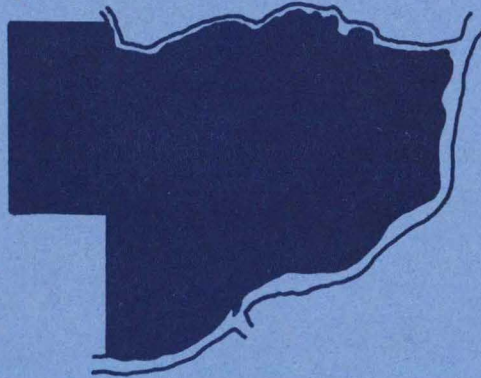


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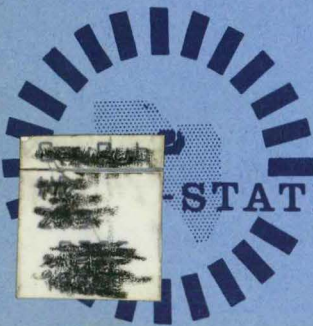
**SCOTT COUNTY**

**DEVELOPMENT CONTROLS**

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1968



**COUNTY and MUNICIPALITIES**



**STATE METROPOLITAN PLANNING COMMISSION**

SCOTT COUNTY, IOWA AND ROCK ISLAND COUNTY, ILLINOIS

SCOTT COUNTY DEVELOPMENT CONTROLS

County and Municipalities

Prepared By

BI-STATE METROPOLITAN PLANNING COMMISSION  
Rock Island, Illinois

In Cooperation With  
Scott County and the Municipalities of  
Davenport, Bettendorf, and Riverdale, Iowa

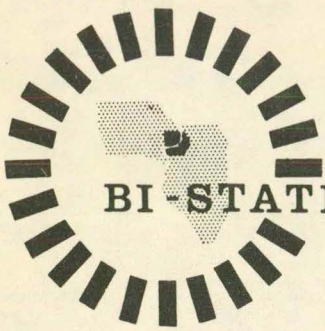
August 1968

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Urban Planning Grant

(Project No. Iowa P-49)

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# BI-STATE METROPOLITAN PLANNING COMMISSION

1504 THIRD AVENUE • ROCK ISLAND, ILLINOIS 61201 • TELEPHONE: 788-6338  
SCOTT COUNTY, IOWA AND ROCK ISLAND COUNTY, ILLINOIS

August 30, 1968

Bi-State Metropolitan Planning Commission  
Mr. Richard LeBuhn, Chairman  
1504 Third Avenue  
Rock Island, Illinois 61201

Gentlemen:

We hereby transmit the Scott County Development Controls: County and Municipalities Report.

This report includes a review of existing development controls in the Scott County area including zoning, subdivision regulations, construction codes, and environmental health regulations. In addition, model provisions for zoning and subdivision regulations are included.

Development controls are one of the principle means of implementing land use and community facilities plans. Securing the development of the metropolitan area in accordance with the plan is not possible without the existence of sound development controls and their effective enforcement.

The staff wishes to express its appreciation to the city planners and zoning officials for their assistance in inventorying the provisions of existing development controls and participating in the evaluation of their respective controls.

Respectfully submitted,

William S. Luhman  
Executive Director

WSL:ves

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## INTRODUCTION

The object of this report is two-fold: to analyze the existing development controls applicable within Scott County; and to make suggestions regarding model provisions that could be used to improve the content, coverage, or presentation of the development controls. The development controls referred to in the report include zoning ordinance, subdivision regulations, and, to a lesser extent, construction codes (building, electrical, plumbing, and heating), and environmental codes (health and housing).

The first section of the report summarizes the existing development controls in tabular and map form. The content, coverage, and presentation of the development controls are compared with generally accepted optimum standards. The latter portions of the report suggest sample zoning and subdivision provisions which could be used to improve the respective city, town, or county development control ordinances.

The various types and distribution of land uses within an urbanized area shape the character of the region. Arrangement and intensity of land uses have a paramount effect on the travel patterns and subsequently the transportation system of the area and the demand for sewer, water, and other urban services. Thus, the importance of the development controls which regulate the distribution and intensity of land uses within a defined political area can be seen clearly. The inventory and review of such codes are therefore a necessary step in the completion of the planning process. The information and recommendations contained in this report will be useful in the implementation of the various metropolitan plans.

ANALYSIS OF SCOTT COUNTY  
DEVELOPMENT CONTROLS

The objective of this section of the report is to analyze the existing development controls applicable within Scott County. The first step is an inventory of the development controls in effect for Scott County and the incorporated areas within. The inventory data is presented in both tabular and map form. Following the inventory is an analysis of the existing development controls, their strengths, and weaknesses.

In the following text and tables, emphasis is placed on each ordinance's substance in comparison to general standards. Nearly all the development controls have their strong points as well as their weak points. Therefore, both the assets and deficiencies of each ordinance are listed. This presentation will yield a two-fold advantage: (1) The criticisms listed for each ordinance denote sections which should be included or require substantial upgrading. This information is primarily intended to benefit the individual agency for which the ordinance applies. (2) The positive points are listed to indicate sections which have merit. The positive points of individual ordinances should serve as examples or guidelines for upgrading of others.

### Functions of Development Control

In order to provide for the public welfare, many communities have adopted and enforced development controls to ensure proper growth of the urban area. Often such development controls have utility in the protection and maintenance of existing developments. These controls apply to such features as:

- Layout of lots and streets;
- Location and size of buildings and structures;
- Provision of adequate water supply and sewage disposal facilities;
- Provision of off-street parking and loading space;
- Standards for building and property maintenance;
- Standards for provision and protection of health and safety.

### Inter-Relationship of Regulatory Codes

Table 1, Inter-Relationship of Regulatory Codes, is included on the following page to describe the basic regulations as to their direct and indirect effects. In addition to illustrating each ordinance's major area of coverage, the table depicts how the various regulations complement one another. In order for a governing body to effectively ensure proper development of all features, consistent administration and enforcement of the regulations is necessary.

Each development control has its primary area of concern. In order to gain a perspective of each ordinance, a synopsis of the general contents in each is presented below.

### Subdivision Regulations

The Code of Iowa, 1966, Chapter 409, Sections 1-48, authorizes cities and towns to control subdivision layout or platting within the community's limits and up to one (1) mile outside such boundaries. Counties do not possess the parallel power in the unincorporated areas. Under Chapter 306, Section 15 of the Code of Iowa, Iowa Counties can only enforce subdivision regulations when



Table 1

INTER-RELATIONSHIP OF REGULATORY CODES

CONTROL FEATURES	CODES						
	Subdivision Regulations	Official Map	Zoning Ordinance	Building Code	Housing Code	Health Code	Air Pollution Control
LAND:							
Subdivision of Land	*	*	-	o	o	o	o
Street Design and Location	*	*	o	o	o	o	o
Reservation of Open Space	*	*	-	-	o	o	o
Water and Sewage	*	-	-	-	-	-	o
LOT:							
Land Use	-	-	*	-	o	o	o
Lot Size	*	o	*	o	o	o	o
Yards and Setbacks	-	-	*	*	o	-	o
Density/Intensity	-	o	*	*	-	-	o
Building Bulk	o	o	*	*	-	-	o
Sign Control	o	o	*	*	o	-	o
Parking and Loading	o	o	*	-	o	o	o
BUILDING:							
Building Construction	o	o	-	*	-	o	o
Fire Resistance/Prevention	o	o	o	*	-	-	o
Light and Ventilation	o	o	*	*	*	*	-
Heating and Air Conditioning	o	o	-	*	*	*	*
Plumbing and Sanitation	o	o	o	*	*	*	o
Electrical Regulation	o	o	o	*	*	*	o
Industrial Performance Controls	o	o	*	-	o	-	-
Air Pollution Control	o	o	-	-	o	*	*
General Maintenance	o	o	-	-	*	-	o

\* = Direct Control of Feature  
 - = Indirect Control of Feature  
 o = Little or No Effect on the Feature

the developer wishes the alleys or streets of a proposed subdivision to become part of the County's secondary road system.

Subdivision regulations provide a procedure for review of proposed plans for the layout and design of improvements to be included in new subdivisions. The object of the review is to compare the standards for development as adopted in the subdivision regulations with plans submitted by the developer prior to construction. Reasonable and effective subdivision controls enable a community or county to achieve three benefits:

1. Eliminate land planning flaws within individual subdivision tracts.
2. Integrate a series of adjacent subdivisions into a well-balanced neighborhood.
3. Implement the comprehensive development policies which guide land growth in the metropolitan area.

Much of subdivision control is concerned with vehicular and pedestrian movement -- in short, the transportation network. One suggested reference with respect to comprehensive treatment of street design standards is a publication of the Institute of Traffic Engineers entitled "Tentative Standards for Subdivision Streets."

#### Official Map

The official map for a community is an instrument to implement a comprehensive plan. Such a map denotes present and future streets, alleys, parks, playgrounds, schools, and other public grounds. In this manner a community is able to guide future development with the assurance that basic public facilities are allotted proper space and consideration. The Code of Iowa, 1966, does not grant enabling legislation to cities, towns, or counties with respect to enforcement of an official map. Thus, the state statutes would need to be amended to grant the proper enabling legislation before Iowa communities could require conformance with an official map.

### Zoning Ordinance

Iowa statutes authorize cities and towns to prepare, adopt, and enforce zoning regulations and maps in the Code of Iowa, 1966, Chapter 414, Sections 1-22. The Code of Iowa, 1966, Chapter 358A, Sections 1-26, grant the parallel power to counties. Zoning as a planning tool can be utilized to achieve effective arrangement and intensity of land uses. This distribution in turn has a definite bearing on the provision of urban services through the construction of sewer, water, transportation, recreation, education, and other community facilities. Thus, the zoning ordinance of a community or county has definite relationship to the development of an area and the area's ability to meet its urban needs through planning. One of the better references for preparing a zoning ordinance is A Model Zoning Ordinance, 3rd Edition, by Fred Bair and Ernest Bartley.

### Construction Codes

Chapter 368, Section 9 of the Code of Iowa, 1966, authorizes cities and towns to prepare, adopt, and enforce construction codes, including building, electrical, plumbing and heating control ordinances. Chapter 332, Section 3 on general provisions permits counties to do likewise. Although construction codes have a minor effect on land development, they are a necessary part of an effective set of regulatory codes and ordinances.

### Environmental Codes

The Code of Iowa, Chapter 137, 1966, requires cities of 15,000 or more population to enforce provisions of the Iowa Housing Law and to adopt other health provisions not in conflict with the Law. Cities of less than 15,000 population and towns may adopt and enforce provisions of the Iowa Housing Law. The Code of Iowa does not enable counties to adopt and enforce a housing ordinance in the unincorporated areas of the county.

Local Boards of Health may be established by cities, towns, and counties under Chapter 137, Code of Iowa, 1966. The Boards of Health are to be responsible for administration of the local housing ordinance and environmental health regulations relating to milk, food, and restaurant inspection, disposal of liquid and solid wastes, and other matters pertaining to sanitation and prevention of infectious and contagious diseases. The three existing local Boards of Health in Scott County are currently being consolidated as authorized under the County Health Unit Plan legislation in Chapter 138, Code of Iowa, 1966.

Ordinances Reviewed

Ordinances from three categories of local government were inventoried and evaluated. The three divisions were county, contiguous urban area communities, and outlying towns. Ordinances for the contiguous urban area communities were specially studied to reflect the needs of the central urban area as differentiated from the needs of the smaller towns. The following list includes the county and communities for which the development controls were reviewed.

County

Scott

Contiguous Urban Area Communities

Bettendorf

Davenport

Riverdale

Outlying Towns

Blue Grass

Eldridge

New Liberty

Buffalo

LeClaire

Panorama Park

Dixon

Long Grove

Plainview

Donahue

Maysville

Princeton

Durant

McCausland

Walcott

The development controls reviewed and evaluated for each of the above-mentioned political units consist of the zoning ordinances, subdivision regulations, construction codes and environmental codes. If an area does not have one or more of the above-mentioned regulations, this fact is noted in the summary of each city's existing codes. For a general overview of the existing regulations in Scott County and the incorporated areas thereof, Figure 1, Summary of Existing Development Controls, is included on the following page. This figure denotes the ordinances applicable to each political unit.

### Review Procedures

The content of each development control varies according to the specific needs of the individual community or county. This tailoring of each ordinance to the area in which it is to function is an important concept and cannot be overemphasized. But this tailoring of each ordinance should be within sections of a basic outline or framework. The framework is the vital segment of any ordinance for it determines the aspects to be covered. Thus, if all of the necessary parts are not present in an ordinance, there cannot possibly be any tailoring of omitted or deficient sections. The framework of the ordinance is the key to the analysis of each ordinance.

### Criteria for Evaluation

In order to develop some continuity between the various evaluations, a standard procedure or basic checklist had to be established. The checklists were developed on the basis of the framework of the various regulations. In this manner each ordinance was compared to a series of items thought necessary to the organization of the respective ordinances; and since the same checklist was used for the respective ordinances, a certain amount of uniformity was established in the evaluation of the regulations. The checklists used in the evaluation of the various ordinances are included in the Appendix.

It should be mentioned that the construction of the various checklists was not entirely original. The standard criteria used in review of the zoning ordinances were based on Barton-Aschman Associates "Laws and Ordinances Inventory" for the Decatur, Illinois Urbanized Area Transportation Study. In the review and analysis of subdivision regulations the "Checklist for Review of Subdivision Regulations" contained in Manual of Procedures, Scott County Area Transportation Program by Candeub, Fleissig and Associates, was coordinated

with the parallel checklist in the Decatur study. The checklists used in review of the building, heating, plumbing, and electrical codes are based on those contained in the Manual of Procedures of Candeub, Fleissig and Associates.

#### Responsibility for Study

The responsibility for the inventory of the various laws and ordinances was divided among the staffs of the Davenport Plan and Zoning Department, the Bettendorf Public Works Department, and the Scott County Building and Zoning Department. The review of the county and small town ordinances was the responsibility of the Scott County staff. The party in charge in each case was equipped with the basic checklists to be used. The coordination and evaluation of the inventory material was the responsibility of the Bi-State Metropolitan Planning Commission staff.

#### Presentation of Summaries and Evaluations

Beginning on page 14 the remaining sections in the analysis portion of the report contain summaries and evaluations of the ordinances for the County and the contiguous urban area communities and a listing of the other existing control regulations for each community in Scott County. The summaries will cover the laws and ordinances listed in Figure I, Summary of Existing Development Controls. There will be some variation in the presentation of material for each of the three governmental categories. The following is a list of the inclusions in each summary.

##### County:

Under the Scott County section there is an inclusion of the following items:

General Comments;

Adequacy of Zoning Ordinance;

Adequacy of Subdivision Regulations;

Adequacy of Other Codes;

Tabular Summary of Ordinances and Recommendations.

Contiguous Urban Area Communities:

In the summary section for the contiguous urban area communities the individual community summaries will include the following:

General Comments;

Adequacy of Zoning Ordinance;

Adequacy of Subdivision Regulations;

Adequacy of Other Codes;

Tabular Summary of Ordinances and Recommendations.

Outlying Towns:

Although the checklists used in the review of the county and contiguous urban area community ordinances were used for the towns' ordinances, the summary format for the outlying towns was simplified. The outlying communities generally do not demand the extensive regulations that larger cities and the county need. The summary section for each town includes:

Positive Points of the Various Ordinances;

Criticisms of the Various Ordinances;

Standards;

Listing of the Major Codes which are deficient.

Explanation of Ratings

In the county's and contiguous urban area communities' summary tables which follow, various subjects were analyzed and rated. Ratings pertain to coverage of each subject by either the ordinance being evaluated or by another ordinance specifically mentioned as covering the subject. Briefly, these ratings are:

Excellent: well above average in scope and content.

Adequate: sufficient to serve the purpose; could be improved.



Deficient: vague; could be more comprehensive.

Inadequate: serious shortcomings or omissions of recommended provisions.

## Evaluation of Scott County Development Controls

### General Comments

The development controls for Scott County are adequate with one exception. The exception is the subdivision regulations which need additional organization, omit recommended sections, and contain minimal treatment in several areas. These compound the Code of Iowa limitations mentioned previously. The zoning ordinance, on the other hand, exemplifies the positive results obtained from the periodic updating of an ordinance by means of amendments. The building code is very comprehensive in content and well-developed as an ordinance and an excellent addition to the other development controls at the county level.

### Zoning Ordinance

There are several sections in the zoning ordinance which require further updating and amending, such as:

1. Off-street Loading - Although blocking public right-of-way is against state law and present day developers tend to provide off-street loading space in outlying areas, specific inclusion of off-street loading requirements would be a good precautionary measure. Such requirements should be included for commercial and industrial districts and should stipulate area, access, design, and surface requirements.
2. Planned Unit Development - Additional standards for density or intensity of use would provide a safeguard against overloading the land and the capacity of governmental units to provide public services.
3. Compatibility of Districts - Mixing of residential development in industrial districts is a poor practice, since it can result in

conflicts where both residential and industrial uses occur within the same district.

