developments must connect to the public sanitary sewer system.	X	X
Storm Water Management	Sanitary sewer must have adequate capacity to serve development.	X	X
	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
Utilities	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
	Project must be served by utilities.	X	X
Comprehensive Plan	Projects should be consistent with the City of Carter Lake's Comprehensive Development Plan.		X

SECTION 30
SUBDIVISION REGULATIONS

3001 GENERAL PROVISIONS

- A. TITLE
This Chapter may be known and may be cited and referred to as “Subdivision Regulations” of the City of Carter Lake, Iowa.
- B. PURPOSES AND OBJECTIVES OF THE ORDINANCE
The Subdivision Regulation Ordinance is adapted to preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically the Subdivision Regulation Ordinance is adopted in order to insure that new development resulting in land subdivision in the City shall conform to minimum development practices and standards. Further, it is intended that such land subdivision shall result in properly coordinated design and construction of lots, blocks, streets, utilities, public facilities, and other community assets.

3002 APPLICATION OF REGULATIONS

- A. GENERAL
Any plat, hereinafter made, for each subdivision or each part thereof lying within the jurisdiction of this Ordinance, shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into three (3) or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the re-subdivision or replatting of land or lots. Further, the regulations set forth by this Ordinance shall be minimum regulations that shall apply uniformly throughout the jurisdiction of this Ordinance except as hereinafter provided.
- B. APPLICABILITY
1. Each separate principal use building within the City shall be situated on a separate and single subdivided lot of record unless otherwise provided in the Zoning Regulations for Carter Lake, Iowa.
 2. No subdivision of land shall be permitted within the City unless a plat is approved in accordance with provisions of these Regulations.
 3. These Regulations shall apply not only to subdivision as herein set forth but shall also apply, insofar as payment of costs for improvement of subdivisions is concerned, to those subdivisions, or parts thereof, already platted and approved, which are undeveloped, wholly or partially.
 4. These Regulations shall not apply to subdivision of burial lots in cemeteries.
 5. Parcel splits and property line adjustments shall be reviewed and acted upon as provided for in Section 3010.
- C. PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS
In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Ordinance require or impose higher standards than are required in any other Ordinance, the provisions of this Ordinance shall govern.

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Wherever standards than are required by the provisions of this Ordinance the provisions of such Ordinance shall govern.

3003 PLAT REVIEW AND SUBMITTAL REQUIREMENTS

A. PRE-APPLICATION PROCEDURE

1. PRE-APPLICATION CONFERENCE

Before filing a preliminary plat the sub divider shall consult with the Planning board and/or its staff for advice regarding general requirements affecting the proposed development. A sketch of the proposed subdivision drawn on the topographic survey map shall be submitted. The sub-divider shall also submit a location map showing the relationship of the proposed subdivision to existing or platted streets and arterials and existing community facilities.

2. NOTIFICATION OF REQUIREMENTS

The Planning board and/or its staff shall inform the sub-divider of the requirements pertaining to the proposed subdivision as such requirements are established by these Regulations.

- a. WAIVER OF FEES: The Pre-application procedure does not require formal application, fee, or filing of plat with the Planning Board.

B. PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAT

1. PLAT SUBMISSION REQUIREMENTS: The sub-divider shall submit to the Building inspector five (5) copies of the preliminary plat and supplemental material specified with written application for conditional approval. Said complete submittal shall occur at least twenty-one (21) days prior to the regular meeting of the Planning Board at which the request will be heard.

2. FEES: A plat review fee shall accompany the application for conditional approval at twenty-five dollars (\$25.00) per subdivision, plus one dollar and fifty cents (\$1.50) per each lot.

3. SCALE AND PRELIMINARY PLAT CONTENTS: The preliminary plat shall contain a small scale key or vicinity map adequately covering the area of the subdivision, showing the relation of the plat to major streets, parks, schools, and surrounding major commercial, industrial developments and the boundary of the drainage area affecting the plat.

Preliminary plats shall be a scale of one (1) inch to fifty (50) feet provided that if the resulting drawing should exceed thirty-six (36) inches in the shortest dimension, a scale of one (1) inch to one hundred (100) feet is to be used and shall be prepared with the following information.

- (1) Name, location, acreage, owner (name and address) and designer of the subdivision.

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- (2) Present zoning.
 - (3) Date, north point, and graphic scale.
 - (4) Location of existing property lines, streets, utilities with size of lines, and other underground installations and easements.
 - (5) Names of adjoining properties or subdivisions.
 - (6) Proposed utility system (type, capacity and the location of major transmission lines and treatment plants).
 - (7) Location and width, other dimensions and names of the proposed streets, utility easements and other open spaces or reserve areas.
 - (8) Dimensions, blocks, lot lines, and building setbacks; except that in "industrial" type subdivisions, lot lines may be excluded.
 - (9) Location of proposed culverts, retention ponds, and other drainage provisions.
 - (10) Contours at intervals of not more than five (5) feet.
 - (11) Proposed improvements and grading concepts.
 - (12) Location of existing buildings.
 - (13) Location of existing trees with trunks at least six (6) inches in diameter, measured two (2) feet above the ground level. Clumps of numerous trees may be identified as a tree group without precisely locating each tree.
 - (14) Proposed easements, dedications, and reservations of land required shall be provided.
 - (15) Lot and block numbers in numerical order.
4. NOTIFICATION OF IMPROVEMENTS SCHEDULE: The sub divider shall indicate by a letter when improvements as required will be provided. Any proposed restrictive covenants for the land involved shall accompany the letter.
 5. NOTIFICATION OF SCHOOL BOARD: At least ten (10) days prior to the Planning Board meeting at which the preliminary plat is to be considered for approval, the Planning Board shall submit a copy of the proposal to the school board of each school district which the proposed development affects, and shall notify the school board of the meeting date. Copies of the plat may be submitted to any other agency that may be affected.
 6. PLANNING BOARD APPROVAL/REJECTION: After review of the preliminary plat and negotiations with the sub divider, the Planning Board shall reject or conditionally approve the preliminary plat within forty (40) days after the official meeting at which the plat was considered.
 7. RECORDING OF ACTION BY PLANNING BOARD: The action of the Planning Board shall be noted on three (3) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the sub-divider, one (1) copy relayed to the City Council, and one (1) copy retained by the Planning Board.
 8. APPROVAL IS CONDITIONAL: The Mayor and City Council, upon receiving the Planning Board's recommendation, or after thirty (30) days or any extension thereof shall have passed, shall by resolution grant approval to or reject the preliminary plat. Approval of a preliminary plat shall not constitute approval of the final plat. Rather, it

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shall be deemed an expression of approval or conditional approval of the submitted plat as a guide for the preparation of the final plat, which will be subject to further consideration by the Planning Board and City Council. Any conditional approval of the preliminary plat shall be effective for a period of one (1) year unless an extension is granted by the Planning Board.