#### Subdivision Regulations

The primary weakness with respect to the regulation of subdivision development in the unincorporated portion of the County is the limitation imposed by the Code of Iowa. State law makes County subdivision regulations optional unless the developer wants the proposed subdivision streets to become a part of the County secondary road system. Because the optional nature of the subdivision regulations weakens effective development control, a number of enforcement provisions are necessarily weak. Assuming state laws were altered to permit stronger control, the following revisions in the present subdivision regulations would be desirable:

1. Definitions - Lack of a definitions section severely hampers the applicability of subdivision regulations.
2. Administration and Enforcement - Haziness with respect to the administration and enforcement of the subdivision regulations weakens an ordinance.
3. Variations and Exceptions - Lack of procedure with respect to variations of and exceptions from the requirements is a detriment to the possibility of creating pleasant developments where extreme topographic conditions make adherence to the specific ordinance requirements undesirable.

#### Construction and Environmental Codes

Scott County presently enforces an excellent building code which includes plumbing, electrical, and heating provisions. The County also has adopted an excellent health code.

Subject	Existing	Description	Optimum	Rating
1. Organization of the Ordinance	Adequate organization is displayed. Each district is defined in a separate chapter.		Clear, easy to use format. All requirements for a specific district and/or use to be contained in one chapter.	Adequate
2. Definitions	50 definitions of most essential terms.		Precise definition of all significant words and phrases.	Adequate
3. Administration and Enforcement	Administrative Officer is designated by the County Board of Supervisors (the Building and Zoning Official.) All employees of the County are on call for assistance. Appeals are heard by the Board of Adjustment. Zoning Commission recommends amendments to the ordinance.		Administrative Officer to issue zoning and occupancy certificates. Board of Adjustment to hear and decide appeals and variations. Commission to hear and make recommendations on amendments and special uses.	Adequate
4. Nonconforming Uses	Buildings must conform if vacant over six months. A building cannot be rebuilt if more than 65% damaged. Board of Adjustment has the ultimate power.		Provisions for amortizing, moving, or removing should be included.	Adequate
5. Variations	Board of Adjustment can grant a variance for hardship cases after a public hearing. Special variances are stated applying to farmlands.		Allowable types of variation should be specified so as to preclude major changes under the guise of variations.	Excellent
6. Special Uses	Zoning Commission may recommend and Board of Supervisors may grant special uses. Ordinance does not limit specific special uses to certain districts.		Within each district, there should be a list of special uses. Most special uses would not be acceptable in every district.	Adequate
7. Signs	One small sign only is allowed in low-density residential section; billboards have a setback in another section, but total coverage is not in a single section.		Comprehensive regulations in each district treating area, content, illumination, animation, projection, screening, and avoidance of conflict with traffic signals.	Adequate
8. Off-Street Parking	One space per residence and one space per three employees.		Number of required spaces based on type of use and district, and a comprehensive section of parking lot conditions, including: access, size of space, design surfacing, lighting, and landscaping.	Adequate
9. Off-Street Loading	Not covered.		Number of loading berths for each use in each district and a complete section of conditions and access, maneuvering space, size of berth, surfacing, lighting, and screening.	Deficient
10. Mobile Homes	May be located only in Mobile Home Parks. A comprehensive listing of standards for a Mobile Home Park is included.		Allow only as a special use. Make distinction between transient trailer camp (to be allowed in commercial district) and semi-permanent "residential-type" mobile home park.	Adequate
11. Planned Development	The Board of Supervisors may issue such a permit, after a public hearing held by the Zoning Commission. A plan must be submitted showing exactly what the developer intends to do.		Planned development allowed as "special use" in each district, permitting lot area reduction and a limited bulk or density increase, plus inclusion of some ordinarily prohibited uses - in exchange for design controls.	Adequate
12. Number and Character of Districts	9 districts, including: 4 residential 1 rural 2 commercial 2 industrial		Enough districts, and of such character, to reflect the existing and proposed land use patterns and to accommodate every type of use in appropriate settings.	Adequate
13. Minimum Lot Sizes and Setbacks	Adequately covered in tabular summary.		Setbacks of sufficient distance and lots of sufficient size to preserve property values, control intensity of use, preserve aesthetic values of the area, and allow unrestricted vision on public right-of-way.	Adequate
14. Occupancy Requirements	An occupancy permit is required for all new or structurally altered buildings.		Power of a public official to inspect a structure and its lot before it is occupied, to see that all zoning standards are met satisfactorily.	Adequate
15. Dwellings in Business and Industrial Zones	Residential uses are not excluded from industrial zones. Mobile homes permitted by special use in heavy industrial district.		Should not be allowed in light and heavy industrial districts. Could be allowed above the ground floor in commercial districts.	Deficient
16. Business Uses in Industry	Business uses permitted in a light industrial district, but excluded from a heavy industrial district.		Commercial uses should not accumulate from commercial to industrial districts. Only selected supplementary commercial uses should be allowed in industrial districts. Unlimited commercial uses could preempt prime industrial land.	Deficient
17. Compatibility of Uses in District	Residential and business uses are permitted in a light industrial district. Distinction between business and residential districts not clear-cut.		In each district only mutually compatible uses should be permitted, in order to conserve property value, avoid "dead spots," and foster a healthy interchange of trade.	Deficient
18. Bulk Regulations	Intensity of development controlled by setback and building height limitations.		Standards should be based on recently completed comprehensive plan.	Adequate
19. Fence Regulations	Comprehensive coverage.		Should limit such structures so that they will not be hazardous to public health, safety, welfare, and convenience.	Excellent

## SUMMARY OF EXISTING CONTROLS--SCOTT COUNTY

Subject	Existing	Description	Optimum	Rating
20. Interpretation of Boundaries	Clear statement of where the district boundary lines are located in cases of conflicts or disputes. Special section devoted to this subject.	Clear understanding of the exact location of district boundaries. Interpretation of restrictions applied to land which may be split by such a boundary.		Excellent

SCOTT COUNTY, IOWA  
SUBDIVISION REGULATIONS --- INCLUDED UNDER THE SCOTT COUNTY ZONING ORDINANCE - ADOPTED APRIL 1, 1949

Subject	Existing	Description	Optimum	Rating
1. Organization of the Ordinance	Organization is adequate, mostly contained in one section only.	Easy to use and understand. Distinct sections on administration and enforcement, plat approval procedures, standards, and improvements.		Adequate
2. Definitions	Some important terms as street, plat, etc., are missing. Use of provisions limited by optional nature of County subdivision regulations under Code of Iowa.	At least 15 significant terms require precise defining, including: street, plat, grade, easement, right-of-way.		Deficient
3. Procedure for Plat Approval	Preliminary plat required by the Board of Supervisors, the utility agencies review the plat. Zoning Commission gives the final approval.	There should be a "pre-application consultant" step preceding the preliminary stage. Pre-application should require a rough site sketch and letter of intent.		Adequate
4. Administration and Enforcement	The officers' responsibilities are described adequately. Use of provisions limited by optional nature of County subdivision regulations under Code of Iowa.	All participating officers and their responsibilities should be clearly described, and methods of enforcement should be specified.		Adequate
5. Required Application and Plat Information	Comprehensive street standards are all that is specifically required. Use of such provisions are limited by optional nature of County subdivision regulations under Code of Iowa.	Applications and plats to contain all necessary information, including: <ol style="list-style-type: none"> <li>Name of Subdivision, location, existing and proposed zoning.</li> <li>Number and size of lots.</li> <li>Proposed water and sewer facilities.</li> <li>Citation of any legal rights-of-way or easements.</li> <li>Existing or proposed covenants.</li> </ol> <p><u>Plat Drawings</u> Should indicate:</p> <ol style="list-style-type: none"> <li>Date.</li> <li>Scale and north point.</li> <li>Vicinity sketch.</li> <li>Exact length and bearing of exterior boundaries.</li> <li>Contours at specified vertical intervals.</li> <li>Water elevations of lakes or streams.</li> <li>The waterway meander lines.</li> <li>Proposed utility layouts.</li> <li>Lot areas and dimensions.</li> <li>Building setback lines.</li> <li>Existing sewers, water mains, culverts, and other underground structures.</li> <li>Existing and proposed streets, alleys, and other public ways.</li> <li>All dedicated or reserved property.</li> </ol>	Deficient	
6. Variations and Exceptions	Variations may be granted under hardship conditions applicable to a single property owner.	Clear definition of what constitutes "hardship" should be included in the ordinance to guide decisions on variations and exceptions.		Adequate
7. Exceptions for Planned Unit Developments	No exceptions are noted. However, use of such provisions are limited by optional nature of County subdivision regulation under Code of Iowa.	If adequate improvements and facilities are provided, modifications should be allowed as a premium for good design in large developments.		Deficient
8. Monumenting	Required by Code of Iowa. Monuments must be placed prior to filing of Auditors Plat.	Comprehensive sections prescribing location, construction, and placement of permanent monuments, including marking of the external boundaries of the subdivision, all block corners, lot corners, end of all curves, points where a curve changes its radius, and all single points in any line.		Adequate
9. Required Improvements	There are no improvements required except in the case of planned unit developments which must be built as planned. However, use of such provisions would be limited by optional nature of County subdivision regulations under Code of Iowa.	Comprehensive provisions concerning sewers, storm drainage, water supply, sidewalks, street grading and surfacing, street trees, and street name signs.		Inadequate

## SUMMARY OF EXISTING CONTROLS--SCOTT COUNTY

Subject	Description		Rating
	Existing	Optimum	
10. Dedication and Reservation of Public Lands	No provisions for public land is made. Code of Iowa does not require dedication by subdivider.	Complete section treating acceptance or denial of dedications and the reservation and acquisition of school, park, or other public sites, providing a time limit on reservation.	Inadequate
11. Street Design Standards	Street construction standards are comprehensive, but no provisions are made for arrangement, intersection, sidewalks, etc. Use of such provisions are limited by optional nature of County subdivision regulations under Code of Iowa.	Detailed standards regarding: a. Arrangement of streets. b. Intersection design. c. Access to major streets. d. Right-of-way and pavement width. e. Type of curb. f. Sidewalk width and placement. g. Minimum sight distance. h. Design speed. i. Vertical curves (street grade change). j. Street grades. k. Reverse curve tangements. l. Cul-de-sac and dead ends. m. Half streets. n. Street paving or surfacing. o. Alleys	Deficient
12. Block and Lot Standards	No block or lot standards are mentioned. Use of such provisions would be limited by optional nature of County subdivision regulations under Code of Iowa.	Blocks to have sufficient width for two tiers of lots. Maximum length 1000 feet (1800 for approved "super Blocks"). Ten foot cross-walk in blocks exceeding 800 feet.  Lots shall conform to the applicable zoning ordinance and drainage shall be provided for.	Inadequate

City of Bettendorf, Iowa  
Other Codes

Ordinance	Bettendorf	Rating
1. Building Code	Uniform Building Code, 1955 Edition with local modification. Adopted December, 1959.	Adequate
2. Housing Code	Prepared by Ordinance Modification Service for local use. Adopted December, 1959.	Adequate
3. Plumbing Code	National Plumbing Code, 1955 Edition with local modifications. Adopted December, 1959.	Adequate
4. Electrical Code	National Electrical Code, 1962 Edition with local modifications. Adopted September, 1963.	Excellent
5. Health Code	Follow Iowa State Department of Health Regulations, Adopted December, 1959.	Adequate
6. Sign Ordinance	Partially covered under Bettendorf Zoning and Building Regulations.	Deficient
7. Fire Prevention Code	Prepared by ordinance modification service for local use. Adopted December, 1959.	Adequate
8. Mobile Home Ordinance	Covered the Bettendorf Zoning Ordinance and Health Code.	Adequate

## Evaluation of Bettendorf Development Controls

### General Comment

The City of Bettendorf presently enforces a zoning ordinance and subdivision regulations, both of which are adequate. The remaining development controls enacted by the City of Bettendorf include a building code, housing code, electrical code, and plumbing code, all of which are excellent but need to be updated. The major needs in Bettendorf's situation are minor amendments to the zoning ordinance and the subdivision regulations to correct present deficiencies. Other than conscientious application of the various ordinances, the major need is for periodic updating of the ordinances. The community has hired a consultant to review the zoning ordinance and subdivision regulations and recommend improvements.

### Zoning Ordinance

There are two areas in the present zoning ordinance which require re-organization:

1. The compatibility among and within districts is questionable since there is a mixing of residential in commercial districts and commercial in industrial districts. This practice can result in the piecemeal destruction of certain property which loses its site advantage due to this type of development.
2. Several of the requirements are listed in tabular form which is a good practice. The major disadvantage in the Bettendorf ordinance is the attempt to express too much information in one table, which results in confusion.

Subdivision Regulations

The present subdivision regulations ordinance is quite adequate with special attention given to construction specifications. There are two areas of the ordinance which should be strengthened:

1. There is need of a section to outline the requirements and procedures involved for large scale development to allow flexibility.
2. The section on dedication and reservation of land by the developer is not thorough. The improvement of this section could avoid unforeseen problems with respect to this procedure.

Construction and Environmental Codes

The City of Bettendorf has an excellent set of construction and environmental codes which are based on uniform or state codes. Presently, Bettendorf enforces plumbing, electrical, building, housing, and health codes.



Subject	Existing	Description	Optimum	Rating
1. Organization of the Ordinance	The organization could be improved, although some sections are good. All requirements for each district should appear under single section.		Clear, easy to use format. All requirements for a specific district and/or use to be contained in one chapter.	Deficient
2. Definitions	Coverage is comprehensive, but definitions lack precision.		Precise definition of all significant words and phrases.	Adequate
3. Administration and Enforcement	Covered in administrative and Board of Adjustment sections of the ordinance. Enforcement of the ordinance is responsibility of the Building Inspector.		Administrative officer to issue zoning and occupancy certificates. Board of Adjustment to hear and decide appeals and variations. Plan Commission to hear and make recommendations on amendments and special uses. Administrative responsibility should be centralized under the Plan Commission staff.	Adequate
4. Nonconforming Uses	Vacancy of one year means termination of nonconforming use. No amortization. Non-conforming use may change without structural alteration if approved by Plan Commission and City Council.		Provisions for amortizing, moving, or removing.	Adequate
5. Variations	Variance can be granted by Board of Adjustment if deemed not a violation of the public interest and a hardship upon the developer.		Allowable types of variation should be specified so as to preclude major changes under the guise of variations.	Adequate
6. Special Uses	Request for "conditional uses" must be accompanied by a market analysis, financial report, traffic study, and development plan. Conditional uses are subject to architectural control.		Within each district there should be a list of special uses. Most special uses would not be acceptable in every district. An extensive list of special uses should be avoided.	Excellent
7. Signs	Limited coverage under a separate ordinance.		Comprehensive regulations in each district treating area, content, illumination, animation, projection, screening, and avoidance of conflict with traffic signals.	Deficient
8. Off-street Parking	Included under residential, commercial, and industrial sections of the ordinance. Number of required spaces based on the type of use and district. Comprehensive parking lot requirements applicable to special uses.		Number of required spaces based on type of use and district, and a comprehensive section of parking lot conditions, including: access, size of space, design, surfacing, lighting, and landscaping.	Adequate
9. Off-street Loading	Included under commercial and industrial sections of the ordinance.		Number of loading berths for each district and a complete section of conditions: access, maneuvering space, size of berth, surfacing, lighting, and screening.	Adequate
10. Mobile Homes	Adequate definition of terms is included. Covered under the conditional use section of the ordinance.		Allow only as a special use. Make distinction between transient trailer camp (to be allowed in commercial district) and semi-permanent "residential type" mobile home park.	Adequate
11. Planned Development	Requests for a planned unit development must be accompanied by a market analysis, financial report, traffic study, and development plan. Included under the conditional use section of the ordinance.		Planned development allowed as "special use" in each district, permitting lot area reduction and a limited bulk or density increase, plus inclusion of some ordinarily prohibited uses - in exchange for design controls.	Excellent
12. Number and Character of Districts	Districts, including: (13) 7 residential 3 commercial 3 industrial  General business district classification too broad; need for one or two additional commercial districts and a flood plain district. Sufficient residential and industrial districts.		Enough districts and of such character to reflect the existing and proposed land use patterns and to accommodate every type of use in appropriate settings.	Adequate
13. Minimum Lot Sizes and Setbacks	Well covered under residential, commercial, and industrial sections of the ordinance as well as in tabular summary.		Setbacks of sufficient distance and lots of sufficient size to preserve property values, control intensity of use, preserve aesthetic values of the area, and allow unrestricted vision on public rights-of-way.	Excellent
14. Occupancy Requirements	Occupancy permit is required from the Building Inspector.		Power of a public official to inspect a structure and its lot before it is occupied, to see that all zoning standards are met satisfactorily.	Adequate
15. Dwellings in Business and Industrial Zones	Dwellings permitted in a limited business district. Multi-family dwellings permitted in a general business district. Dwellings not permitted in industrial districts.		Should not be allowed in light and heavy industrial districts. Could be allowed above the ground floor in commercial districts.	Adequate
16. Business Uses in Industry	Permitted, provided the performance standards governing the relationship between the uses are not violated.		Commercial uses should not accumulate from commercial to industrial districts. Only selected supplementary commercial uses should be allowed in industrial districts. Unlimited commercial uses could preempt prime industrial land.	Adequate

## SUMMARY OF EXISTING CONTROLS--BETTENDORF

Subject	Description		Rating
	Existing	Optimum	
17. Compatibility of Uses in District	Uses are permitted within compatible districts. Specified performance standards control industrial glare, heat, noise, dust, order, vibration, and fire hazards.	In each district only mutually compatible uses should be permitted, in order to conserve property value, avoid "dead spots", and foster a healthy interchange of trade.	Excellent
18. Bulk Regulations	Intensity of development controlled by setback and building height limitations.	Standards should be based on comprehensive plan.	Adequate
19. Fence Regulations	Good Coverage.	Fence regulations should limit such structures so that they will not be hazardous to public health, safety, welfare, and convenience.	Adequate
20. Interpretation of Boundaries	Not covered in the Zoning Ordinance.	Clear understanding of the exact location of district boundaries. Interpretation of restrictions applied to land which may be split by such a boundary.	Deficient
21. Zoning of Annexed Land	Specific mention of this should be made in the ordinance. The Zoning Ordinance requires that consideration be given to the comprehensive plan, but no automatic classification is stipulated. Recently annexed area was automatically zoned according to plan.	Provisions made for the automatic zoning of land acquired through annexation, which would comply with the existing comprehensive plan and zoning ordinance.	Deficient

CITY OF BETTENDORF  
SUBDIVISION REGULATIONS--ADOPTED JULY 2, 1957

Subject	Description		Rating
	Existing	Optimum	
1. Organization of the Ordinance	Distinct sections and general arrangement facilitates analysis and use.	Easy to use and understand. Distinct sections on administration and enforcement, plat approval procedures, standards, and improvements.	Excellent
2. Definitions	21 terms are defined, including most of the necessary terms.	At least 15 significant terms require precise defining, including: street, plat, grade, easement, right-of-way.	Adequate
3. Procedure for Plat Approval	Extensive regulations guide this section. Plan Commission reviews both preliminary and final plat and makes recommendations to City Council for decision. A "pre-application consultation" step held prior to the preliminary stage should be added to facilitate plat review and approval.	Preliminary and final plat review and approval procedures should be specified. There should be a "pre-application consultation" step preceding the preliminary stage. Pre-application should require a rough site sketch and letter of intent.	Adequate
4. Administration and Enforcement	Treated in a general manner, but each officer's duties are not specifically mentioned. Mentions that the City Council has the ultimate power.	All participating officers and their responsibilities should be clearly described, and methods of enforcement should be specified.	Deficient
5. Required Application and Plat Information	Comprehensive requirements for both preliminary and final plats. All items listed under optimum column are covered.	Applications and plats to contain all necessary information, including: <ol style="list-style-type: none"> <li>a. Name of subdivision, location existing and proposed zoning,</li> <li>b. Number and size of lots.</li> <li>c. Proposed water and sewer facilities.</li> <li>d. Citation of any legal rights-of-way or easements.</li> <li>e. Existing or proposed covenants.</li> </ol> <u>Plat Drawings</u> should indicate: <ol style="list-style-type: none"> <li>a. Date.</li> <li>b. Scale and north point.</li> <li>c. Vicinity sketch.</li> <li>d. Exact length and bearing of exterior boundaries.</li> <li>e. Contours at specified vertical intervals.</li> <li>f. Water elevations of lakes or streams.</li> <li>g. Waterway meander lines.</li> <li>h. Proposed utility layouts.</li> <li>i. Lot areas and dimensions.</li> <li>j. Building setback lines.</li> <li>k. Existing sewers, water mains, culverts, and other underground structures.</li> <li>l. Existing and proposed streets, alleys, and other public ways.</li> <li>m. All dedicated or reserved property.</li> </ol>	Excellent
6. Variations and Exceptions	Upon proof of unnecessary hardship, Plan Commission may recommend and the City Council may authorize a variance. Under present policy Plan Commission may request Board of Adjustment to give variance request special study.	Clear definition of what constitutes "hardship" should be included in the ordinance to guide decisions on variations and exceptions.	Adequate

## SUMMARY OF EXISTING CONTROLS--BETTENDORF

Subject	Description		Rating
	Existing	Optimum	
7. Exceptions for Planned Unit Developments	Covered under conditional use provisions of the zoning ordinance.	If adequate improvements and facilities are provided, modifications should be allowed as a premium for good design in large developments.	Adequate
8. Monumenting	Monuments required to mark external boundaries, points of curvature, all angles in lines, lot corners, and block corners.	Comprehensive section prescribing location, construction, and placement of permanent monuments, including marking of the external boundaries of the subdivision, all block corners, lot corners, end of all radius, and all single points in any line.	Excellent
9. Required Improvements	Subdivider required to provide: street surfacing, curbs and gutters, sidewalks, water lines, sewers, and storm drainage system.	Comprehensive provisions concerning sewers, storm drainage, water supply, sidewalks, street grading and surfacing, street trees, and street name signs.	Excellent
10. Dedication and Reservation of Public Lands	Plan Commission may request the dedication of reservation of (for one year) any desirable site for parks, schools, or other public uses as described on the Comprehensive Plan. The reservation period may be extended an additional six months.	Complete section treating acceptance or or denial of dedications and the reservation and acquisition of school, park, or other public sites, providing a time limit on reservation.	Adequate
11. Street Design Standards	Adequate Standards regarding: a. Arrangements of streets. b. Intersection design. c. Access to major streets. d. Right-of-way and pavement width. e. Minimum sight distance. f. Street grades. g. Reverse Curve tangents. h. Street paving. i. Alleys. j. Sidewalk width and placement.	Detailed standards regarding: a. Arrangement of streets. b. Intersection design. c. Access to major streets. d. Right-of-way and pavement width. e. Type of curb. f. Sidewalk width and placement. g. Minimum sight distance. h. Design speed. i. Street grades. j. Vertical curves (street grade change). k. Reverse curve tangents. l. Cul-de-sac and dead ends. m. Half streets. n. Street paving or surfacing. o. Alleys.	Adequate
12. Block and Lot Standards	No block to exceed 1,500 feet in length. Blocks to have sufficient width to permit two tiers of lots. Cross-walk should be permitted in extra-long blocks. All lots shall abut on a street. Side lot lines to approximate right angles to straight street lines and be radial to curved street lines.	Blocks to have sufficient width for two tiers of lots. Maximum length 1,000 feet (1,800 for approved "super blocks"). Ten foot cross-walk in blocks exceeding 800 feet.  Lots shall conform to the applicable zoning ordinance and drainage shall be provided for.	Adequate

SCOTT COUNTY  
OTHER CODES

Ordinance	Description	Rating
1. Building Code	Uniform Building Code with local modifications, Adopted April, 1964.	Excellent
2. Mobile Home Ordinance	Covered under the County Zoning Ordinance and County Health Code.	Adequate
3. Plumbing Code	Iowa State Plumbing Code. Adopted April, 1964.	Excellent
4. Electrical Code	Covered under the County Building Code.	Adequate
5. Health Code	Drafted locally to meet state requirements. Adopted August, 1967.	Excellent
6. Sign Ordinance	Covered under the County Zoning Ordinance.	Adequate

## SUMMARY OF EXISTING CONTROLS--DAVENPORT

Subject	Existing	Description	Optimum	Rating
1. Organization of the Ordinance	Well organized table of contents. There is a good listing under each use; but area, height, parking, and loading requirements are listed under separate sections. There is a tabular summary for area, height, lot and yard requirements.		Clear, easy to use format. All requirements for a specific district and/or use to be contained in one chapter.	Adequate
2. Definitions	Ordinance includes a fairly good section. "Municipal services" could be better defined.		Precise definition of all significant words and phrases.	Adequate
3. Administration and Enforcement	Ordinance is administered by the Building Commissioner with the aid of other city departments. Appeals are handled by the Zoning Board of Adjustment. Liaison relationship between Plan Commission staff and both Plan Commission and Board of Adjustment is not specified by the ordinance, but should be.		Administrative Officer to issue zoning and occupancy certificates. Board of Adjustment to hear and decide appeals and variations. Plan Commission to hear and make recommendations on amendments and special uses. Administrative responsibility should be centralized under Plan Commission staff.	Deficient
4. Nonconforming Uses	Such uses are amortized in five (5) years.		Provisions for amortizing.	Adequate
5. Variations	Board of Adjustment may issue variance under specific hardship situations.		Allowable types of variations should be specified so as to preclude major changes under the guise of variations.	Adequate
6. Special Uses	Covered in one section of ordinance. Ordinance does not limit most special uses to specific districts. Special uses must begin within 6 months and time limit for use may be specified.		Within each district, there should be a list of special uses. Some special uses would not be acceptable in every district.	Adequate
7. Signs	Limited coverage.		Comprehensive regulations in each district treating area, content, illumination, animation, projection, screening, and avoidance of conflict with traffic signals.	Deficient
8. Off-street Parking	Good section based on standards adjusted to the density or intensity of use. Size of parking space should be increased.		Number of required spaces based on type of use and district, and a comprehensive section of parking lot conditions, including: access, size of space, design, surfacing, lighting, and landscaping.	Adequate
9. Off-street Loading	Good section based on standards adjusted to the density or intensity of use.		Number of loading berths for each use in each district and a complete section of conditions: access, maneuvering space, size of berth, surfacing, lighting, and screening.	Adequate
10. Mobile Homes	The term "mobile home" is defined in the ordinance. City Ordinance No. 121 A dated April 20, 1966 regulates Mobile Home development. Mobile homes are permitted by special use permit in or within 1,000 feet of a C-2 Zone, thereby giving mobile homes a commercial connotation.		Allow only as special use. Make distinction between transient trailer camp (to be allowed in commercial district) and semi-permanent "residential-type" mobile home park.	Adequate
11. Planned Development	Adequately treated in the ordinance.		Planned development allowed as "special use" in each district, permitting lot area reduction and limited bulk or density increase, plus inclusion of some ordinarily prohibited uses - in exchange for design controls.	Adequate
12. Number and Character of Districts	There are eighteen districts, including an agricultural district, 8 residential districts, 5 commercial districts, 3 manufacturing districts and a flood plain district.		Enough districts, and of such character, to reflect the existing and proposed land-use patterns and to accommodate every type of use in appropriate settings.	Excellent
13. Minimum Lot Sizes and Setbacks	This is treated in tabular form and for each use.		Setbacks of sufficient distance and lots of sufficient size to preserve property values, control intensity of use, preserve aesthetic values of the area, and allow unrestricted vision on public rights-of-way.	Excellent
14. Occupancy Requirement	Special residential occupancy permit must be obtained from Building Commissioner for structure in industrial districts. Under departmental policy licenses and occupancy permits issued by Commissioner only if there has been compliance with zoning ordinance.		Power of a public official to inspect a structure and its lot before it is occupied, to see that all zoning standards are met satisfactorily.	Deficient
15. Dwellings in Business and Industrial Zones	Residences are allowed in C-1, C-2, and C-4 zones and under certain conditions in an M-1 zone.		Should not be allowed in light and heavy industrial districts. Could be allowed above the ground floor in commercial districts.	Adequate
16. Business Uses in Industry	Business uses are permitted.		Commercial uses should not accumulate from commercial to industrial districts. Only selected supplementary commercial uses should be allowed in industrial districts. Unlimited commercial uses could preempt prime industrial land.	Deficient

## SUMMARY OF EXISTING CONTROLS--DAVENPORT

Subject	Description		Rating
	Existing	Optimum	
17. Comptability of Uses in District	These are fairly good groupings and areas for planned commercial and manufacturing zones.	In each district only mutually compatible uses should be permitted, in order to conserve property value, avoid "dead spots", and foster a healthy interchange of trade.	Adequate
18. Bulk Regulations	Covered by height and setback regulations. Floor area ratio employed.	Standards should be bases on recently completed comprehensive plan.	Adequate
19. Fence Regulations	Good coverage.	Fence regulations should limit such structures so that they will not be hazardous to public health, safety, welfare, and convenience.	Adequate
20. Interpretation of Boundaries	The coverage of this area is adequate.	Clear understanding of the exact location of district boundaries. Interpretation of restrictions applied to land which may be split by such a boundary.	Adequate
21. Zoning of Annexed Land	Automatically classified R-1, Country Home District.	Provisions made for the automatic zoning of land acquired through annexation, which would comply with the existing comprehensive plan and zoning ordinance.	Adequate

City of Davenport  
Subdivision Regulations -- Adopted 1946, Amended June 1955

Subject	Description		Rating
	Existing	Optimum	
1. Organization of the Ordinance	The organization is good, although there are several omissions.	Easy to use and understand. Distinct sections on administration and enforcement, plat approval procedures, standards, and improvements.	Adequate
2. Definitions	This section is weak, as many terms are omitted.	At least 15 significant terms require precise defining, including: street, plat, grade, easement, right-of-way.	Inadequate
3. Procedure for Plat Approval	Both preliminary and final approval are covered.	There should be a "pre-application consultation" step preceding the preliminary plat state. Pre-application should require a rough site sketch and letter of intent.	Adequate
4. Administration and Enforcement	Enforcement provisions covered, but administrative responsibilities of the Plan Commission staff have been omitted.	All participating officers and their responsibilities should be clearly described, and methods of enforcement should be specified. The Plan Commission staff should be given responsibility of reviewing plats.	Deficient
5. Required Application and Plat Information	Regulation is minimal.	Application and plats to contain all necessary information, including: <ol style="list-style-type: none"> <li>Name of subdivision, location, existing and proposed zoning.</li> <li>Number and size of lots.</li> <li>Proposed water and sewer facilities.</li> <li>Citation of any legal rights-of-way or easements.</li> <li>Existing or proposed covenants.</li> </ol> <p><u>Plat drawings</u> should indicate:</p> <ol style="list-style-type: none"> <li>Date.</li> <li>Scale and north point</li> <li>Vicinity sketch.</li> <li>Exact length and bearing of exterior boundaries.</li> <li>Contours at specified intervals.</li> <li>Water elevations of lakes or streams.</li> <li>The waterway meander lines.</li> <li>Proposed utility layouts.</li> <li>Lot areas and dimensions.</li> <li>Building setback lines.</li> <li>Existing sewers, water mains, culverts, and other underground structures.</li> <li>Existing and proposed streets, alleys, and other public ways.</li> <li>All dedicated or reserved property.</li> </ol>	Deficient
6. Variations and Exceptions	Coverage is general.	Clear definition of what constitutes "hardship" should be included in ordinance to guide decisions on variations and exceptions.	Adequate
7. Exceptions for Planned Unit Developments	Not covered.	If adequate improvements and facilities are provided, modifications should be allowed as a premium for a good design in large developments.	Inadequate
8. Monumenting	Poor coverage.	Comprehensive section prescribing location, construction, and placement of permanent monuments, including marking of the external boundaries of the subdivision, all block corners, lot corners, and of all curves, points where a curve changes its radius, and all single points in any line.	Deficient

## SUMMARY OF EXISTING CONTROLS--DAVENPORT

Subject	Description		Rating
	Existing	Optimum	
9. Required Improvements	Minimal coverage in ordinance. City standards included under separate specifications.	Comprehensive provisions concerning sewers, storm drainage, water supply, sidewalks, street grading and surfacing, street trees, and street name signs.	Adequate
10. Dedication and Reservation of Public Lands	Ordinance requires a twenty-foot strip of land on each side of streams to be set aside to ensure public recreation land. The Code of Iowa does not permit City to require developer to dedicate land for planned park, school, or other public facility.	Complete sections treating acceptance or denial of dedications and the reservation and acquisition of school, park, or other public sites, providing a time limit on reservation.	Deficient
11. Street Design Standards	Treatment is very minimal. Loopholes can be found for possible dispute. Street paving and surfacing covered under separate City specifications.	Detailed standards regarding: a. Arrangement of streets. b. Intersection design. c. Access to major streets. d. Right-of-way and pavement width. e. Type of curb. f. Sidewalk width and placement. g. Minimum sight distance. h. Street grades. i. Vertical curves (street grade changes). j. Reverse curve tangents. k. Cul-de-sac and dead ends. l. Street paving or surfacing. m. Alleys.	Deficient
12. Block and Lot Standards	Subject is treated fairly well. The regulations are good for the time adopted, but show need of updating and revising now.	Blocks to have sufficient width for two tiers of lots. Maximum length 1,000 feet (1,800 for approach "super block"). Ten foot cross-walk in blocks exceeding 800 feet. Lots should conform to the applicable zoning ordinance and provide positive drainage.	Deficient

City of Davenport, Iowa  
Other Codes

Ordinance	Davenport	Rating
1. Building Code	Uniform Building Code, 1967 Edition with local modifications. Adopted December, 1967.	Excellent
2. Housing Code	Uniform Housing Code, 1967 Edition with local modifications. Adopted December, 1967.	Excellent
3. Plumbing Code	National Plumbing Code, 1955 Edition with local modifications. Adopted December, 1967.	Adequate
4. Electrical Code	National Electrical Code, 1966 Edition with local modifications. Adopted December, 1967.	Excellent
5. Mobile Home Park Ordinance	An Ordinance regulating Mobile Home Parks and Trailer Courts in the City of Davenport, Iowa. Adopted April, 1962.	Excellent
6. Health Code	Drafted locally to meet state requirements. Adopted 1957. Currently under revision.	Adequate
7. Sign Ordinance	Covered under the Zoning Ordinance.	Deficient
8. Fire Prevention Ordinance	Drawn up locally. Adopted March, 1951.	Excellent

## Evaluation of Riverdale Development Controls

### General Comments

The development controls for Riverdale are adequate with the exception of subdivision regulations. There is no unified ordinance with respect to regulations applicable to proposed subdivisions. At present the Town of Riverdale possesses a street ordinance, a sewage disposal ordinance, and an ordinance regulating trailers within the town limits. One unified subdivision ordinance could adequately cover these specific areas and take into consideration many other issues connected with platting of proposed subdivisions. The zoning ordinance is adequate but could be improved by amendment of certain sections. The building code which includes plumbing and electrical provisions is adequate.