C. PROCEDURE FOR APPROVAL OF FINAL PLAT

1. PLAT SUBMISSION REQUIREMENTS: Final plats shall be submitted to the Building Inspector within one (1) year of approval of the preliminary plat unless an extension is granted by the Planning Board. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable Ordinances and state laws; and, if desired by the sub-divider, it may constitute only that portion of the approved preliminary plat which he/she proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations. Submittal of any portion of the approved area shall be interpreted as satisfying the one (1) year submission requirement.

Application for approval of the final plat shall be submitted to the Planning Board at least twenty-one (21) days prior to the meeting at which it is to be considered.

2. FEES: No fees are required for final plat submission.
3. SCALE AND FINAL PLAT CONTENTS: The original and five (5) copies of the final plat and other exhibits required for approval shall be submitted. The final plat shall be a permanent copy of a photographic print (copy) made on a stable plastic film not to exceed eighteen (18) inches by twenty-four (24) inches (18" x 24") or less than eight and one-half (8 ½" x 11"). The scale shall be fifty (50) feet to one (1) inch provided the drawing does not exceed eighteen by twenty-four inches (18" x 24") in size and 100' = 1" when the 50' = 1" scale exceeds the 18" x 24" size. Written authorization is required from the City Council for the use of different scales than those provided herein.

The final plat shall show the following:

- (1) Date, title, name and location of subdivision.
- (2) Streets and street names, setback lines, block numbers, lot numbers, etc; except that in "industrial" type subdivisions, lot designation may be excluded.
- (3) Graphic scale and true north point on every street.
- (4) Location, type, material, and size of all monuments and markers.
- (5) Dimensions, angles and bearings, and complete legal description of the property.
- (6) Sufficient engineering data to reproduce any line on the ground.
- (7) Names of adjoining properties and subdivisions.
- (8) Location, dimensions, and purpose of any easements for which usage and maintenance has been approved by the City Council prior to recording the plat.

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- (9) Dimensions and purpose for which sites are dedicated or reserved for public, semipublic or community use, and the transfer of ownership of the same.
- (10) Certificate signed by a registered engineer or land surveyor, which contains the legal description of the land included in the plat and all necessary explanations of dimensions and references to monument to supplement the figures on the plat itself. Said certificates shall state that a ground survey has been made and that monuments have been placed as shown on the plat.
- (11) Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land subdivided, consenting to the plat including dedication to the public for public use of all streets, alleys and public ways and dedication of parks or other public grounds or as is thereon dedicated to charitable, religious, or educational purposes, if any and granting easements.
- (12) Certificate for the approval of the Planning Board to be signed by the Chairman.
- (13) Certificate for the approval of the City Council to be signed by the Mayor and attested by the City Clerk.
- (14) Existing streets and roads and public or community facilities, if any, on adjoining property.
- (15) Minimum unadjusted acceptable error of closure is 1:10,000 for subdivision boundaries and 1:5,000 for individual lots.
- (16) Distances shown in feet to the nearest one-hundredth of a foot based on horizontal distances.
- (17) Bearings and angles recorded at least to the nearest minute of arc.
- (18) Curve data shall be stated in terms of the radius, central angle, and tangent, or length of curve may be shown by reference to center line for streets of uniform width and by cord bearing and distance for lots fronting on a curve.
- (19) Boundary lines identified by a direct bearing or angle or an angle between the boundary line and an intersecting line having a shown bearing except when the boundary line has an irregular or constantly changing course.
- (20) Identify irregular boundaries of lots or subdivisions by enclosing major portion of lot or subdivision in a meander line data with distances as accurately as possible or as "more or less" along all lines extending beyond the enclosure to the irregular boundary. Clearly indicate the true boundary on the map.
- (21) All interior excepted parcels shall be clearly indicated and labeled "Not a Part of This Plat".
- (22) Bounds of every lot, block, street, easement, or other areas shown on plat including boundaries of the subdivided land.
- (23) Index showing relationship between sheets and numbers of each sheet and total number of sheets in each plat when more than one sheet is used.
- (24) Re-subdivisions or replats to contain controlling lines of earlier plat. Label resubdivision or replat following name of subdivision wherever name appears on plat.
- (25) Reserved land of sufficient size and shape to be of practical use or service as determined by the City Council.

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4. SUPPLEMENTARY DATA REQUIRED: The final plat shall be accompanied by:
 - (1) Detailed construction plans of all required public improvements, said plans to be approved by the Engineer.
 - (2) A certificate by the Engineer certifying that the sub-divider has complied with all provisions of SECTION 3005 - J of these Regulations; or, certifying that all required improvements have been installed in accordance with the approval of the preliminary plat by the Planning Board.
 - (3) Protective covenants in form for recording.

6. PLANNING BOARD RECOMMENDATIONS: The Planning Board shall approve or reject the final plat and have prepared a recommendation to the City Council recommending approval or rejection within thirty (30) days. All reasons for recommending rejection shall be clearly stated. Notification of approval or rejection by the Planning Board or the City Council shall be given the sub-divider within thirty (30) days after submission of the final plat to the Planning Board.

3004 SUBDIVISION DESIGN STANDARDS

A. GENERAL REQUIREMENTS

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger of health or peril from fire, flood, erosion or other menace. If, following adequate investigation, conducted by all public agencies concerned, it is determined that land to be subdivided cannot be used without endangering the health, safety, welfare or prosperity of the community, or would necessitate an excessive expenditure of public financial resources for sewage and water facilities, other public facilities and streets, then the subdivision plat shall not be approved unless the sub divider formulates adequate methods for meeting such problems.

All subdivision designs shall conform to standards of the Comprehensive Development Plan and to the City Zoning Regulations.

All required improvements shall be constructed or installed to conform to the provisions of this Ordinance and City specifications.

B. STREETS

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

1. STREET EXTENSTIONS: The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas being subdivided. Where, at the determination of the Planning Board it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the Planning Board deems it necessary, such dead-end streets shall be provided with a cul-de-sac having a radius of at least fifty (50) feet. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in not case shall a street

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extension be of less width than the minimum width required in these regulations for a street in its category.