### Zoning Ordinance

There are two major areas which require either reorganization or inclusion:

1. The lack of a section outlining the requirement and procedure with respect to large scale development should be remedied.
2. The mixing and accumulation of uses in the various districts is a poor practice since it allows residential development to keep large parcels from being available for industrial or commercial areas.

### Subdivision Regulations

The Town of Riverdale does not have an ordinance covering all the platting and development requirements normally included within subdivision regulations. For this reason no summary table was prepared for the Riverdale subdivision regulations. The concrete paving of streets with integral curb and gutters is the only development requirement. However, effective development control is maintained by Alcoa, which owns all but two vacant parcels within the Town and

has been responsible for all subdivision in the past. The enactment of an effective subdivision regulations ordinance, however, could give the Town greater assurance that all future development will be in accordance with the existing high standard.

#### Construction and Environmental Codes

At present Riverdale possesses an excellent building code which includes electrical, plumbing, and heating provisions. The Town has no environmental codes.



Table V.  
SUMMARY OF EXISTING CONTROLS--RIVERDALE

Zoning Ordinance - Adopted 1953

Subject	Existing	Description	Optimum	Rating
1. Organization of the Ordinance	Basically good organization, but amendments have been passed in separate ordinances. One has four ordinances to refer to.		Indexing and the addition of charts to show sum requirements for districts are desirable.	Deficient
2. Definitions	Fair, but not consistent with the text. Several terms need clarifications.		Precise definition of all significant words and phrases.	Deficient
3. Administration and Enforcement	Ordinance is enforced by the Town Marshall, who serves as ex-officio Building Commissioner. The Board of Adjustment functions well, but has no real criteria to follow.		Board of Adjustment to hear and decide appeals and variations. with definite criteria for such judgements. All administrative responsibility should be designated by the ordinance.	Adequate
4. Nonconforming Uses	There is very slight treatment of this subject.		Amortization could be extended to industrial uses in business districts, and dwellings and business uses in industrial districts.	Deficient
5. Variations	This area is briefly covered.		Allowable types of variations should be specified, so as to preclude major changes under the guise of variations.	Deficient
6. Special Uses	This is covered in one section, and is not broken down into districts. Judgments are made by the Town Council based on advice of the Zoning Commission.		Within each district, there should be a list of special uses. Most special uses would not be acceptable in every district.	Deficient
7. Signs	There is an amended definition in Section C. Minimal coverage of the subject is in the ordinance.		Comprehensive regulations in each district treating area, content, illumination, animation, projection, screening, and avoidance of conflict with traffic signals.	Deficient
8. Off-Street Parking	The coverage is minimal for commercial uses. Not all requirements are based on the clientele or the use.		Number of required spaces based on type of use and district, and a comprehensive section of parking lot conditions including: access, size of space, design, surfacing, lighting, and landscaping.	Deficient
9. Off-Street Loading	There is no mention of loading regulations in the ordinance.		Number of loading berths for each district and a complete section on conditions: Access, maneuvering space, size of berth, surfacing, lighting, and screening.	Inadequate
10. Trailers	The term is defined only.		Allow only as special use. Make distinction between transient trailer camp (to be allowed in commercial district) and semi-permanent "residential-type" mobile home park with perimeter buffer strip (to be allowed in residential district.).	Inadequate
11. Planned Development	This area is not included in the ordinance.		Planned development, permitting lot area reduction and limited bulk or density increase, plus inclusion of some ordinarily prohibited uses - in exchange for design controls.	Deficient
12. Number and Character of Districts	There are five districts, broken down as follows: two residential, one commercial, two manufacturing. Trailers are included in the manufacturing district, which is not desirable.		Enough districts, and of such character, to reflect the existing and proposed landuse patterns and to accommodate every type of use in appropriate settings.	Adequate
13. Minimum Lot Sizes and Setbacks	The same regulations apply for the side and back yards for both commercial and residential districts. The same setbacks apply for light industrial as for commercial.		Setbacks of sufficient distance and lots of sufficient size to preserve property values, control intensity of use, preserve aesthetic values of the area, and allow unrestricted vision on public rights-of-way.	Adequate
14. Occupancy Requirement	The Town Marshall enforces this requirement.		Power of a public official to inspect a structure and its lot before it is occupied, to see that all zoning standards are met satisfactorily.	Adequate
15. Dwellings in Business and Industrial Zones	Uninhabited dwellings are permitted in commercial or industrial district. Same space requirements are made for the rear yard in commercial as in the residential districts. This is also undesirable.		Should not be permitted in light and heavy industrial districts. Could be allowed above the ground floor in commercial districts.	Deficient
16. Business Uses in Industry	Business uses are allowed in industrial zones.		Commercial uses should not accumulate from commercial to industrial districts. Only selected supplementary commercial uses should be allowed in industrial districts. Unlimited commercial uses could preempt prime industrial land.	Inadequate
17. Compatibility of Uses in District	Commercial uses accumulated from commercial to industrial districts.		In each district only mutually compatible uses should be permitted, in order to conserve property value, avoid "dead spots", and foster a healthy interchange of trade.	Deficient
18. Bulk Regulations	Height and area requirements limit intensity of development.		Standards should be based on recently completed comprehensive plan.	Adequate

## SUMMARY OF EXISTING CONTROLS--RIVERDALE

Subject	Description		Rating
	Existing	Optimum	
19. Fence Regulations	The coverage is not extensive. Visibility at corner is protected, however.	Fence regulations should limit such structures so that they will not be hazardous to public health, welfare, safety and convenience.	Adequate
20. Interpretation of Boundaries	This is covered in a special section of the ordinance.	Clear understanding of the exact location of district boundaries. Interpretation of restrictions applied to land which may be split by such a boundary.	Excellent
21. Zoning of Annexed Land	Such land automatically becomes zoned R-1.	Provisions made for the automatic zoning of land acquired through annexation, which would comply with the existing comprehensive plan and zoning ordinance.	Adequate

Town of Riverdale, Iowa  
Other Codes

Ordinance	Description	Rating
1. Building Code	Abridged Building Code of the Building Officials Conference of America, Inc: 1950 Edition with local modifications. Adopted May, 1954.	Adequate
2. Housing Code	none	--
3. Plumbing Code	Covered under the Riverdale Building Code.	Adequate
4. Electrical Code	Covered under the Riverdale Building Code.	Adequate
5. Health Code	None. Encourage property owners to comply with State and County standards.	--
6. Sign Ordinance	None	--
7. Fire Prevention Code	None. Annual inspections to identify building code violations.	--
8. Mobile Home Ordinance	Mobile homes prohibited by ordinance.	--

Evaluation of Laws and Ordinances for Outlying TownsTown of Blue Grass

## I. Zoning Ordinance -- Adopted 1962.

## A. Positive Points

1. The organization and coverage of the ordinance is excellent. Only minor amendments or changes are necessary to improve the ordinance.
2. The section outlining the procedure and restrictions regarding non-conforming use is well developed and a necessary portion of the ordinance.
3. The inclusion of sections on boundary interpretation and the automatic classification of annexed land are definite assets of the ordinance.

## B. Criticisms

1. The omission of a section defining procedure and responsibility with respect to large scale developments could be a hindrance to orderly development of the area.
2. Allowing residential development in commercial districts without stipulation to floor level can work to the detriment of commercial development and be harmful to such residential development.
3. Only minimal treatment is given to the regulations applicable to mobile homes. No requirements as to location of such development could lead to serious problems.

## II. Subdivision Regulations -- Adopted 1960.

## A. Positive Points

1. The section on definitions is consistent with the text and covers the pertinent terms used.
2. The organization of the sections is excellent, but several sections could be improved in content.

## B. Criticisms

1. A section on large scale developments is needed in the ordinance.
2. The section covering monumenting of subdivided land establishes no requirements as to type and dimensions of monuments and markers.
3. Both sections covering street and lot and block standards are very general and give no minimum dimensions or classification system.

## III. Other Codes

- A. Building Code -- Excellent.
- B. Electrical Code -- Excellent.
- C. Plumbing Code -- Excellent.
- D. Housing Code -- None.

Town of Buffalo

- I. Zoning Ordinance -- None.
- II. Subdivision Regulations -- None.
- III. Other Codes
  - A. Building Code -- Adequate.
  - B. Plumbing Code -- None.
  - C. Electrical Code -- Excellent.
  - D. Housing Code -- None.
  - E. Health Code -- None.

Town of Donahue

No development controls existing at present.

Town of Dixon

- I. Zoning Ordinance -- None.
- II. Subdivision Regulations -- None.
- III. Other Codes
  - A. Building Code -- Deficient.
  - B. Electrical Code -- None.
  - C. Plumbing Code -- None.
  - D. Housing Code -- None.
  - E. Health Code -- None.

Town of Eldridge

- I. Zoning Ordinance -- Adopted 1965.
  - A. Positive Points
    - 1. The organization of the ordinance is excellent; there is only one major section omitted, while the development of the sections included is very good.
    - 2. The section on non-conforming uses is well developed with treatment given to all pertinent areas such as discontinuation of use, associated definitions, and procedure for elimination of such uses.
    - 3. The treatment of minimum lot sizes and setback requirements is well developed.
  - B. Criticisms
    - 1. The procedure with respect to the appointment of the zoning official is not well defined.

2. The lack of a section outlining off-street loading requirements based on some type of design standards whether floor area ratio or other is a serious omission.

II. Subdivision Regulations -- Adopted 1965.

A. Positive Points

1. The outline and organization of the ordinance as a whole is excellent; there are a few areas which require improvement.
2. The procedure and requirements for preliminary plat submission are excellent.

B. Criticisms

1. The Town Attorney is responsible for advising the developer in the sketch plan conference; this is a questionable administrative practice.
2. The exclusion of a section treating large scale development is a serious omission to any rapidly growing incorporated area.

III. Other Codes

- A. Building Code -- Excellent.
- B. Plumbing Code -- Excellent.
- C. Electrical Code -- Excellent.
- D. Housing Code -- None.
- E. Health Code -- None.

Town of LeClaire

I. Zoning Ordinance -- Adopted 1964.

A. Positive Points

1. The administration and enforcement provisions of the ordinance are well outlined, which is of vast importance to the utility of any ordinance.
2. The section on variation of requirements contained in the ordinance is well detailed and a necessary inclusion.
3. The regulations with respect to height and lot area are well proportioned among the various districts and a good zoning practice.

B. Criticisms

1. There is no definition of trailers or mobile homes as opposed to stationary dwellings, which does not allow special provisions to apply to such development.
2. The lack of a section defining exceptions and requirements involved in large scale planned development is a serious omission.
3. The ordinance does not contain an automatic classification which would apply in the event of annexation of land.

## II. Subdivision Regulations -- Adopted 1961.

### A. Positive Points

1. The overall organization of the ordinance is excellent with only one substantial omission.
2. The definition section is quite adequate.

### B. Criticisms

1. The administration and enforcement of the ordinance does not appear to involve consideration of design standards for the improvements proposed within subdivisions.
2. The lack of a special section covering planned unit development is a substantial omission.
3. The street design standards could be improved to take into account safety and sight-distance considerations.

## III. Other Codes

- A. Building Code -- Excellent.
- B. Electrical Code -- Excellent.
- C. Plumbing Code -- Excellent.
- D. Housing Code -- None.
- E. Health Code -- None.

## Town of Long Grove

### I. Zoning Ordinance -- Adopted 1966.

#### A. Positive Points

1. The organization of the ordinance is orderly and well developed with treatment of all major topics.
2. Occupancy requirements are included with excellent development of the procedure and criteria applying to this area.
3. Excellent treatment is given to the section on interpretation of boundaries where indecision may exist.

#### B. Criticisms

1. There is no attention or provision for off-street loading requirements.
2. The mixing of residential dwelling in commercial and industrial districts is a poor practice, due to the negative effects which result from such incompatibility.
3. There is no inclusion of an automatic classification of annexed land. This could result in needless procedural action on the part of the Town Council.

### II. Subdivision Regulations

#### A. Positive Points

1. The organization of the ordinance is excellent. It is enhanced significantly by the foresight to include a sketch plan conference previous to any plat submission.

2. Both preliminary and final plat requirements include treatment of covenants in connection with submission of either plat.

B. Criticisms

1. The exclusion of a section on planned unit development is a large oversight in any development control which is to be comprehensive and effective.
2. Both the street and lot standards are minimal and could be improved with proper amendment.

III. Other Codes

- A. Building Code -- None.
- B. Electrical Code -- Excellent.
- C. Plumbing Code -- None.
- D. Housing Code -- None.
- E. Health Code -- None.

Town of Maysville

No development controls existing at present.

Town of McCausland

No development controls existing at present.

Town of New Liberty

No development controls existing at present.

Town of Panorama Park

No development controls existing at present.

Town of Plainview

No development controls existing at present.

Town of Princeton

I. Zoning Ordinance

At present the Town of Princeton is operating under an interim zoning ordinance during the preparation of a comprehensive ordinance by Anderson Engineering Company of Des Moines, Iowa.

## II. Subdivision Regulations

### A. Positive Points

1. The organization of the ordinance is adequate; minor amendments would result in an excellent ordinance.
2. The procedure applicable to required improvements and posting of surety bonds is well outlined.

### B. Criticisms

1. There is no procedure outlined for appeal from or amendment to the present ordinance. This omission could impair the utility of the ordinance over time.
2. The lack of a section defining the exceptions and requirements involved in large scale development could be a hindrance to attractive subdivisions.
3. The omission of the procedure involved in the dedication and reservation of public lands is an oversight which should be corrected.

## III. Other Codes

- A. Building Code -- None.
- B. Electrical Code -- None.
- C. Plumbing Code -- None.
- D. Housing Code -- None.
- E. Health Code -- None.

## Town of Walcott

### I. Zoning Ordinance -- Adopted 1967.

#### A. Positive Points

1. The section with regard to non-conforming uses is excellent, assuring a minimum of litigation in relation to non-conforming uses.
2. The section on special procedure and regulations applicable to planned unit developments is an excellent inclusion.
3. The inclusion of a section covering boundary interpretation where questions arise is a necessary and wise inclusion.

#### B. Criticisms

1. The minimal treatment of the zoning official's powers and duties is poor, since the official must have the ability to exercise his administrative position in connection with zoning.
2. The compatibility within districts is poor, since residences are allowed in most commercial zones with no restriction as to floor level (such as residences allowed but only above the first floor); and the mixing of commercial uses in industrial zones detracts from the effectiveness of any zoning ordinance.
3. A section providing for the automatic zoning classification of any land annexed to the town would be a worthwhile inclusion.



## II. Subdivision Regulations -- Adopted 1963.

### A. Positive Points

1. The organization and treatment of the ordinance is well developed. This enables the ordinance to be interpreted and used easily.
2. The information required on both the preliminary and final plats is extensive enough to allow intelligent decisions to be made as to the nature of the proposed development.
3. The section pertaining to monumenting of proposed subdivisions is excellent and should assure proper reference markers for the future.

### B. Criticisms

The omission of a section delegating the powers and duties of the administrative officer of the ordinance should be corrected.

## III. Other Codes

- A. Building Code -- Excellent.
- B. Electrical Code -- Excellent.
- C. Plumbing Code -- Excellent.
- D. Housing Code -- None.
- E. Health Code -- None.

## MODEL ZONING PROVISIONS

Zoning and subdivision controls are the two principal methods used by municipalities in guiding their future growth and development. The previous section of this report analyzed to what extent these and other development controls are being used by local governments in Scott County. This section and the following are devoted to the outlining of recommended provisions which should be considered by these governmental units when adopting new or amending existing zoning and subdivision regulations. These provisions are printed as a guide for assisting in the preparation of regulations and should be carefully considered in light of local conditions before they are used.

Because local political units in Scott County vary widely in respect to size, type of existing land uses, and arrangement of land uses, it is unreasonable to consider that one zoning ordinance could satisfy all of their varying needs. Therefore, the intent of this section is not to provide an ordinance for adoption by all of the political units within the County, but rather to illustrate general recommended provisions which should be tailored to satisfy the needs of the local community. For example, in the larger cities it is recognized that additional zoning districts and regulations will be needed to adequately control the use of land, while in the smaller towns it may be desirable to delete certain districts, because uses contained in these districts are not anticipated in the foreseeable future.

The provisions listed below were composed in light of existing state statutes which grant the powers to adopt and enforce a zoning ordinance. The County is granted the appropriate powers in Code of Iowa, 1966,

Chapter 358A, Sections 1-26. The cities and towns are granted the parallel power in Code of Iowa 1966, Chapter 414, Sections 1-22.

### Definitions

This section defines those terms which are generally utilized in zoning ordinances. Zoning disputes frequently revolve around the interpretation of terms used within the ordinance; therefore, the definition section should be treated as an integral part of the entire ordinance. Effort should be made to insure conformance between the definition section and the remainder of the ordinance.

Local conditions will frequently require the defining of terms which are not outlined below.

#### ACCESSORY BUILDING OR USE

An "accessory building or use" is a building or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use.

#### ADMINISTRATIVE OFFICER

An "administrative officer" is the official appointed by the [Governing Body] to administer and enforce the Zoning [Ordinance or Resolution] in the [Political Unit].

#### ALLEY

An "alley" is a public way which affords only secondary means of access to abutting properties.

#### BASEMENT

A "basement" is that portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor is less than the vertical distance from grade to ceiling.

#### BILLBOARD

A "billboard" is a type of sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

#### BOARDING HOUSE

A "boarding house" is a building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided for three (3) or more persons.

BUILDABLE AREA

A "buildable area" is the portion of a lot remaining after the yard requirements (rear, side, and front) have been fulfilled.

BUILDING

A "building" is any structure designed or built for the support, enclosure, shelter, or protection of people, animals, chattels, or property of any kind. Any structures with interior areas not normally accessible for human use shall not be considered as buildings.

BUILDING, HEIGHT OF

The "height of building" is the vertical distance from the grade to the highest point of the coping of the flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip, or gambrel roofs.

CELLAR

A "cellar" is that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

CLINIC

A "clinic" is an establishment where patients who are not lodged overnight are admitted for examination or treatment by a physician and/or practitioners practicing together.

CLUB, PRIVATE

A "private club" is a building or portion thereof, or premises owned and/or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

DISTRICT

The "district" is any portion of the [Political Unit] for which the zoning regulations governing the use of building and premises, the height of building, the size of yards, and the intensity of use are uniform.

DRIVE-IN RESTAURANT OR REFRESHMENT STAND

A "drive-in restaurant or refreshment stand" is any place or premises principally used for the sale, dispensing, or serving of food, refreshment, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on or off the premises.

DWELLING

A "dwelling" is any building or portion thereof which is designed for or used for residential purposes.

DWELLING, SINGLE FAMILY

A "single family dwelling" is a detached residential dwelling unit, other than mobile home, designed for and occupied by one (1) family only.

DWELLING, MOBILE HOME

A "mobile home dwelling" is a detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking or assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

DWELLING, TWO FAMILY

A "two family dwelling" is a detached residential building containing two dwelling units, designed for occupancy by not more than two (2) families.

DWELLING, MULTIPLE FAMILY

A "multiple family dwelling" is a residential building designed for or occupied by three (3) or more families with the number of families in residence not exceeding the number of dwelling units provided.

FAMILY

A "family" is one or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises, as distinguished from a group occupying a boarding house or hotel as herein defined.

FARM

A "farm" is an area which is used for the growing of the usual farm products such as vegetables, fruit, trees, and grain, and their storage in the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep, and swine. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating and storing the produce, provided, however, that the operation of any such accessory uses

shall be secondary to that of the normal farming activities, and provided further that farming does not include the extraction of minerals, the commercial feeding of garbage or offal to swine or other animals, or the confined feeding of cattle or swine when such feeding is the principal service of the respective farm's income.

#### FILLING STATION

A "filling station" is one or more buildings on premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and incidental repair and maintenance may be obtained. Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage or a body shop.

#### FRONTAGE

"Frontage" is all the property on one side of a street between two (2) intersecting streets or highways (crossing or terminating), measured along the line of a street or highway, abutting on one (1) side between an intersecting street or highway and the dead end of the street or highway.

#### GARAGE, PRIVATE

A "private garage" is an accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle exceeding two (2) ton capacity.

#### GARAGE, PUBLIC

A "public garage" is a building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

#### GRADE

The "grade" for buildings having walls adjoining one street only is the elevation of the sidewalk; or if there is no sidewalk, then the elevation of the roadway at the center of the wall adjoining the street. The "grade" for buildings having walls adjoining more than one street is the average elevation of the sidewalk; or if there is no sidewalk, then the elevation of the roadway at the centers of all walks adjoining the streets. The "grade" for buildings having no wall adjoining the street is the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

### HOME OCCUPATION

A "home occupation" is any occupation or activity incidental to residential use, when carried on in the main building by one (1) member of the immediate family residing on the premises, in connection with which there is used no sign other than a non-illuminated name plate not more than one (1) square foot in area or no display used that will indicate from the exterior that the building is being used for any purpose other than that of a dwelling. There is no commodity sold on the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except of the type that is similar in character to that normally used for purely domestic or household purposes.

Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment but not for the general practice of his profession. However, a home occupation shall not be interpreted to include barber shops and beauty parlors, commercial stables, and kennels.

### HOTEL

A "hotel" is a building in which lodging and food service are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house or multiple family dwelling as herein separately defined.

### INSTITUTION

An "institution" is a non-profit corporation or a non-profit establishment for public use.

### JUNKYARD

A "junkyard" is a lot, land, or structure, or part thereof, used primarily for the collection, storage, and sale of waste paper, rags, scrap metal, or discarded materials or for the collection, storage, dismantling, and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof. The term "junkyard" shall include auto wrecking yards.

### KENNEL

A "kennel" is any lot or premise on which are kept four (4) or more dogs, more than six (6) months of age.

### LAUNDROMAT

A "laundromat" is an establishment providing home-type washing, drying, or ironing machines for hire to be used by customers on the premises.



LOADING SPACE, OFF-STREET

An "off-street loading space" is a space logically and conveniently located for bulk pick-ups and deliveries, in proportion to delivery vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

LOT

A "lot" is a parcel of land deeded and adequate for occupancy or intended for occupancy by a use permitted in this [Ordinance or Resolution], including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this [Ordinance or Resolution], having its principal frontage upon a street or upon an officially approved place.

LOT, CORNER

A "corner lot" is a lot which has at least two (2) adjacent sides abutting for their full length on a street, provided the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135°).

LOT, DOUBLE FRONTAGE

A "double frontage lot" is a lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

LOT, INTERIOR

An "interior lot" is any lot other than a corner lot with only one (1) frontage street.

LOT, REVERSED CORNER

A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

LOT DEPTH

"Lot depth" is the depth of a lot which shall be considered to be the distance between the midpoints of straight lines connecting foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT WIDTH

"Lot width" is the width of a lot which shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot. Where side lot lines are not continuously parallel or at right angles to the abutting street, the average of the rear and front widths shall be used.

LOT OF RECORD

The "lot of record" is a lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder; or a parcel of land, the deed of which was recorded in the office of the County Recorder prior to the adoption of this [Ordinance or Resolution].

MOTOR COURT OR MOTEL

A "motor court or motel" is a building or groups of buildings used primarily for the temporary residence of motorists or travelers.

NON-CONFORMING USE

"Non-conforming use" is any building or land lawfully occupied by a use at the time of this [Ordinance or Resolution] or amendment thereto, which does not conform after passage of this [Ordinance or Resolution] or amendment thereto with the use regulations of the district in which it is situated.

NURSING HOME

A "nursing home" is a home for the aged, chronically ill, or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food or shelter and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

PARKING SPACE, OFF-STREET

"Off-street parking space" is a permanently surfaced area, enclosed in the main building or accessory building, or unenclosed, having a width of not less than ten (10) feet and a length of not less than eighteen (18) feet, exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile, and connecting with a public street or alley by an improved driveway which affords satisfactory ingress and egress for automobiles. Required off-street parking areas for three (3) or more automobiles shall be so designed, maintained, and regulated that any automobile may be parked and un-parked without moving another.

ROOMING HOUSE

A "rooming house" is a building other than a hotel where only lodging for three (3) or more people is provided for compensation.

SANITARY LAND FILL

A "sanitary land fill" is an operation by which refuse is deposited, compacted, and covered by a layer of earth at the end of each day of operation.

SEPTIC TANK

A "septic tank" is a sewerage system developed to function on an individual lot basis.

SETBACK LINE

A "setback line" is that line denoting the distance required to obtain the minimum front, side, and rear yards as required by the Zoning [Ordinance or Resolution] of the [Political Unit].

SEWERAGE SYSTEM, CENTRAL

A "central sewerage system" is a type approved by the Iowa State Department of Health as properly designed to serve one or more subdivisions.

SIGN

A "sign" is any device designed to inform or attract attention of persons not on the premises on which the sign is located.

SIGN, ON-SITE

An "on-site sign" is a sign relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises. On-site signs do not include billboards.

SIGN, OFF-SITE

An "off-site sign" is a sign other than an on-site sign.

STABLE, PRIVATE

A "private stable" is a stable with a capacity for not more than two (2) horses or mules.

STABLE, PUBLIC

A "public stable" is a stable, other than a private stable, with a capacity for more than two (2) horses or mules.

STORY

A "story" is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

STREET

A "street" is a public thoroughfare which affords the principal means of access to abutting property.

### STREET LINE

A "street line" is the right-of-way of a street.

### STRUCTURE

A "structure" is anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

### STRUCTURAL ALTERATIONS

"Structural alterations" are any changes other than normal maintenance which would tend to prolong the life of a supporting member of a structure such as a bearing wall, column, beam, girder, or any substantial change in the roof or exterior walls.

### TRAVEL TRAILER

A "travel trailer" is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.

### VARIANCE

A "variance" is a relaxation of the terms of this Zoning [Ordinance or Resolution] 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 or Resolution] would result in unnecessary and undue hardship. As used in this [Ordinance or Resolution], a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining district.

### YARD

A "yard" is a required open space at grade unoccupied and unobstructed by any structure or portion of a structure, other than projections of uncovered steps, uncovered balconies, or uncovered porches; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height and visibility requirements. In measuring a yard for the purpose of determining the width of a side yard, depth of a front yard or rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

### YARD, FRONT

A "front yard" is the yard extended across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies,

or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR

A "rear yard" is a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear of the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, or unenclosed porches and the rear lot line. On all lots the rear yard shall be at the opposite end of the lot from the front yard.

YARD, SIDE

A "side yard" is the yard between the main building and the side line of the lot, extending from the front yard line to the rear yard line and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

### Schedule of Zoning Districts

The establishment of a schedule of districts is a vital section to any zoning ordinance and requires careful consideration. This is why the wholesale reproduction of a neighboring community's zoning ordinance is a very dangerous practice. Just as no two individuals are identical, no two cities, towns, or counties are identical. In the larger communities additional districts and regulations may be necessary for special types of areas such as high density residential districts, central business districts, shopping center districts, civic and institutional districts, historic districts, etc. In the smaller communities with less complex development some districts will need to be modified or even eliminated.

With the above points in mind, one is able to see why each district in this guide should be approached as a tentative suggestion and a basis for discussion. Several pertinent points should be reviewed in conjunction with each district.

1. Is the district necessary for the political unit? Many of the smaller towns will not require each of the districts, although most of them will be necessary with appropriate variations.
2. Are the inclusions under "Uses Permitted" reasonable?  
Depending on the nature of the present development and policies toward the type and extent of future development, the inclusions under "Uses Permitted" should be arranged to result in an effective ordinance.
3. Are the inclusions under "Conditional Uses" appropriate? The inclusions under this portion of each district will be the uses allowed only after review and approval. Thus, these will be

uses that can be controlled within each district. Each inclusion should first be viewed in light of its reasonableness in the district. Secondly, consideration should be given to the amount of anticipated development of the various inclusions, for there is no reason to have an inclusion which has no utility. The sets of suggested "Conditional Uses" should serve as examples. By means of additions and deletions these suggested sets can be tailored to the community's or county's needs.

4. Are the regulations for each district reasonable? The various regulations in each district should be reviewed to indicate any cases of unreasonableness. The purpose of the regulations controlling height, lot area, and yard size is to ensure orderly development of the area. Thus, the various regulations should be arranged so as to fit with existing development, yet provide a means for guarantying satisfactory future development.

Thus, in order to utilize this guide properly, each of the suggested districts should be reviewed and discussed in light of the above mentioned four points. Establishment of the districts and appropriate regulations for each is the backbone of the zoning ordinance. It is the most important step and should be approached with this fact in mind.

## Typical Zoning Districts and Permitted Uses

The following is a listing of suggested zoning districts and corresponding uses permitted within each district:

### A. RURAL AGRICULTURAL DISTRICT

#### 1. GENERAL DESCRIPTION

This district is intended to permit lands best suited for agriculture to be used for agricultural purposes and also to prevent the encroachment of urban and other incompatible land uses on farm lands, thereby protecting the physical and economic well-being of agricultural operations.

#### 2. USES PERMITTED

Property and buildings in the Rural Agricultural District shall be used only for the following purposes:

- a. Single family dwelling;
- b. Any residential dwelling used by the owner, operator, or full-time employee on that farm;
- c. All agricultural land uses, building, and activities;
- d. Specialized raising of poultry, pigeon, rabbit, and similar type animals, but no commercial feed pens for livestock;
- e. Dog kennels and veterinary establishments, not nearer than seven hundred fifty (750) feet to any zoned residential district or a dwelling other than the dwelling of the lessee or the owner of the site;
- f. Removal of fill dirt or topsoil;
- g. Nurseries and greenhouses;
- h. Structures for the storage or treatment of hybrid seed corn or other improved or selected seeds;
- i. Transportation pipeline and utility easements and right-of-way;
- j. Public utility facilities;
- k. Accessory buildings and uses which are customarily incidental to any of the above stated uses but not including the conduct of a business.



### 3. CONDITIONAL USES

The following conditional uses may be permitted upon review:

- a. Airport or landing field;
- b. Cemetery;
- c. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, operated only by a resident thereof, and does not exceed one operator. The use shall clearly be conducted as to be incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one non-illuminated nameplate not exceeding two (2) square feet in area;
- d. Grain elevators;
- e. Hospitals and institutions of an educational, religious, charitable, or philanthropic nature, provided, however, that such a building may occupy not over thirty (30) percent of the total area of the lot, and that the building be set back from all yard lines a distance not less than two (2) feet for each foot of building height;
- f. Marina, boat docks, golf course, or other private outdoor recreational facility;
- g. Public or private stable and riding academy;
- h. Radio and television stations and transmission towers;
- i. Roadside stands offering for sale only products grown on the premises of a farm. Such stands shall be removed during any season or period when not being used;
- j. Sale barn;
- k. Sanitary landfill;
- l. Sewage lagoons or treatment plants.

### B. SUBURBAN AGRICULTURAL DISTRICT

#### 1. GENERAL DESCRIPTION

This district is intended to provide regulations for land situated on the fringe of the urban area that is used for agricultural purposes, but which will be undergoing urban development in the near future. Many tracts in this district will be in close proximity to developing residential, commercial, or industrial uses. The purpose of this district is to restrict

the permitted uses to those which are compatible with both the agricultural uses and the developing residential, commercial, or industrial uses.

## 2. USES PERMITTED

Property and buildings in a Suburban Agricultural District shall be used only for the following purposes:

- a. Single family dwelling;
- b. Agricultural crops;
- c. The raising of farm animals but no commercial feed pens for livestock. On all tracts of land containing ten (10) acres or less the raising of hogs shall be prohibited. On any tracts larger than ten (10) acres the raising of hogs shall not be located closer than two hundred (200) feet from the boundary line of the property on which they are located;
- d. Nurseries and greenhouses;
- e. Transportation, pipeline, and utility easements and right-of-way;
- f. Home occupations;
- g. Hospitals and institutions of an educational, religious, charitable, or philanthropic nature, provided, however, that such a building may occupy not over thirty (30) percent of the total area of the lot, and that the building be set back from all yard lines a distance not less than two (2) feet for each foot of building height;
- h. Public or church bulletin board and temporary sign pertaining to the lease, hire, or sale of a building or premises, which shall not exceed twelve (12) square feet in area;
- i. Accessory uses or buildings, including a private garage customarily incident to the above uses but not involving the conduct of a business. When an accessory use of building is located in the rear yard behind the principal use of a building, such accessory use or building shall be located not less than ten (10) feet from any rear or side yard lines, except that on lots which abut upon a river or lake, the accessory building may be located in the front yard if the front setback of the proposed accessory building will not be less than the average of the front setbacks of the adjacent lots and the side setbacks be at least ten (10) feet.

## 3. CONDITIONAL USES

The following conditional uses may be permitted on review:

- a. Cemetery;
- b. Country Club and Golf Course, except miniature and driving range courses for commercial purposes;
- c. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, operated only by a resident thereof, and does not exceed one operator. The use shall clearly be conducted as to be incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one non-illuminated nameplate not exceeding two (2) square feet in area;
- d. Marina, boat docks, or other outdoor recreational activity;
- e. Radio and television stations and transmission towers;
- f. Sewage lagoons and sewage treatment plants.