2. DEDICATION OF RIGHT-OF-WAY FOR NEW STREETS: The dedication of right-of-way for new streets measured from lot line to lot line shall be as shown on the Comprehensive Plan, or, if not shown thereon, shall meet the right-of-way requirements as provided in Schedule A of these regulations. All streets classified as arterial streets by the Comprehensive Plan shall have all points of access approved by the Planning Board. Marginal frontage streets may be required by the Planning Board for subdivisions fronting on arterial streets.
3. DEDICATION OF RIGHT-OF-WAY FOR EXISTING STREETS: Subdivisions platted along existing streets shall dedicate additional rights-of-way if necessary to meet the minimum street width requirements set forth in these regulations. The entire minimum right-of-way width shall be dedicated where subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one-half (1/2) of only one side of an existing street, one-half (1/2) of the required right-of-way width, measured from the center line of the existing roadway, shall be dedicated. Dedication of one-half (1/2) of the right-of-way for proposed new streets along the boundaries of land proposed for subdivision shall be prohibited.
4. INTERSECTIONS: Streets shall intersect as nearly as possible at an angle of ninety (90) degrees, and no intersection shall be at angle of less than sixty (60) degrees. Street curb intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of street intersection is less than seventy-five (75) degrees, the Planning Board may require curb radii of greater length. Whenever necessary to permit the construction of a curb having a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction. No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within seventy-five (75) feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.
5. HORIZONTAL AND VERTICAL STREET CURVES: A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets. Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curves provided in Schedule A of these regulations shall be required.

Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from a driver's eyes, which are assumed to be four and one-half (4 ½) feet above the pavement surface, to an object four (4) inches high on the pavement. Profiles of all streets showing natural or finished grades, drawn to an approved scale, may be required by the Planning Board.
6. STREET GRADES AND ELEVATIONS: All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading

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and drainage. For adequate drainage, the minimum street grade shall be not less than one-half (1/2) of one (1) percent. The Planning Board shall not approve streets that will be subject to inundation or flooding. All streets must be located at elevations that will make them flood-free in order that portions of the subdivisions will not be isolated by floods. Where flood conditions exist, the Planning Board shall require profiles or elevations of streets in order to determine the advisability of permitting the proposed subdivision activity. Fill may be used in areas subject to flooding in order to provide flood-free streets if such fill does not increase flood heights. Drainage openings shall be designed so as not to restrict the flow of water and thereby increase flood heights.

Street grades shall conform to the minimum requirements provided in Schedule A of these Regulations.

7. FRONTAGE ACCESS STREETS: Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Board may require access streets, lots with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special safety considerations, the Planning Board may require that marginal access streets be provided in order that no lots fronton such existing or proposed arterial street or highway.

Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

8. CUL-DE-SACS: Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a radius at the outside of the pavement of at least twenty-five (25) feet and a radius at the outside of the right-of-way of at least forty (40) feet.
9. STREET NAMES: Proposed streets that are in alignment with other already existing and named streets shall bear the names of such existing streets. The name of a proposed street that is not in alignment with an existing street shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway, or similar suffix.

Whenever a street alignment changes direction more than forty-five (45) degrees without a return to the original alignment within a distance of five hundred (500) feet, then the name of the street shall be changed at the point of curvature.

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To avoid duplication and confusion, the proposed names of all streets shall be approved by the Planning Board prior to such names being assigned or used.

10. PRIVATE STREETS AND RESERVE STRIPS: There shall be not private streets platted within a subdivision except in gated communities. There shall be no reserve strips in a subdivision except where their control is definitely vested in the municipality or county under conditions approved by the Planning Board as authorized in these regulations.

C. BLOCKS

The lengths, widths, and shapes of blocks shall be determined with due regard to the provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements as to lot sizes and dimensions; needs for convenient access, circulations, control and safety of street traffic; and limitations and opportunities of topography.

1. BLOCK LENGTHS: Block lengths shall not exceed thirteen hundred and twenty (1,320) feet or be less than six hundred (600) feet, except as the Planning Board considers necessary to secure efficient use of land or desired features of street layout.
2. BLOCK WIDTHS AND TIERS: Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, provided, that where this would require lots of front on an arterial street or highway or where topographical conditions or the size of the property prevent two (2) tiers of lots, the Planning Board may approve a single tier of lots of minimum depth.

D. LOTS

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

1. LOT DIMENSIONS: Lot dimensions shall conform to the requirements or the zoning regulations.
2. CORNER LOTS: Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
3. ACCESS TO LOTS: The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
4. ANGLE OF SIDE LOT LINES: Side lot lines shall be substantially at right angles or radial to street lines.

E. FLOOD HAZARDS

Land subject to flooding and land deemed to be topographically unsuitable for residential development shall not be platted for residential use or for any other use which may increase the danger to health, life or property or aggravated erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation contrary to the public welfare. To insure that lots will be located only where they will provide flood-free building sites, the Planning Board may require the sub-divider

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to provide elevation and flood profiles sufficient to demonstrate that the building sites will be completely free from the danger of flooding. If a stream flows through or adjacent to the proposed subdivision, the plat plan shall provide for easement of right-of-way along the stream for a floodway. For the smaller streams, the plan shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The floor elevations of structures intended for human habitation shall be high enough to be above the level of one hundred (100) year frequency flood. The floodway easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and run-off rates are increased. Refer to Section 22 for additional information.

F. OFF-STREET LOADING AND PARKING FACILITIES

All lots or parcels platted shall provide sufficient space for off-street loading and parking facilities to meet the requirements of the zoning district within said lot or parcel is platted. Refer to Section 26.

G. EASEMENTS

Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least sixteen (16) feet wide.

Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

H. COMMUNITY ASSETS

In all subdivisions, due regard shall be shown for natural features such as large trees; unusual rock formations, and water courses; for sites which have historical significance; and for similar assets which, if preserved, will add attractiveness and value to the subdivision and to the area. The Planning Board may prepare a list of all such features within its Area of Planning Jurisdiction that it deems worthy of preservation.

I. CONFORMANCE WITH OTHER REGULATIONS

No final plat of land within the area of force and effect of existing zoning regulations will be approved unless it conforms with such regulations. Whenever there is a variance between the minimum standards set forth in these regulations and those contained in the building code, or other official regulations, the highest standard shall apply.

J. RESERVATION AND DEDICATION OF PUBLIC LAND AND OPEN SPACE

1. RESERVATION: Before final plat approval is given the developer, he/she may be required to reserve sites for parks, playgrounds, open spaces and schools and other public land as determined by the Planning Board to be sufficient and in compliance with the Comprehensive Plan. Reservation of land for public acquisition and/or use shall be for a period not to exceed three (3) years from the date the plat is officially approved and recorded unless otherwise provided in these regulations.

a. Where a park, playground, school, or other site for public use shown on the Comprehensive Plan is located in whole or in part in the applicant's subdivision, the

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City may require the acquisition or accept the dedication or reservation of such area within the subdivision.