C. PRESERVATION DISTRICT

1. GENERAL DESCRIPTION

This district is created to provide for those areas which are not suitable for an urban use, such as residential, commercial, industrial; or for an agricultural use of crop cultivation. This district includes flood plains, wildlife areas, stands of timber, and similar uses. The object of this district is to restrict such uses as would substantially disturb or be detrimental to the natural topography, flora, fauna, or water regimen of such areas.

2. USES PERMITTED

All of the following uses shall be permitted in the Preservation District with associated accessory buildings as may be required for the maintenance and propagation of the uses in the district:

- a. Flood plains;
- b. Water retention areas;
- c. Wildlife preserves;
- d. Fish hatcheries;
- e. Fishing;
- f. Hunting;
- g. Sustained yield forest.

- a. Cemetery;
- b. Country Club and Golf Course, except miniature and driving range courses for commercial purposes;
- c. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, operated only by a resident thereof, and does not exceed one operator. The use shall clearly be conducted as to be incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one non-illuminated nameplate not exceeding two (2) square feet in area;
- d. Marina, boat docks, or other outdoor recreational activity;
- e. Radio and television stations and transmission towers;
- f. Sewage lagoons and sewage treatment plants.

C. PRESERVATION DISTRICT

1. GENERAL DESCRIPTION

This district is created to provide for those areas which are not suitable for an urban use, such as residential, commercial, industrial; or for an agricultural use of crop cultivation. This district includes flood plains, wildlife areas, stands of timber, and similar uses. The object of this district is to restrict such uses as would substantially disturb or be detrimental to the natural topography, flora, fauna, or water regime of such areas.

2. USES PERMITTED

All of the following uses shall be permitted in the Preservation District with associated accessory buildings as may be required for the maintenance and propagation of the uses in the district:

- a. Flood plains;
- b. Water retention areas;
- c. Wildlife preserves;
- d. Fish hatcheries;
- e. Fishing;
- f. Hunting;
- g. Sustained yield forest.

### 3. CONDITIONAL USES

All of the following conditional uses may be permitted on review:

- a. Orchards of any variety;
- b. Wildcrop harvesting, including but not restricted to wild berries, herbs, and similar wild crops;
- c. Golf courses, marinas, and other outdoor recreational areas;
- d. Truck farming crops;
- e. Commercial excavation of natural materials and improvements of a stream, lake, or river channel;
- f. Tree nurseries and sod farms;
- g. Recreational camp, campgrounds, and camp or tourist trailer parks.

## D. SINGLE FAMILY DWELLING DISTRICT

### 1. GENERAL DESCRIPTION

This is the most restrictive residential district. The principal use of land is for single family dwellings and related recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to residential areas. The provisions contained in this section are intended to provide adequate light, open space, and air for the dwellings and related facilities.

### 2. USES PERMITTED

Property and buildings in a Single Family Dwelling District shall be used only for the following purposes:

- a. Single family dwelling;
- b. Church or temple;
- c. Park or playground;
- d. Public school, elementary and high, or private school having a curriculum the same as ordinarily given in a public elementary or public high school;
- e. Agricultural crops, but not the raising of farm animals or poultry;
- f. Home occupation;

- g. Transportation and utility easements, alleys, and rights-of-way;
- h. Temporary sign pertaining to the lease, hire, or sale of a building or premises, and not exceeding twelve (12) square feet in area;
- i. Accessory uses or buildings, including a private garage customarily incident to the above uses, but not involving the conduct of a business. When an accessory use or building is located in the rear yard behind the principal use or building, such accessory use or building, shall be located not less than five (5) feet from any rear or side yard lines, except that on lots which abut upon a river or lake the accessory building may be located in the front yard if the following provisions are met:
  - (1) The main structure fronts upon the river or lake;
  - (2) Accessory buildings are located in front yards on lots with frontage upon the same side of the street between two intersecting streets or within a distance of three hundred (300) feet in each direction from the lot in question;
  - (3) The front setback line of the proposed accessory building shall not be less than the average of the front setbacks of the adjacent lots, and the side setbacks shall be at least ten (10) feet.

### 3. CONDITIONAL USES

The following conditional uses may be permitted on review:

- a. Golf course, except miniature or driving range courses for commercial purposes;
- b. Marina, boat docks, or other outdoor recreational facilities;
- c. Community buildings other than schools owned and operated by a public agency;
- d. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, operated only by a resident thereof, and does not exceed one operator. The use shall clearly be conducted as to be incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one non-illuminated nameplate not exceeding two (2) square feet in area.

## E. GENERAL RESIDENTIAL DISTRICT

1. GENERAL DESCRIPTION

This is a residential district to provide for medium and high population density. The principal use of land may range from single family to multiple family dwelling units. Certain uses are permitted which are more compatible functionally with intensive residential uses than with commercial uses. The recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area are included. The uses included and the regulations applying to these uses are arranged so as to provide for an orderly and attractive environment by encouraging adequate light, air, and open space for the dwellings and related facilities.

2. USES PERMITTED

Property and buildings in General Residential District shall be used only for the following purposes:

- a. Single family dwelling;
- b. Two family dwelling;
- c. Multiple family dwelling;
- d. Church or temple;
- e. Public school, elementary and high, or private school having a curriculum the same as ordinarily offered in public elementary or public high school;
- f. Home occupation;
- g. Transportation and utility easements, alleys, and rights-of-way;
- h. Rooming or boarding house;
- i. Temporary sign pertaining to the lease, hire, or sale of a building or premises which shall not exceed twelve (12) square feet in area;
- j. Accessory uses or buildings, including a private garage customarily incident to the above uses but not involving the conduct of a business. When an accessory use of building is located in the rear yard behind the principal use or building, such accessory use or building shall be located not less than five (5) feet from any rear or side yard lines, except that on lots which abut upon a river or lake the accessory building may be located in the front yard if the following provisions are met:

- (1) The main structure fronts upon the river or lake;

- (2) Accessory buildings are located in front yards on lots which frontage upon the same side of the street between two intersecting streets or within a distance of three hundred (300) feet in each direction from the lot in question.
- (3) The front setback line of the proposed accessory building will not be less than the average of the front setbacks of the adjacent lots, and the side setbacks will be at least ten (10) feet.

### 3. CONDITIONAL USES

The following conditional uses may be permitted on review:

- a. Any use permitted on review in a Single Family Dwelling District;
- b. Institutions of a religious, educational, or philanthropic nature other than those described in Section E-2 above;
- c. Private clubs or lodges, except those whose chief activity is a service customarily carried on as a business;
- d. Clinics, medical and dental;
- e. Mobile home park;
- f. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, operated only by a resident thereof, and does not exceed one operator. The use shall clearly be conducted as to be incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one non-illuminated nameplate not exceeding two (2) square feet in area.

## F. NEIGHBORHOOD COMMERCIAL DISTRICT

### 1. GENERAL DESCRIPTION

This commercial district is established to provide area for the conduct of retail trade and personal service enterprises primarily of a convenience nature. The convenience nature of the various commercial uses requires them to be in close proximity to residential areas. Thus, this district is a restricted commercial district, limited to a narrow range of retail service and convenience goods. Any dwelling units constructed within a Neighborhood Commercial District shall be above ground floor level.

### 2. USES PERMITTED

Property and buildings in a Neighborhood Commercial District shall be used only for the following purposes:



- a. Living and/or sleeping quarters shall be permitted only when constructed above the ground floor. No living and/or sleeping quarters shall be permitted in any detached accessory building or structure on the same lot of any other building;
- b. Food Market including specialty items such as bakery goods, delicatessen goods, meats, and confectionary;
- c. Drug store or fountain including books and reading matter, stationery, tobacco, and pharmacy;
- d. Barber shop and beauty shop;
- e. Bank;
- f. Camera shop;
- g. Cleaning, pressing, laundry collection station;
- h. Dry goods store;
- i. Dairy products or ice cream store;
- j. Dress shop;
- k. Florist shop;
- l. Gift shop;
- m. Government offices;
- n. Hardware store;
- o. Jewelry or notion shop;
- p. Professional and business offices;
- q. Optometric sales and services;
- r. Package liquor sales;
- s. Photographer's studio;
- t. Restaurant, except drive-in restaurant;
- u. Self-service laundry and dry cleaning;
- v. Shoe repair shop;
- w. Toy store;
- x. Variety store;
- y. Transportation, pipeline, and utility easements and rights-of-way;

- z. Other uses of the same general character as those listed above.

3. CONDITIONAL USES

The following conditional uses may be permitted on review:

- a. Filling station;
- b. Government service buildings and facilities;
- c. Mortuary;
- d. Other commercial uses of a similar nature which are compatible with the above mentioned.

G. GENERAL COMMERCIAL DISTRICT

1. GENERAL DESCRIPTION

This commercial district is for personal and business services and general retail trade. The nature of this district is one of relatively high traffic generation, and the uses are not necessarily compatible with residential development. Thus, this district is to provide area where there can be a concentration of general commercial activities. Dwelling units constructed within a General Commercial District shall be above ground floor level.

2. USES PERMITTED

Property and buildings in a General Commercial District shall be used only for the following purposes:

- a. Any use permitted in Neighborhood Commercial District;
- b. Private clubs and lodges;
- c. Filling station;
- d. When located not less than one hundred (100) feet from the side of any Residential District:
  - (1) Bowling alley;
  - (2) Drive-in restaurant;
  - (3) Theatre;
  - (4) Taverns;
  - (5) Golf courses, miniature or practice range;
  - (6) Other similar place of entertainment or amusement;

- e. Frozen food locker;
- f. Milk distributing station;
- g. Hotel, motel, or other tourist lodging establishments;
- h. Mortuary;
- i. Parking or public garage;
- j. Veterinarian or animal hospital provided that no such building, kennel, or other area occupied by animals is closer than one hundred (100) feet to any Residential District;
- k. Radio or television broadcasting station or tower;
- l. When not employing more than ten (10) persons on the premises and located more than one hundred (100) feet from any lot line of any Residential District:
  - (1) Dyeing and cleaning establishment or laundry;
  - (2) Painting, electric, or plumbing shop;
  - (3) Printing shop;
  - (4) Tire sales and service, including vulcanizing;
  - (5) Upholstering shop, not involving furniture; manufacturing;
  - (6) Automatic car wash where entire operation is enclosed within a structure;
- m. Federal, state, county, or municipal office;
- n. Accessory building or use customarily incidental to any of the above uses;
- o. Other uses of the same general character as those listed above.

### 3. CONDITIONAL USES

The following conditional uses may be permitted on review:

- a. Drive-in theatre;
- b. Research laboratories;
- c. Any other store or shop for retail trade or for rendering personal, professional, or business service which does not produce more noise, odor, vibration, or traffic than those enumerated above.

## H. HEAVY COMMERCIAL DISTRICT

1. GENERAL DESCRIPTION

This commercial district is established to provide area for those commercial uses which rely on motor vehicle-oriented trade. It is the intent of this district to provide a location for the limited amount of merchandise, equipment, and material being offered for wholesale and retail sale, that, because of the type of material or transportation requirements, are suitable for display and storage outside the confines of an enclosed building. The utility of such a district is to encourage such development in such a manner as to minimize traffic hazards and interference with other uses in the vicinity.

2. USES PERMITTED

Property and buildings in a Heavy Commercial District shall be used for only the following purposes:

- a. Any use in the Neighborhood or General Commercial District is permitted with the exception of living and/or sleeping quarters which shall not be permitted;
- b. Open display uses shall be permitted including but not restricted to:
  - (1) Boat sales and service;
  - (2) Farm implement and machinery, new and used, sales;
  - (3) Metal and wood fencing, ornamental grillwork, and decorative wrought iron work and play equipment sales;
  - (4) Mobile homes and travel trailer sales;
  - (5) Monument sales;
  - (6) New and used automobile sales, but this does not permit junkyards as a use in this district;
  - (7) Prefabricated house sales;
  - (8) Trailers and trucks for hauling, rental, and sales;
  - (9) Motorcycle sales, repair and services;
  - (10) Garages for repair work and storage;
  - (11) Auction house;
  - (12) Souvenir shop and roadside stands for fruit and vegetable sales;

- c. Recreational uses such as amusement parks, bowling alleys, and roller skating rinks;
- d. Open storage uses shall comply with the following provisions:
  - (1) All open storage and display of merchandise, material, and equipment shall provide a screening of not less than four (4) feet nor more than six (6) feet in height maintained in good condition or a screening of hedge or other natural landscaping not less than four (4) feet nor more than six (6) feet in height when a Heavy Commercial District adjoins a Residential District;
  - (2) All yards, unoccupied with buildings or merchandise or used as traffic ways, shall be landscaped with grass and shrubs and maintained in good condition the year around;
  - (3) All servicing of vehicles carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building;
  - (4) Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns;
  - (5) All of the lot used for the parking of vehicles, for the storage and display of merchandise, and all driveways used for vehicle egress and ingress shall be surfaced and maintained in such a manner that no dust will be produced by continued use;
  - (6) Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land use or the use of adjacent streets and shall not be of a flashing or intermittent type;
- e. Where there are no more than thirty (30) employees on the premises, exclusive of the owners, drivers, and other employees who spend the greater amount of the time off rather than on the premises, the following uses shall be permitted:
  - (1) Bakeries;
  - (2) Dry cleaning and commercial laundries;
  - (3) Printing establishments;
  - (4) Plumbing shops;
- f. Wholesale distributing establishments;
- g. Warehouses and storage buildings;

- h. Other uses of the same general character as those listed above.

I. LIGHT INDUSTRIAL DISTRICT

1. GENERAL DESCRIPTION

This industrial district is established to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, and distribution. It is the intent that permitted uses are conducted so that noise, odor, dust, and glare of each operation is completely confined within an enclosed building. Although these industries may require direct access to rail, air, or street transportation routes, the size and volume of the raw materials or finished products involved should not produce the volume of freight generated by the uses of the heavy industrial districts. These regulations are intended to prevent friction between uses within the district and protect nearby Agricultural and Residential Districts.

2. USES PERMITTED

Property and buildings in a Light Industrial District shall be used only for the following purposes:

- a. Any use, except dwellings, permitted in the Heavy Commercial District. No dwelling use, except sleeping facilities required by caretaker or nightwatchmen employed on the premises, shall be permitted in a Light Industrial District;
- b. Those uses which employ more than thirty (30) employees on the premises as such:
  - (1) Bakeries;
  - (2) Dry cleaning and commercial laundries;
  - (3) Lumber supply houses;
  - (4) Printing establishments;
  - (5) Plumbing shops;
- c. Freight terminal;
- d. The following uses when conducted within a completely enclosed building:
  - (1) The manufacturing, compounding, processing, packaging, or treatment of such products as candy, cosmetics, dairy products, drugs, pharmaceutical, toiletries, and foodstuffs;

- (2) The manufacturing, compounding, assembling, or treatment of articles prepared from bone, cellophane, canvas, cloth, cork, feathers, felt fibre, fur, glass, hair, leather, paper, plastic, semi-precious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process;
  - (3) The manufacture of pottery and similar ceramic products;
  - (4) The manufacture and maintenance of electric and neon signs and light sheet metal products, including heating and ventilating ducts and similar products;
  - (5) Automobile assembling, painting, upholstering, rebuilding, reconditioning body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing;
  - (6) Machine shop;
  - (7) Foundry casting lightweight non-ferrous metal not causing noxious fumes or odors;
  - (8) Assembly of electrical appliances, electronic instruments and devices, radio and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, and similar such equipment;
- e. Buildings, structures, and uses accessory and customarily incidental to any of the above uses;
  - f. Other uses of the same general character as those listed above.

## J. HEAVY INDUSTRIAL DISTRICT

### 1. GENERAL DESCRIPTION

This industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established in this [Ordinance or Resolution]. The intensity and type of use makes it most desirable that uses in the Heavy Industrial District be separated from residential and commercial uses.

### 2. USES PERMITTED

Property and buildings in the Heavy Industrial District may be used for any of the following purposes:

- a. Any use, except dwelling, permitted in the Light Industrial District. No dwelling use except sleeping facilities required by caretaker or nightwatchmen employed on the premises shall be permitted in the Heavy Industrial District;

- b. Junkyard or salvage yard of any kind including automobile salvage yards;
- c. Acid manufacture;
- d. Petroleum or its products, refining of;
- e. Cement, lime, gypsum, or plaster of Paris manufacture.

3. CONDITIONAL USES

The following conditional uses may be permitted upon review:

- a. Distillation of bones and glue manufacture;
- b. Explosives manufacture and storage;
- c. Fat rendering and fertilizer manufacture;
- d. Garbage, offal, or dead animals, reduction or dumping of;
- e. Smelting of tin, copper, zinc, or iron ores;
- f. Rolling mills;
- g. Tannery or the curing or storage of raw hides;
- h. Any use not otherwise authorized by this [Ordinance or Resolution].

Height and Area Requirements for Zoning Districts

The foregoing section outlined a set of suggested zoning districts and appropriate permitted uses within each district. Table VI on the following page illustrates recommended development standards for each of the districts. These standards regulate the height of buildings, location of a building on the lot, size of lot, and width of lot. The table is based upon the assumption that all residences with the exception of those located in Rural Agricultural and Suburban Agricultural Districts will be provided with an adequate central sewerage system. If a central sewerage system does not exist in all or part of a political unit, the lot sizes would have to be increased in size to provide adequate space for septic tank drain fields.