- b. Where deemed essential by the Planning Board upon consideration of the type of development proposed in the subdivision, and especially in large-scale developments not anticipated in the Comprehensive Plan, the City may request the dedication or reservation of such other areas or sites of a character, extent or location suitable to the needs created by such development for school, parks and other neighborhood facilities.
- c. Where a tract of land being subdivided includes land proposed to be used for parks under the duly adopted Comprehensive Plan of the city, the sub-divider shall indicate the location of such areas on the subdivision plat.
- d. Where a tract of land being subdivided includes land proposed to be used for a future school site, under the adopted Comprehensive Plan, the sub-divider shall indicate the general location of such areas on the preliminary plat. School sites are to be reserved for two (2) years giving the community School District the right to purchase the land at a negotiated value or at a value determined in the same manner as required by the State of Iowa Code for proceedings under the power of eminent domain, plus one-half (1/2) the cost of grading, utilities, and paving, including curbs, of any streets contiguous to the site, plus other approved special assessments. Should the school site not be purchased within the time limit specified above, the sub-divider may then sell said site for an alternate purpose as shown on the approved subdivision plat.

- 2. DEDICATION: Before final plat approval is given to the sub-divider, he/she shall be required to dedicate to public use all streets, alleys, buffer strips and parks as may be required by the Planning Board. Acceptance of these dedicated lands shall be recorded in the minutes of the City Council and on the subdivision plat.

K. LARGE TRACTS OR PARCELS

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical resubdivision.

3005 REQUIRED SUBDIVISION IMPROVEMENTS

A. GENERAL REQUIREMENTS

The sub-divider shall design and construct improvements not less than the standards outlined in these regulations. The work shall be done under City supervision and inspection and shall be completed within the time fixed or agreed upon by the City Engineer and/or Planning Board. The minimum requirements for materials shall be in accordance with the standards currently in effect in the City or as approved by the city Engineer and/or Planning Board. Standards applicable to health and sanitation as required by the Iowa Department of Environmental Quality and the Iowa Department of Health shall be the minimum standards required.

Schedules of improvements shall be prepared by the sub-divider. The schedules shall contain standards, and classes of construction that are consistent within the zoning districts as identified in the Zoning Regulations of the City of Carter Lake. The sub-divider shall furnish copies of

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pertinent schedules and certificates of compliance as required by the City Engineer and/or Planning Board.

All inspection costs and costs for required tests shall be paid by the sub-divider.

B. MONUMENTS, MARKERS AND PINS

Permanent concrete monuments shall be accurately set and established at the intersections of all outside boundary lines of the subdivision; at the intersections of those boundary lines with all street lines; at the beginning and end of all curves; at points on curves where the radius or direction changes; and at such other points as are necessary to establish definitely all lines of the plat, including all lot corners. Stone or concrete monuments shall be at least thirty-six (36) inches long and at least six (6) inches in diameter, and shall be provided with an appropriate center point. Solid iron pins or iron pipe monuments at least one (1) inch in diameter and at least thirty (30) inches long may be used at all other points.

C. STREETS

1. GRADING SPECIFICATIONS: All streets, roads and alleys shall be graded to their full widths by the sub-divider so that street pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the approval of the City Council. Before grading is started, the entire right-of-way area shall be first cleared of all tree stumps, roots, brush and other objectionable materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the accepted cross-section and grades. In cuts, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable materials shall be removed to a depth of at least two (2) feet below the graded surface. Rock, when encountered, shall be scarified to a depth of at least twelve (12) inches below the graded surface. In fills, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable material shall be removed to a depth of at least two (2) feet below the natural ground surface. This objectionable matter, as well as similar matter from cuts, shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills or hinder proper operation of the drainage system.
2. MINIMUM PAVEMENT WIDTHS: Pavement widths shall be measured between curbs. Minimum pavement or surface widths shall be provided as indicated in Schedule A of these regulations
3. STREET SURFACING: Street surfacing shall be provided in conformance with Schedule B of these regulations or as determined by the City Engineer and/or Planning Board. Requirements for paving including curb and gutter may be waived at the request of the sub-divider in the case of a subdivision wherein all of the lots in the subdivision have a minimum frontage width of three hundred (300) feet or more subject to the approval of the City Planning Board or the City Engineer.
4. CURB AND GUTTER: Curb and gutter shall as a minimum be provided in conformance with Schedule B of these regulations. In areas of notable flash flooding or heavy rain runoff, curbs shall be required on all streets designed for areas where the existing or

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anticipated residential density of the areas surrounding the proposed subdivision equals or exceeds three (3) dwelling units per net acre. In commercial developments, or where other similar intensive urban uses EXIST OR ARE ANTICIPATED, CURBS SHALL BE REQUIRED. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. All curb and gutter shall be constructed in conformance with the minimum standards of the City and as approved by the City Planning Board or the City Engineer.

5. STREET NAME SIGNS: Street name signs, of a type in use throughout the City shall be erected by the sub-divider at all intersections.

D. SIDEWALKS

Sidewalks shall be provided in conformance with Schedule B of these regulations and shall be constructed of Portland cement concrete or other acceptable material as approved by the City Engineer or City Planning Board. Sidewalk thickness shall be not less than four (4) inches.

E. DRIVEWAYS

Driveways shall have a maximum grade of ten (10) percent. Driveways and curb cuts shall be located not less than three (3) feet from the side lot line. Curb cuts for straight curbs and the flare for rolled curbs shall be three (3) feet wider than the driveway pavement on each side. Curb cuts shall be prohibited within fifty (50) feet of an intersecting corner or as specified in SECTION 3004 – B – 4.

F. STREET AND WALKWAY LIGHTING

The sub divider shall install streetlights in accordance with Schedule B of these regulations and as approved by the City Engineer and/or the Planning Board.

Such lights shall be located at each entrance (streets and walkways) to the subdivision. In addition, whenever the distance between two (2) adjacent street (walkway) lights would exceed three hundred (300) feet, then additional streetlights shall be installed in such a manner that proper light intensity shall be provided and maintained.

New subdivision street (walkway) lighting shall be installed with all associated wiring underground.

G. STREET TREES

Trees should be provided by the sub divider in all subdivisions where curbs, gutters, and sidewalks are required in accordance with standards and specifications of the City Engineer. The trees shall be species that are resistant to damage and disease and which do not cause interference with underground utilities, street lighting, or visibility at street intersections. Existing trees should be retained in new subdivisions wherever possible.

H. UTILITY AND DRAINAGE FACILITIES

1. GENERAL: Sanitary sewer, storm sewer, water distribution, electrical, gas, telephone, and communications, cable and all other utility lines shall be installed in rear lot easements wherever practical. Where it is impractical to install such utility lines in rear lot easements, they shall be installed within the unpaved portions of the street right-of-

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way except for sanitary and storm sewer lines which may be installed in the paved portion of the street right-of-way if it is impossible to install them in the unpaved portion.