Table VI

## HEIGHT AND AREA REQUIREMENTS\*

<u>District</u>	<u>Maximum Hght. of Buildings</u>		<u>Minimum Depth of Front Yard</u>	<u>Minimum Width of Either Side Yard</u>	<u>Minimum Depth of Rear Yard</u>	<u>Minimum Lot Area Per Family</u>	<u>Minimum Lot Width</u>
	<u>Stories</u>	<u>Feet</u>	<u>In Feet</u>	<u>In Feet</u>	<u>In Feet</u>	<u>In Square Feet</u>	<u>In Feet</u>
A. Rural Agricultural	3	50	40 (1)	25 (2)	40	5 Acres	400
B. Suburban Agricultural	3	35	40 (1)	25 (2)	40	1 Acre	200
C. Preservation	2 1/2	35	None	None	None	None	---
D. Single Family Dwelling	3	35	40	5 (3)	40	10,000	90
E. General Residential	3	35	30	5 (3)	30 (4)	10,000 [1-Fam]	90
	3	35	30	5 (3)	30 (4)	8,000 [2-Fam]	100
	4	45	30	10 (3)	30 (4)	4,000 [mult-Fam]	---
F. Neighborhood Commercial	3	35	25	None (5)	None (6)	Same as E.	---
G. General Commercial	4	45	25	None (5)	None (7)	Same as E.	---
H. Heavy Commercial	4	45	25	None (5)	None (7)	Residence not Permitted	---
I. Light Industrial	4	45	10	None (5)	None (7)	Residence not Permitted	---
J. Heavy Industrial	4	45	10	None (5)	None (7)	Residence not Permitted	---

\*Footnotes to Table VI - Height and Area Requirements

1. A building shall be erected either forty (40) feet back from the street right-of-way line or seventy-five (75) feet back from the center line of the street, whichever may be less.
2. A building shall be erected with a side yard on the interior side lot line of either twenty-five (25) feet or twenty (20) percent of the lot width, whichever is smaller.
3. A building shall be erected with a side yard on the interior side lot line of five (5) feet when the building is one (1) story in height or ten (10) feet when the building exceeds the one (1) story.
4. A building shall be erected with a rear yard of thirty (30) feet or twenty (20) percent of the lot depth, but in no case shall the rear yard be less than twenty (20) feet.
5. No side yard need be provided unless a commercial or manufacturing district abuts a residential district in which case a side yard of twenty-five (25) feet or service court area of the same dimension shall be required along with the screening requirements.
6. No rear yard need be provided unless a Neighborhood Commercial District abuts a residential district in which case a twenty-five (25) foot rear yard and screening requirement shall be provided.
7. No rear yard need be provided unless a commercial or manufacturing district abuts a residential district or a service area is to be constructed in which case a twenty-five (25) foot rear yard and screening requirements shall be provided.

### General Provisions

The general provisions set forth below are of two types. First are the provisions which aid in interpreting the general district regulations listed in the preceding section. The second type of provisions is the supplementary district regulations which cover all or various groups of districts. These provisions regulate such items as accessory buildings, permitted encroachments in required yards, obstruction of water channels, etc.

#### A. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the District Map, the following rules shall apply:

1. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the center lines of such streets, highways, or alleys.
2. Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to be said boundary lines.
3. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
4. Boundaries shown as following or approximately following the center lines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel center line of such water courses taken at a mean low water mark.
5. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Administrative Officer.
6. Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

B. REGULATIONS FOR UNIQUE USES

1. Fences, Walls, and Hedges

- a. A fence, wall, hedge, or shrubbery may be erected, placed, maintained, or grown along a lot line of residentially-zoned property or adjacent thereto to a height not exceeding five (5) feet above the ground level or eight (8) feet if located within a required rear yard (unless said rear lot line abuts a side lot line of neighboring property, in which case the height limitation shall be five (5) feet); except that no such fence, wall, hedge, or shrubbery which is located in a required front or corner side yard shall exceed a height of three (3) feet. Where such lot line is adjacent to non-residentially-zoned property, there shall be an eight (8) foot limit on the height of a fence, wall, hedge, or shrubbery along such lot line.
- b. No fence, wall, hedge, or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially-zoned property, adjacent to residentially-zoned property, to a height exceeding eight (8) feet.
- c. In any Residential District no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street right-of-way lines.

2. Fallout Shelters

- a. Fallout shelters shall be used only for the protection of life from radioactive fallout and for no other purpose.
- b. Fallout shelters shall be located:
  - (1) Within any new or existing accessory or principal building or structure;
  - (2) Attached to any new or existing principal building or structure with direct access from such building or structure; or
  - (3) Wholly underground.

C. SEWAGE DISPOSAL AND WATER SUPPLY

Regardless of other provisions of this [Ordinance or Resolution], in all classifications and in all districts there shall always be sufficient ground area left unoccupied by a structure or paving for a proper system of sewage disposal and water supply.

D. NUMBER OF BUILDINGS ON A LOT

Except in the case of planned developments, not more than one principal detached residential building shall be located on a lot, nor shall a principal detached residential building be located on the same lot with any other principal building.

E. MINIMUM LOT SIZE

Every residential building hereafter erected on a lot or parcel of land created subsequent to the effective date of this [Ordinance or Resolution] shall provide a lot or parcel of land having not less than the minimum area and width specified for the particular zoning district in which it is located. However, in any Residential District on a lot of record on the effective date of this [Ordinance or Resolution], a single family dwelling may be established regardless of the size of the lot, provided all other requirements of this [Ordinance or Resolution] are complied with. However, where two (2) or more vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into lots and shall thereafter be maintained in common ownership and shall be so joined and developed for the purpose of forming an effective and conforming lot. For the purpose of this Section, the razing of a building on a substandard lot shall constitute the formation of a vacant lot.

F. ACCESSORY BUILDINGS

1. Time of Construction

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

2. Percentage of Required Yard Occupied

No detached accessory building or buildings shall occupy more than fifty (50) percent of the area of a required yard.

3. Height of Accessory Buildings

No detached accessory buildings or structures shall exceed the height of the principal building or structure.

4. On Reversed Corner Lots

On a reversed corner lot in a Residential District, and within fifteen (15) feet of any adjacent property to the rear in a Residential District, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to two-thirds the least depth which would be required under this [Ordinance or Resolution] for the front yard on such adjacent property to the rear.

Further, in the above instance, no such accessory buildings shall be located within five (5) feet of any part of a rear lot line which coincides with the side lot line or portion thereof of property in any Residential District.

No accessory building shall be erected in or encroached upon the required side yard of a corner lot which is adjacent to the street nor upon the required side yard of a reversed corner lot which is adjacent to the street.

G. BULK REGULATIONS

1. Continued Conformity with Bulk Regulations

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yards, other open space, or minimum lot area requirements for any other building.

2. Required Yards -- Existing Buildings

No yards, now or hereafter provided for a building existing on the effective date of this [Ordinance or Resolution], shall subsequently be reduced below or further reduced if already less than the minimum yard requirements of this [Ordinance or Resolution] for equivalent new construction.

3. Permitted Obstruction in Required Yards

The following shall not be considered to be obstructions when located in the required yards. However, accessory uses and permitted obstructions shall not, in the aggregate, occupy more than fifty (50) percent of any required yard.

- a. In all yards: Open terraces not over two (2) feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch; awnings and canopies, steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting eighteen (18) inches or less into the yard; recreational and laundry-drying equipment; arbors and trellises; flag poles; fences, and walls not exceeding the heights specified in Section B-1.
- b. In front yards: One-story windows projecting three (3) feet or less into the yard; overhanging eaves and gutters projecting three (3) feet or less into the yard; and fuel,

air, and water pumps in conjunction with automobile service stations, provided they shall be set back at least fifteen (15) feet from the front lot line.

- c. In rear yards: Open offstreet parking spaces; balconies; fallout shelters; breezeways and open porches; one-story bay windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard.
- d. In side yards: Overhanging eaves and gutters projecting eighteen (18) inches or less into the yard; and fuel, air, and water pumps in conjunction with automobile service stations, provided they shall be set back at least fifteen (15) feet from the side lot line.

#### H. EXISTING CONDITIONAL USES

- 1. Where a use is classified as a conditional use under this [Ordinance or Resolution] and exists as a conditional or permitted use at the date of the adoption of this [Ordinance or Resolution], it shall be considered to be a legal conditional use.
- 2. Where a use is not allowed as a conditional or permitted use under this [Ordinance or Resolution] and exists as a conditional use at the date of the adoption of this [Ordinance or Resolution], it shall be considered to be a non-conforming use and shall be subject to the applicable non-conforming use provisions.

#### I. OBSTRUCTION OF WATER COURSE CHANNELS

To prevent encroachment upon or construction of river or creek channels, and thereby avoid obstruction to the natural conveyance of water flow in such rivers, creeks, and other natural water courses, there shall not be placed, erected, or located within the banks of such water courses any building or structure, pier or marina, or retaining or revetment wall, except authorized bridges or dams. In addition, there shall not be placed any filling of earth, ashes, rubbish, rubble, concrete, masonry, or any other kind of fill.

### Off-street Parking and Loading Facilities

This section outlines provisions for regulating off-street parking and loading facilities. The first portion is devoted to describing recommended general provisions for controlling off-street parking and loading facilities. Regulations for specific districts are described in the last part of this section.

#### A. GENERAL OFF-STREET PARKING AND LOADING REGULATIONS

##### 1. Scope of Regulations

The off-street parking and loading provisions of this [Ordinance or Resolution] shall apply as follows:

- a. For all buildings and structures erected and all uses of land established after the effective date of this [Ordinance or Resolution], accessory parking and loading facilities shall be provided as required by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this [Ordinance or Resolution] and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this [Ordinance or Resolution].
- b. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
- c. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this [Ordinance or Resolution], additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this [Ordinance or Resolution].



2. Existing Parking Facilities

Accessory off-street parking facilities in existence on the effective date of this [Ordinance or Resolution] and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements for a similar new building or use under the provisions of this [Ordinance or Resolution].

3. Permissive Parking and Loading Facilities

Nothing in this [Ordinance or Resolution] shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or building, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

4. Damage or Destruction

For any conforming or legally non-conforming building or use which is in existence on the effective date of this [Ordinance or Resolution], which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, reestablished, or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this [Ordinance or Resolution] for equivalent new uses or construction.

5. Control of Off-Site Parking Facilities

In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or long-term lease, the term of such lease to be determined by the [Zoning Board of the Political Unit]. The owner of the land on which the parking facilities are to be located shall be bound by covenants filed on record in the Office of the County Recorder, requiring such owner, his or her heirs and assigns, to maintain the required number of parking facilities for the duration of the use served or of the said lease, whichever shall terminate sooner.

6. Submission of Plot Plan

Any application for a building permit, or for an occupancy certificate where no building permit is required, shall

include therewith a plot plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with this [Ordinance or Resolution].

B. DISTRICT OFF-STREET PARKING AND LOADING REGULATIONS

1. Rural Agricultural Districts

There shall be no requirements for off-street loading and parking facilities in the Rural Agricultural District except that loading and parking space incidental to permitted activities shall not take place on a public road or highway.

2. Suburban Agricultural Districts

Off-street parking space shall be provided as follows:

- a. Single family dwelling: One (1) parking space either enclosed or unenclosed for each bedroom contained in the dwelling;
- b. Church and temple: One (1) parking space for every five (5) seats in the main auditorium;
- c. School and public institution: One (1) parking space for every six (6) seats in the main auditorium, stadium, or other place of public assembly.

3. Preservation Districts

Same as Rural Agricultural Districts.

4. Single Family Dwelling Districts

Same as Suburban Agricultural Districts.

5. General Residential Districts

Off-street parking space shall be provided as follows:

- a. Single family dwelling: One (1) parking space either enclosed or unenclosed for each bedroom contained in the dwelling.
- b. Two family dwelling: One (1) parking space either enclosed or unenclosed for each bedroom contained in the individual dwelling units.
- c. Multiple family dwelling: One (1) parking space either enclosed or unenclosed for each bedroom contained in the individual dwelling units.

- d. Church and temple: One (1) parking space for every five (5) seats in the main auditorium.
- e. School and public institution: One (1) parking space for every six (6) seats in the main auditorium, stadium, or other place of public assembly.
- f. Hospital, Nursing Home: One (1) parking space for every three (3) beds.
- g. Clinic, Medical or Dental: One (1) parking space for each five hundred (500) square feet of gross floor area.

6. Neighborhood Commercial Districts

All buildings within the Neighborhood Commercial District shall provide off-street parking spaces of not less than ten (10) feet in width and eighteen (18) feet in length, in compliance with the maneuvering space outlined in the definition of "Off-street parking space."

- a. Business or professional office, studio, bank, medical or dental clinic: Three (3) parking spaces shall be provided for the first one thousand (1,000) square feet of gross floor area and one (1) additional parking space for each four hundred (400) square feet of additional gross floor area over one thousand (1,000).
- b. Restaurant (except drive-in), cafe, or similar establishment: One (1) parking space for each one hundred (100) square feet of floor area.
- c. Retail store or personal service establishment except as otherwise specified herein: One (1) parking space for each two hundred (200) square feet of floor area.
- d. Undertaking establishment: One (1) parking space for every one hundred (100) square feet of floor space for general assembly.
- e. In computing the number of such parking spaces required, the following rules shall govern:
  - (1) "Floor Area" shall mean the gross floor area of a specific use.
  - (2) Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
  - (3) Parking space requirements for use not specifically mentioned herein shall be the same as required for a use similar in nature.
  - (4) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

All buildings within the Neighborhood Commercial District shall provide off-street loading spaces of not less than twelve (12) feet wide and thirty-five (35) feet in length and have a minimum vertical clearance of fourteen (14) feet and may occupy all or part of any required yard. One such loading space shall be provided for the first ten thousand (10,000) square feet of gross floor area, and one (1) additional loading space for each additional fifteen thousand (15,000) square feet or fraction thereof.

7. General Commercial Districts

All buildings within the General Commercial District shall provide off-street parking spaces of not less than ten (10) feet in width and eighteen (18) feet in length, in compliance with the maneuvering space outlined in the definition "Off-street parking space."

- a. All neighborhood commercial uses contained in any General Commercial District shall conform with the respective off-street parking requirements detailed in Section 6 above.
- b. Any private club, lodge, or other headquarters shall provide one (1) parking space for every three (3) members, based on the design capacity of the facility.
- c. Filling stations shall provide one (1) parking space for each employee, plus two (2) for each service bay.
- d. Bowling alleys shall provide five (5) parking spaces per alley.
- e. All theatres, auditoriums, or other places of assembly and entertainment shall provide one (1) parking space per three (3) people, based on design capacity of the structure.
- f. Hotels, motels, and other tourist lodging establishments shall provide one (1) parking space per two (2) rooms or suite, plus two (2) per three (3) employees.
- g. Mortuaries or funeral parlors shall provide one (1) parking space for every one hundred (100) square feet of floor space for general assembly.
- h. In computing the number of such parking spaces required, the rules outlined in Section 6 above shall apply.

All buildings within the General Commercial District shall provide off-street loading spaces of not less than twelve (12) feet wide and thirty-five (35) feet in length, have a minimum vertical clearance of fourteen (14) feet, and may occupy all or part of any required yard. One such loading space shall be provided for the first ten thousand (10,000) square feet of gross floor area and one (1) additional loading space for each additional fifteen thousand (15,000) square feet or fraction thereof.

8. Heavy Commercial Districts

All buildings within the Heavy Commercial District shall provide off-street parking spaces of not less than ten (10) feet in width and eighteen (18) feet in length for each two hundred fifty (250) square feet of gross floor area of any building used for retail or wholesale trade.

All buildings within the Heavy Commercial District shall provide off-street loading spaces of not less than twelve (12) feet wide, thirty-five (35) feet in length, have a minimum vertical clearance of fourteen (14) feet, and may occupy all or part of any required yard. One such loading space shall be provided for the first ten thousand (10,000) square feet of gross floor area and one (1) additional loading space for each additional fifteen thousand (15,000) square feet or fraction thereof.

9. Light Industrial District

All buildings within the Light Industrial District shall provide off-street parking spaces of not less than ten (10) feet in width and eighteen (18) feet in length for every two (2) employees on any one (1) working shift. In addition to these spaces, adequate area for trucks and vehicles used in the conduct of the enterprise shall be provided.

All buildings within the Light Industrial District shall provide off-street loading spaces of not less than twelve (12) feet wide and thirty-five (35) feet in length, have a minimum vertical clearance of fourteen (14) feet, and may occupy all or part of any required yard. One such loading space shall be provided for the first ten thousand (10,000) square feet of gross floor area, and one (1) additional loading space for each additional fifteen thousand (15,000) square feet or fraction thereof.

10. Heavy Industrial Districts

Same as Light Industrial Districts.

### Non-Conforming Uses and Structures

One of the most complex problems in administering a zoning ordinance is the problem of non-conformities. These are uses and structures in existence at the time the zoning ordinance is adopted which do not conform to the regulations set forth within the ordinance. The number of non-conformities can be reduced through the careful preparation of district regulations and delineation of district boundaries. This section recommends suggested regulations to be used in treating non-conformities.