When it is impossible to install sanitary and storm sewer lines in the unpaved portion of the street right-of-way all such utility lines, including service connections shall be completely installed, and inspected and approved by the Building inspector, following the grading of the street and prior to the application of any pavement base.

Where sanitary and storm sewer lines are to be installed in the unpaved portion of the street right-of-way, the installation of service connections may be delayed, provided, that at such time as these service connections are installed, they shall be installed without breaking or weakening the existing pavement. Where rock is known to exist beneath the pavement area at such depth as to interfere with the installation of service connections, the complete installation of service connections shall be required prior to the application of any pavement base.

2. **WATER SUPPLY IMPROVEMENTS:** Where a public water supply is reasonably accessible or required because of pollution problems in the determination of the Planning Board, the subdivision shall be provided with a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants. Public water distribution and public well systems shall meet the requirements of the City and the Iowa Department of Natural Resources.

Where public water supply is not available or not required, the sub divider shall supply acceptable evidence of the availability of water. The sub divider may be required to make one (1) or more test wells in the area to be platted if such evidence is deemed not acceptable. Copies of well logs that are obtained shall include the name and address of the well driller and shall be submitted with the plat to the Planning Board.

Where public water supply is not available or otherwise not provided in the subdivision, the minimum lot size shall conform to the minimum lot size specified in the Zoning Regulations, provided, that in no case shall said minimum lot be less than one-half (1/2) acre in area and a lot width of not less than one hundred forty (140) feet.

3. **SANITARY SEWER IMPROVEMENTS:** The following requirements shall govern sanitary sewer improvements.

Where an adequate public sanitary sewer system is reasonably accessible, in the determination of the City Planning Board, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the City standards and the Iowa Department of Natural Resources and the Department of Health. Combinations of sanitary sewers and storm sewers shall be prohibited.

4. **DRAINAGE IMPROVEMENTS:** The sub-divider shall construct all necessary facilities including underground pipe, inlets, or catch basins, as determined by the City Engineer and/or Planning Board, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. Paved gutters will be required if

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velocities of flow are greater than those specified or if it is otherwise likely that destructive erosion will result. Drainage ditches shall not be permitted to discharge into any sanitary sewer facilities.

5. **STORM SEWERS AND STORM WATER DRAINAGE:** Where an adequate public storm sewer system is available at the plat boundary, the sub divider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easements of adequate width shall be provided, as determined by the City Engineer and approved by the Planning Board. Paved gutters or storm sewers shall be required if velocities of flow in an open ditch are greater than four (4) feet per second in soil ditches or six (6) feet per second in turf gutters or cause destructive erosion. Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.
6. **CULVERTS AND BRIDGES:** Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the sub-divider to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:
 - a. All culverts shall extend across the entire right-of-way width of the proposed street. The cover over the culvert and its capacity shall be determined by the City Engineer and/or Planning Board. The minimum diameter of a culvert pipe shall be twenty four (24) inches. Depending on existing drainage conditions, head walls may be required.
 - b. Driveway culverts shall have a minimum length of twenty (20) feet, and a minimum diameter of twenty four (24) inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Head walls may be required.
7. **EROSION CONTROL:** The sub-divider shall be required to provide for the control of erosion of areas of the subdivision which are disturbed by grading operations by constructing temporary terraces on slopes, temporary silting basins, sod swales and spillways, and whatever may be necessary to prevent erosion and damage to adjacent properties from surface drainage as approved by the City Engineer and/or the Planning Board.
8. **FIRE PROTECTION:** Fire hydrants shall be provided by the sub-divider in all subdivisions with public water supplies. The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at mid-block for blocks exceeding eight hundred (800) feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding for hundred (400) feet in length.

The type of hydrant and control valves and the location of the hydrant shall be approved by the Fire Chief. The minimum size of any water line serving any hydrant shall not be less than six (6) inches in diameter and should be circulating water lines. The size and location of water lines should be approved by the City Engineer and/or the Fire Chief.

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9. ELECTRIC, GAS, AND TELEPHONE IMPROVEMENTS:
 - a. Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric, and street lighting wires, conduits and cables shall be constructed underground.
 - b. Whenever a sanitary sewer line and electric and/or telephone line are each placed underground in the same utility easement, the following provisions shall be applicable:
 1. The total easement width shall be not less than sixteen (16) feet, and
 2. The sanitary sewer line shall be installed within three (3) feet of the easement, and the electric and/or telephone lines shall be installed within three (3) feet of the easement.

I. SHARED IMPROVEMENT COSTS

1. OVERSIZE AND OFF-SITE IMPROVEMENTS: The utilities, pavements, and other land improvements required for the proposed subdivision shall be designed of oversize and/or with extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the Planning Board and/or City Engineer.
2. COST OF OVERSIZE IMPROVEMENTS: Minimum street pavement widths shall conform to the standards given in Schedule A, inclusive. Where pavement widths greater than those specified in Schedule A are deemed necessary by the Planning Board and /or the City Engineer and approved by the City Council the City shall bear the extra cost of providing a greater than the minimum pavement width required by these regulations. The sub-divider shall be required to pay for only that part of the construction costs for the arterial streets, trunk sewers, or water lines which are serving the proposed subdivision as determined by the Planning Board and/or the City Engineer. The City shall pay the difference between the cost of required improvements for the proposed subdivision and improvements required to service the surrounding areas specified in SECTION 609.01.
3. EXTENSIONS TO BOUNDARIES: The sub-divider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as determined by the City Planning Board.
4. OFF-SITE EXTENSIONS: If streets or utilities are not available at the boundary of a proposed subdivision and if the City Planning Board finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a municipal expense until some future time, the sub-divider may be required, prior to approval of the final plat, to obtain necessary easements or rights-of-way and construction and pay for such extensions. Such improvements shall be available for connections by developers of adjoining land.

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J. SUBDIVISION IMPROVEMENT GUARANTEES

Prior to final plat approval, the sub-divider shall complete in a manner satisfactory to the Planning Board and/or the City Engineer, all improvements required in these regulations specified in the final subdivision plat, and as approved by the Planning Board and shall dedicate same to the City in accordance with SECTION 3005 – J - 7 of these regulations. Final plat approval shall not be granted until the dedication of said improvements has been accepted by the City.

In lieu of requiring the completion of all improvements prior to final plat approval, the City may, at its discretion, enter into a contract with the sub-divider whereby the sub-divider shall guarantee to complete all improvements required by this Ordinance or otherwise specified by the Planning Board, in a manner satisfactory to the Planning Board. To secure this contract, the sub-divider shall provide, subject to the approval of the Planning Board, one of the guarantees provided in SECTIONS 3005 – J – 1 through 3005 – J - 4.

1. SURETY PERFORMANCE BOND: The sub-divider shall obtain a security bond from a surety bonding company authorized to do business in the State of Iowa. The bond shall be payable to the City and shall be in an amount to cover the entire cost, as estimated by the sub-divider and approved by the City Engineer and/or Planning Board, of installing all contracted improvements. The duration of the bond shall be until such time as the improvements are accepted by the City in accordance with SECTION 3005 – J - 7.
2. ESCROW ACCOUNT: The sub-divider shall deposit cash, or other instrument readily convertible into cash at face value, either with the City or in escrow with a bank. The use of any instrument other than cash, and, in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the Planning Board. The amount of the deposit shall be at least equal to the cost, as estimated by the sub-divider and approved by the City Engineer and/or Planning Board, of installing all required improvements.

In the case of an escrow account, the sub-divider shall file with the Planning Board an agreement between the financial bank and himself/herself guaranteeing the following:

- a. That the funds of said escrow account shall be held in trust until released by the Planning Board and may not be used or pledged by the sub-divider as security in any other matter during that period;
 - b. And that in the case of a failure on the part of the sub-divider to complete said improvements, then the bank shall immediately make the funds in said account available to the City for use in the completion of those improvements.
3. SEQUENTIAL APPROVAL OF SUBDIVISION SEGMENTS WITHOUT GUARANTEE: Where a subdivision is to be developed in several sections, the Planning Board may, at its discretion, waive the use of a guarantee on the initial sections, provided that such sections may not be larger than twenty-five (25) lots, or fifty (50) percent of the total number of lots in the subdivision, whichever is less. The Planning Board shall grant final plat approval for each succeeding section being contingent upon completion of all contracted improvements in each preceding section, and acceptance of those improvements in accordance with SECTION

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3005 – J - 7 Completion of improvements in the final section of the subdivision, which shall include at least twenty-five (25) lots, or fifty (50) percent of the total number of lots in the subdivision, whichever is less, must be guaranteed through the use of one of the other methods detailed under SECTION 3005 of this Ordinance.

4. SPECIAL ASSESSMENT: The City may, at its discretion, enter into an agreement with the sub-divider to pay the cost of the required improvements through the use of a special assessment. The City shall make such arrangements for actual construction and interim financing as it deems appropriate, provided that construction of improvements in any section of the subdivision shall be completed in a time period not longer than would be allowed if another form of improvement guarantee were used.
5. TIME LIMITS: Prior to the granting of final plat approval, the sub-divider and the Planning Board shall agree upon a deadline for the completion of all required improvements, such deadline not to exceed two (2) years from the date of final plat approval. The Planning Board shall have the power to extend that deadline for one (1) additional year where the sub-divider can present substantial reason for doing so.
6. FAILURE TO COMPLETE IMPROVEMENTS: If any portion of the required improvements shall fail to be accepted for dedication in compliance with SECTION 3005 – J - 7 within the allocated time period, either for reason of incompleteness or for reason of substandard construction, the Planning Board shall take one of the following actions:
 - a. Where improvements have been guaranteed under SECTION 3005 – J - 1 of this Ordinance preliminary plat approval shall be revoked.
 - b. Where improvements have been guaranteed under SECTION 3005 – J - 2 of this Ordinance, the Planning Board shall declare whatever security has been pledged as guarantee to be forfeited. Where the Planning Board is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the Planning Board shall use them, or receipts from their sale if that be necessary, to finance such improvements to the proper specifications. Unused portions of these securities shall be returned to the sub-divider, bonding company, or crediting institution as is appropriate.
7. INSPECTION AND CERTIFICATION: The City Engineer, or other knowledgeable official as specified by the Planning Board, shall regularly inspect for defects in the construction of required improvements. Upon completion of these improvements, the City Engineer, or other knowledgeable official as specified by the Planning Board, shall file with the Planning Board a statement either certifying that the improvements have been completed in the specific manner or listing the defects in those improvements.

Upon completion of the improvements, the sub-divider shall file with the Planning Board a statement stipulating the following:

- a. That all required improvements are complete;
- b. That these improvements are in compliance with the minimum standards specified by the Planning Board for their construction;

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- c. That the sub-divider knows of no defects from any cause, in those improvements;
- d. And that these improvements are free and clear of any encumbrance or lien.

If the City Engineer, or other knowledgeable official as specified by the Planning Board, has certified that the contracted improvements are complete and free from defect, then upon receipt of the other statements and agreements detailed above, the City may, at its discretion, accept the dedication of any portion of the required improvements, provided that all statements and agreements specified above have been received for that portion of the improvements.

- 8. **REDUCTION OF GUARANTEES:** In those cases where improvement guarantees have been made under SECTION 3005 – J - 2 of this ordinance, the amount of the guarantee may be reduced upon acceptance, in compliance with SECTION 3005 – J - 7 of the dedication of a portion of the required improvements.
- 9. **RELEASE OF GUARANTEE:** Upon acceptance in accordance with SECTION 3005 – J - 7 of the dedication of the final portion of improvements, the City shall authorize the release of the remaining portion of the improvement guarantee.

3006 VARIANCES

A. GRANTING OF VARIANCES: CONDITIONS

The Planning Board may recommend and the City Council may grant variances from the provisions of these regulations but only after determining that:

- 1. There are unique circumstances or conditions affecting the property.
- 2. The variance is necessary for the reasonable and acceptable development of the property in question.
- 3. The granting of the variance will not be detrimental to the public welfare or injurious to adjacent property.

B. RECORDING OF PLAT

In no case shall the requirement of filing and recording a plat for subdivision be waived.

C. PLANNED DEVELOPMENT

The Planning Board and the City Council may also grant reasonable variances to these regulations if the sub-divider concurrently submits an application for, and obtains approval of, a Planned Development. The sub-divider shall indicate where his/her plans vary from these regulations and shall present sufficient evidence to support his/her request, indicating why his/her request will not be detrimental to the public health, safety and welfare.

3007 AMENDMENTS

Any provision of these Regulations from time to time may be amended, supplemented, changed, modified, or repealed by the governing body according to law; provided, however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until after study and report they the Planning Board.

3008 REPEALS

All Ordinances of the City inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed.

The repeal of any of the above-mentioned does not revive any other Ordinances or portions thereof repealed by said Ordinances.

Such repeals shall not affect or prevent the prosecution or punishment of any person for the violations of any Ordinance repealed hereby, for any offense committed prior to the repeal.

3009 SEVERABILITY

It is hereby declared to be the legislative intent that the several provisions of this Ordinance shall be severable, in accordance with the provisions set forth below.

If any provisions of this Ordinance is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

- A. The effect of such decision shall be limited to that lot, building, other structure or tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered.
- B. Such decision shall not affect, impair or nullify this Ordinance as a whole or the application of any provisions thereof, to any other lot, building, other structure, or tract of land.

3010 PLATTING REQUIREMENTS FOR PARCEL SPLITS AND PROPERTY LINE ADJUSTMENTS

- A. Exemption from Platting Requirements for Parcel Splits and Property Line Adjustments.

If the Building Inspector determines that a proposed subdivision qualifies as a parcel split or property line adjustment, then the parcel split or property line adjustment shall be exempt from formal platting procedures.

- B. Review criteria.
 - (1) A subdivision of land qualifies as a property line adjustment if the following conditions exist:
 - (a) That the land to be subdivided has previously been platted;
 - (b) That the land can only be legally transferred to an adjoining landowner;
 - (c) That the land proposed for subdivision is not of a size that could be construed as a buildable lot; and
 - (d) That the subdivision does not create any nonconformities.

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- (2) Due to the unique characteristics of each parcel split request, it shall be up to the interpretation of the Building Inspector whether or not a proposed parcel split serves the purpose and intent of this title and all other applicable resolutions and ordinances adopted by the city.

C. Procedures.

Once it has been determined by the Building Inspector, after an initial conference with the sub-divider, that a proposed subdivision qualifies as a parcel split or property line adjustment, the sub-divider shall submit to the Building Inspector an application, as provided by the department, for acceptance or denial of the proposed parcel split or property line adjustment, together with a receipt for the filing fee. If necessary, at the Building Inspector's discretion, a survey prepared by an Iowa registered land surveyor attached to the application may be required.

D. Parcel Split/Property line adjustment approval.

- (1) The Building Inspector shall approve the parcel split if the same conforms to all applicable ordinances and resolutions of the City of Carter Lake and all applicable laws, rules and regulations of the state of Iowa and duly constituted agencies thereof. Upon the Building Inspector's written approval of a parcel split, the sub-divider shall then submit to the Building Inspector department a survey prepared by an Iowa registered land surveyor who shall be responsible for preparing such survey in full conformance with the requirements of the Iowa Code.
- (2) The Building Inspector shall approve the property line adjustment if the same conforms to all applicable ordinances and resolutions of the City of Carter Lake and all applicable laws, rules and regulations of the state of Iowa and duly constituted agencies thereof.

E. Appeal.

In the event that the Building Inspector does not approve a parcel split or property line adjustment application, the sub-divider has the right to appeal the Building Inspector's decision to the planning commission by filing a written appeal with the Building Inspector department within thirty (30) days of the date of said denial. If the appeal is filed within the time prescribed, then the Building Inspector shall set the appeal hearing before the planning commission for its consideration.

F. City Planning Commission Action.

If the planning commission reverses the decision of the Building Inspector, then he or she shall be instructed by the planning commission chairman to approve said parcel split. Whether the planning commission affirms or reverses the Building Inspector's decision, such determination shall be appealable by either party to the City Council for a final determination, provided the written appeal is filed within ten (10) days of the Planning Commission's decision.

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G. City exemption from this section.

The city shall be exempt from the requirements of this chapter.

H. Recording requirements.

The Building Inspector or his or her designee shall record the approved parcel split or property line adjustment with the Pottawattamie County recorder's office within five working days after its approval. The Building Inspector shall send the sub-divider a copy of the recorded property line adjustment by regular mail. The sub-divider shall not convey, nor the Pottawattamie County auditor transfer, either of the resulting two parcels of land until the parcel split or property line adjustment is recorded.

**SCHEDULE A
MINIMUM STREET STANDARDS**

	Minimum Right of Way (ft.)	Surface Width (ft.)	No. of Traffic Lanes	Minimum No. of Parking Lanes	Shoulder Width (ft.)	Maximum Grade %	Min. Center Line Radius (degrees)	Min. Spacing Intersection w. Arterial Street (ft.)
Arterial Street*	100	44**	4	0	8	6	300	---
Collector Street*	80	36**	2	0	6	7	300	1,320
Local Street	60	36**	2	2	6	8	200	1,320
Cul-De-Sac & Loop	50	28**	2	1	4	10	100	None Allowed

* Minimum standards are not applicable to roads and streets, which are, included on the Federal-Aid Primary of Federal-Aid Secondary system or on the county or municipal One and Six Year Road and Street Plan.

** Add greater width if parking and/or turning lanes are to be provided: Minimum Turning Lane = 10 Feet
Minimum per Parking or Pickup Lane = 8 Feet

**SCHEDULE B
REQUIRED SUBDIVISION IMPROVMENTS**

Subdivision	Curb and Gutter	Sidewalks	Street Surface Type Minimum	Storm Drainage	Street Lights	Central Lights System	Central Water System	Central Sewage Disposal System
	Yes	Yes	Bituminous or Concrete	Yes	Yes	Yes	Yes	Yes

SCHEDULE C

Guidelines for In-Fill Housing

Non-Conforming Lots of Record

3,080 SQ FT

77 feet

40 feet

ONE LOT
ONE OWNER
No adjoining lots owned by the same owner
Ranch style homes only
Must meet all setbacks
No Variances allowed
May not be a corner lot
ONLY ONE HOUSE MAY BE BUILT

6,160 SQ FT

77 feet

80 feet

Two lots
One Owner

ONE HOUSE MAY BE BUILT

4,620 SQ FT 4,620 SQ FT

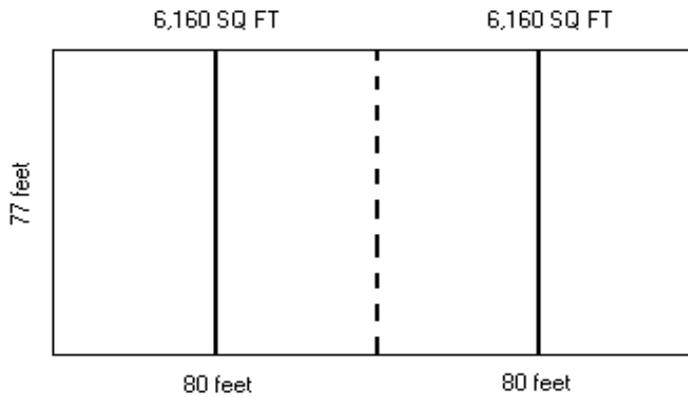
77 feet

60 feet 60 feet

Three lots
One Owner
TWO HOUSES MAY BE BUILT

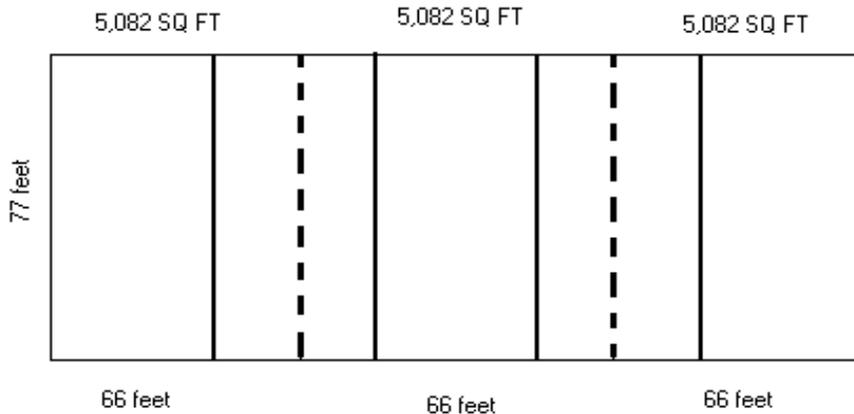
Four lots
One Owner

TWO HOUSES MAY BE BUILT



Five Lots
One Owner

THREE HOUSES MAY BE BUILT



SWIMMING POOL REGULATIONS

SECTION 31

SWIMMING POOL REGULATIONS

3101 Definition.

A “swimming pool” is any artificial basin of water, which has a capacity of five hundred (500) gallons or more, a maximum depth of three (3) feet or more and which is designed or manufactured for use for recreational purposes. A “permanent swimming pool” is any artificial basin of water, which remains in place or otherwise not removed throughout the year. Additionally, any swimming pool located on a property before May 1 and/or after October 1 of any year shall be considered a permanent swimming pool. All other swimming pools shall be considered a “temporary swimming pool.”

3102 Permit.

No person shall construct, enlarge, alter, or otherwise improve a swimming pool, whether temporary or permanent, without first obtaining a permit as required by the City’s Unified Land Development Ordinance, or maintain such pool contrary to the provisions of this Section. An annual permit shall be necessary for all temporary swimming pools. Permanent swimming pools shall obtain a one-time permit, unless alterations or modifications occur which shall require the submission for a new permit. Annual permits shall be submitted on or before May 1 of each year. All other permits shall be obtained ten (10) days prior to any use or construction of the swimming pool. Permit fees for permanent swimming pools are periodically set by City Council resolution. The permit application fee for temporary swimming pools shall be fifteen (15) dollars or as otherwise set by the City Council from time to time.

3103 Enclosure.

Enclosure of pools shall be as described below.

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

3104 Distance from Property Line.

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

SWIMMING POOL REGULATIONS

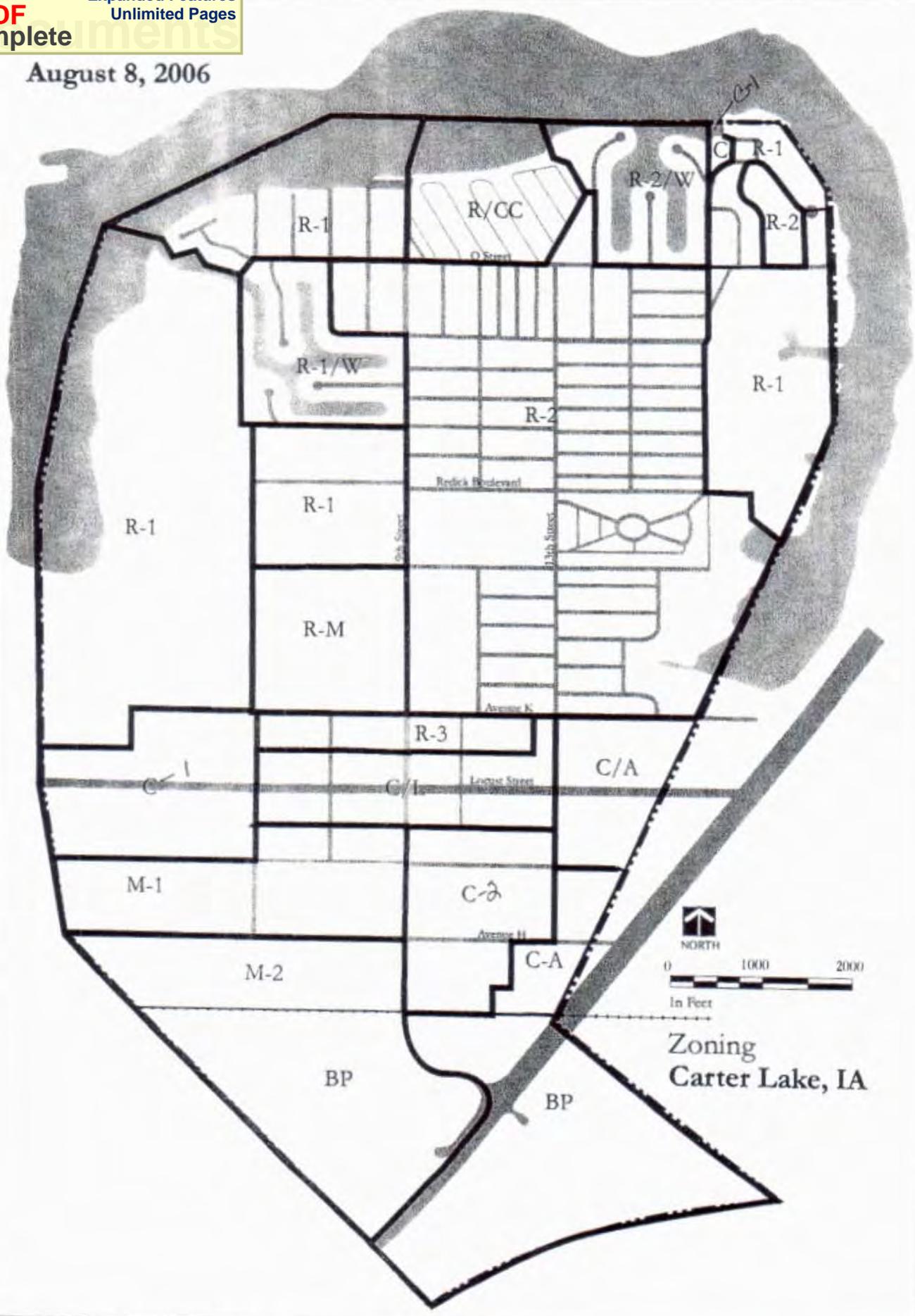
3105 Access.

All gates and doors in the fence or wall shall be self-latching or self-closing. At all times, when the pool is “unattended”, such gates, doors, steps, ladders, ramps or any other device affording access to the pool shall be secured against unauthorized access. “Unattended” means the absence of an adult person in the outdoor swimming pool or within constant eyesight of said pool and no more than twenty (20) feet therefrom.

3105 Inspection.

Persons maintaining a swimming pool pursuant to this chapter shall be deemed to consent to periodic inspections of same for compliance with this and other chapters in this Code of Ordinances at reasonable times by City employees.

August 8, 2006



Zoning
Carter Lake, IA