#### A. INTENT

1. Within the districts established by this [Ordinance or Resolution] or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this [Ordinance or Resolution] was passed or amended, but which would be prohibited, regulated, or restricted to permit these non-conformities to continue until they are removed, but not to encourage their survival under the terms of this [Ordinance or Resolution]. It is further the intent of this [Ordinance or Resolution] that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
2. Non-conforming uses are declared by this [Ordinance or Resolution] to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this [Ordinance or Resolution] by attachment on a building or by the addition of other uses of a nature which would be prohibited generally in the district involved.
3. To avoid undue hardship, nothing in this [Ordinance or Resolution] shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this [Ordinance or Resolution] and upon which actual construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent manner. Where excavation, demolition, or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demo-

lition, or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B. RESTRICTIONS ON NON-CONFORMING BUILDINGS, STRUCTURES, AND USES

Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located may be continued, subject to the provisions contained herein.

1. Repairs and Alterations

- a. Building or structure designed or intended for a non-conforming use: Repairs and alterations may be made to a non-conforming building or structure, provided that no structural alterations which increase the bulk of the building or structure shall be made in or to a building or structure, all or substantially all of which is designed or intended for use not permitted in the district in which it is located, except those required by law or except to make the building or structure, and the use thereof, conform to the regulations of the district in which it is located. For the purpose of this Section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the building or structure, except as herein above provided.
- b. Building or structure designed, or intended for a permitted use: Repairs, alterations, and structural changes may be made to a non-conforming building or structure, all or substantially all of which is designed or intended for a use permitted in the district in which it is located, provided said repairs, alterations, or structural changes conform to the regulations of the district in which said building or structure is located.

2. Additions and Enlargements

A non-conforming building or structure which is non-conforming as to bulk, or all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless such conditions or enlargements thereto are used only for permitted uses, are made to conform to all of the regulations of the district in which it is located, and unless such non-conforming building or structure, including all additions and enlargements thereto, shall conform to the following:

- a. Applicable regulations concerning the amount of lot area provided per dwelling unit.
- b. The allowable floor area ratio, as prescribed by this [Ordinance or Resolution].

- c. The allowable gross floor area per establishment as prescribed in this [Ordinance or Resolution].

3. Relocation of Building or Structure

No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved, and the use thereof, is made to conform to all of the regulations of the district in which it is to be located.

4. Restoration of Damaged Building or Structure Designed or Intended for a Non-Conforming Use

- a. A non-conforming building or structure which is destroyed or damaged by fire or other casualty or act of God, to the extent that the cost of restoration to the condition in which it was before the occurrence exceeds fifty (50) percent of its actual cash value, shall not be restored, unless said building or structure and the use thereof shall conform to all of the regulations of the district in which it is located.
- b. In the event such damage or destruction to the structure is less than fifty (50) percent of its actual cash value, no repairs or reconstruction shall be made unless such restoration is started within one year from the date of partial destruction and is diligently prosecuted to completion.
- c. If the restoration is not started within one year of said calamity and diligently prosecuted to completion, the building or structure shall be removed and the area cleared.

5. Discontinuance of Non-Conforming Use

If the non-conforming use of a building, structure, or premises is discontinued for a continuous period of twelve (12) months, it shall not be renewed; and any subsequent use of the building, structure, or premises shall conform to the use regulations of the district in which such building, structure, or premises is located.

6. Expansion of Non-Conforming Use

- a. Building or structure designed or intended for a non-conforming use: The non-conforming use of part of a building or structure, all or substantially all or which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which said use is presently located, but no changes or structural alterations which increase the bulk of the building or structure shall be made unless such changes or structural alterations conform to all the regulations of the district in which the building or structure is located.



- b. Building or structure designed or intended for a permitted use: The non-conforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure nor changed to any other non-conforming use.
- c. Land: The non-conforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be expanded or extended beyond the area it occupies.

7. Change of Non-Conforming Use

- a. Building or structure designed or intended for a non-conforming use: The non-conforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be changed to a use permitted in the same district as the non-conforming use which presently occupies the building or structure or to a use permitted in a more restrictive district. For the purpose of this subsection only, the Single Family Dwelling District shall be considered the most restrictive and the Heavy Industrial District the least restrictive district.
- b. Building or structure designed or intended for a permitted use: No non-conforming use shall be changed to another non-conforming use when such non-conforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.
- c. Land: The non-conforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be changed to any other use, except to a use permitted in the district in which the land is located.

### Conditional Uses and Planned Developments

It is necessary to give special consideration to certain uses because they have unique characteristics, require large land areas, are potentially incompatible with existing development, or their impact on adjacent uses cannot be foreseen. This section outlines a suggested means of regulating conditional uses. In addition, "planned developments" have been singled out as a special type of conditional use and appropriate regulations governing them are outlined.

#### A. CONDITIONAL USES

##### 1. Purpose

The development and administration of this [Ordinance or Resolution] is based upon the division of [Political Units] into zoning districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such conditional uses fall into two categories:

- a. Uses publicly operated or traditionally affected with a public interest.
- b. Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

##### 2. Initiation of Conditional Uses

Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this [Ordinance or Resolution] in the zoning district in which the land is located.

3. Application for Conditional Use

An application for a conditional use shall be filed with the Administrative Officer on a form as he shall prescribe. The application shall be accompanied by such plans and/or data prescribed by the [Zoning Board of the Political Unit] and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth herein.

4. Hearing on Application

Upon receipt in proper form of the application and statement referred to in Section A-3 above, the [Zoning Board of the Political Unit] shall hold at least one public hearing on the proposed conditional use. Notice of time and place of such hearing shall be published not less than fifteen (15) nor more than thirty (30) days preceding said hearing and at least once in one or more newspapers of general circulation in the [Political Unit].

5. Authorization

For each application for a conditional use, the Administrative Officer shall prepare and file with the [Zoning Board of the Political Unit] findings and recommendations, including the recommended stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest.

6. Standards

No conditional use shall be granted by the [Zoning Board of the Political Unit] unless such [Board] shall find:

- a. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- b. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- c. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- f. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the [Zoning Board of the Political Unit].

7. Conditions and Guarantees

Prior to the granting of any conditional use, the [Zoning Board of the Political Unit] shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section A-6, above. In all cases in which conditional uses are granted the [Zoning Board of the Political Unit] shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

B. PLANNED DEVELOPMENTS

1. Purpose

Planned developments are of such substantially different character from other conditional uses, that specific and additional standards and exceptions are hereby established to govern the recommendations of the Administrative Officer and the action of the [Zoning Board of the Political Unit].

- a. Use exceptions: The Administrative Officer may recommend and the [Zoning Board of the Political Unit] may authorize that there be in part of the area of such development, and for the duration of such development, specified uses not permitted by the use regulations of the district in which said development is located, provided that the [Zoning Board of the Political Unit] shall find:
  - (1) That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development;
  - (2) That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood; and
  - (3) That not more than twenty (20) percent of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by said exception.

b. Bulk regulations: In the case of any planned development, the Administrative Officer may recommend and the [Zoning Board of the Political Unit] may authorize exceptions to the applicable bulk regulations of this [Ordinance or Resolution] within the boundaries of such development, provided that the [Zoning Board of the Political Unit] shall find:

- (1) That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as the neighboring property than would be obtained under the bulk regulations of this [Ordinance or Resolution] for buildings developed on separate zoning lots;
- (2) That the overall floor area ratio for the planned development would not exceed by more than twenty (20) percent the maximum floor area ratio which would be determined on the basis of the floor area ratio required for the individual uses in such planned developments, as stipulated in each district;
- (3) That the minimum lot area per dwelling unit requirements of this [Ordinance or Resolution] shall not be decreased by more than twenty (20) percent in any such development containing residential uses and that permanent open space or land, in an amount equivalent to that by which each residential lot or building site has been diminished under this provision, shall be provided in common recreation area within the development; and
- (4) That along the periphery of such planned developments, yards shall be provided as required by the regulations of the district in which said development is located.

C. EFFECT OF DENIAL OF A CONDITIONAL USE

No application for a conditional use that has been denied wholly or in part by the [Zoning Board of the Political Unit] shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of charge of conditions found to be valid by the Administrative Officer.

D. REVOCAATION

In any case where a conditional use has not been established within one (1) year after the date of granting thereof, then, without further action by the [Zoning Board of the Political Unit] the conditional use or authorization shall be null and void.

### Performance Standards

The inclusion of performance standards in zoning ordinances for the regulation of land uses is a relatively new concept. Performance standards are supplementary to the other controls set forth under the various zoning districts.

The recommended procedures and standards described below attempt to provide minimum standards with which commercial and industrial uses must comply. The level and complexity of performance standards will vary with the technical staff which is available to administer the zoning regulations. The performance standards described in this section require a limited amount of technical knowledge to administer, and therefore, should be applicable to most governmental units within Scott County.

#### A. GENERAL DESCRIPTION

1. A "performance standard" is a criterion established for the purposes of (1) assigning proposed industrial uses to the proper districts, and (2) setting forth specific measurements to be used in the control of noise, odor, smoke, toxic matter, vibrations, heat, radioactivity, or glare generated by or inherent in uses of land or buildings. It is the purpose of this Section to establish regulations and standards for the installation and operation of industrial uses, based upon consideration of the objectionable characteristics of such uses and the zones in which they are permitted. Further, it is the intent of this Section to prescribe procedures and methods of measurement of industrial characteristics subject to the performance standards established hereunder.
2. All uses shall be subject to these standards: Evidence of ability to comply shall be required prior to the issuance of a building permit or a certificate of occupancy, and continued compliance shall be required during the operation of such uses and activities.
3. Any use established in commercial or industrial districts after the effective date of this [Ordinance or Resolution] shall be so operated as to comply with the performance standards set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this [Ordinance or Resolution] shall be so altered or

modified as to conflict with or further conflict with the performance standards established hereinafter for the district in which such use is located.

B. PERFORMANCE STANDARDS -- VIBRATION

No operation which creates vibrations which are readily detectable without the use of instruments at any point along lot lines shall be permitted.

C. PERFORMANCE STANDARDS -- RADIOACTIVITY

No operation shall be permitted which causes radioactivity in violation of Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation," dated June 16, 1957, and any subsequent revisions or amendments.

D. PERFORMANCE STANDARDS -- ODOR

No emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without use of instruments shall be permitted.

E. PERFORMANCE STANDARDS -- TOXIC OR NOXIOUS MATTER

No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury or damage to property and/or business shall be permitted.

F. PERFORMANCE STANDARDS -- GLARE

No direct or reflected glare shall be detectable from any residential district. If such glare is detectable, adequate buffering by fence, hedge, or wall shall be constructed to alleviate the condition.

G. PERFORMANCE STANDARDS -- HEAT

No direct or reflected heat shall be detectable without instrument from any commercial or residential district boundaries. If such heat is detectable, adequate buffering by fence, hedge, or wall shall be constructed to alleviate the condition.

H. PERFORMANCE STANDARDS -- DUST

No solid or liquid particles shall be emitted in concentrations exceeding three tenths (.03) grains per cubic foot of the conveying gas or air.

I. PERFORMANCE STANDARDS --- ASH

No emission of fly ash in excess of the quantity specified in the following table shall be permitted:

<u>Heat of Fuel Burned</u> (British Thermal Unit per Hour)	<u>Fly Ash:</u> <u>Rate of Emission</u> (lbs. per hour)
1,000,000	1
100,000,000	100
400,000,000	330
1,000,000,000	750
2,000,000,000	1,365
3,000,000,000	1,850
4,000,000,000	2,260
5,000,000,000	2,640
6,000,000,000	2,950
7,000,000,000	3,200
8,000,000,000	3,410
10,000,000,000	3,750

For heat content between any two (2) consecutive heat contents given in the table, the fly ash limitations shall be determined by means of interpolation.

J. PERFORMANCE STANDARDS -- SMOKE

No emission of smoke from any source, as measured in the Ringlemann Chart published by the United States Bureau of Mines shall be permitted in excess of:

1. In commercial districts a density described as Ringlemann No. 2, provided that a density equal to Ringlemann No. 3 may be emitted for not more than three (3) minutes in any fifteen (15) consecutive minutes.
2. In an industrial district a density described as Ringlemann No. 3.

I. PERFORMANCE STANDARDS -- SOUND

1. At no point on or beyond the boundary of any lot in an industrial district shall be the sound pressure level resulting from any use or activity whether open or enclosed, (except noises not directly under control of the property user, noises resulting from the construction and maintenance of buildings and facilities, including site preparation, and the noises of safety signals, warning devices, railroads, and airports), exceed the maximum permitted decibel levels for the designated octave band as set forth in the table below:



<u>Octave Band, Frequency in Cycles Per Second</u>	<u>Sound Pressure Levels in Decibels</u>
0-74	79
75-149	74
150-299	66
300-599	59
600-1199	53
1200-2399	47
2400-4799	41
4800 and over	39

2. Where any commercial or industrial district abuts a district permitting residences, the maximum permitted decibel levels at any point on or beyond the district boundary shall be reduced by six (6) decibels from the maximum permitted level in the table.

## MODEL SUBDIVISION PROVISIONS

The provisions outlined in this section are intended to illustrate certain subdivision controls which should be considered by local governments in Scott County when adopting new or modifying existing subdivision regulations. As was the case for the zoning provisions cited in the preceding section, these subdivision controls should be used only as a guide in formulating similar regulations for a particular jurisdiction.

The regulations described in this section were composed in light of existing state statutes which grant powers to local governments to adopt and enforce subdivision regulations. Cities and towns are granted such power in Code of Iowa 1966, Chapter 409, Sections 1-48. Under Chapter 306, Section 15 of the Code of Iowa 1966 counties are given the power to enforce subdivision regulations only when the developer desires the streets within the subdivision to be a part of the secondary road system. This restriction seriously limits the effectiveness of subdivision regulations in controlling urban development in the unincorporated portion of the County.

### Definitions

The purpose of this section is to define those words and phrases which are frequently utilized in subdivision regulations. In preparing a definition section for use in subdivision regulations, an effort should be made to insure that the words and terms defined are in conformance with the meaning attached to them in the remaining sections of the regulations.

#### ADMINISTRATIVE OFFICER

"Administrative Officer" is the official appointed by the [Governing Body of the Political Unit] to administer and enforce the Subdivision Regulations in the [Political Unit].

#### APPROVAL, FINAL

The "final approval" is the approval given the Final Plat by the [Governing Body and/or the Planning Commission of the Political Unit] allowing the plat to be legally recorded with the County Recorder.

#### APPROVAL, TENTATIVE

The "tentative approval" is the approval given the Preliminary Plat by the [Governing Body and/or the Planning Commission of the Political Unit], indicating acceptance of such plan of subdivision and authorizing the construction of the improvements subject to approval of the [Governing Body and/or the Planning Commission of the Political Unit] to plans for such improvements and calling for the submittal of the Final Plat.

#### BLOCK

A "block" is a tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad right-of-way, shorelines of waterways, other physical barriers and/or the boundary lines of the [Political Unit].

#### BUILDING

A "building" is any enclosed structure intended for shelter, housing, or enclosure of persons, animals, or machinery.

#### CROSSWALK

A "crosswalk" is that portion of the sidewalk which lies between the curb and the sidewalk parallel to the street.

CUL-DE-SAC

A "cul-de-sac" is a minor street terminated at one end with a turn around, the open end being the only means of access to another street.

DEVELOPER

A "developer" is an individual, partnership, corporation, or other legal entity or agent thereof which undertakes the activities covered by these regulations. Inasmuch as the subdivision plan drawings are merely a necessary means to the end of assuring satisfactory development, the term "developer" includes "subdivider," "owner," or "builder," even though the persons and their precise interest may vary at different project stages.

DWELLING

A "dwelling" is any building or portion thereof which is designed for or used for residential purpose.

EASEMENT

An "easement" is a grant by a property owner of the use of land for a specific purpose.

GRADE

A "grade" is the rise in elevation of any portion of the earth's surface of any improvement placed thereon divided by the horizontal distance. The grade shall be specified in percent (%) and shown on the street profile plans as required herein.

IMPROVEMENTS, REQUIRED

"Required improvements" are the furnishing of all materials, equipment, work, and services, staking and supervision necessary to construct all the improvements required in this ordinance or any other improvements that may be provided by the developer. All of such materials, equipment, and services shall be provided at the developer's cost and expense, although he may enter into a contract with individuals and firms to construct or complete such improvements according to plans previously approved by the [Governing Body and/or the Planning Commission of the Political Unit], and all improvements shall be subject to the final approval of the [Governing Body and/or the Planning Commission of the Political Unit].

LAND REMNANT

"Land remnant (or outlot)" is any portion of a tract of land which cannot be developed after the tract has been subdivided.

LOT

A "lot" is a parcel of land which is or may be occupied by a building and its accessory buildings or related use, together with such yards or open spaces within the lot lines as may be required by these regulations.

LOT, CORNER

A "corner lot" is a lot which has at least two (2) adjacent sides abutting for their full length on a street, provided the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees ( $135^\circ$ ).

LOT, DOUBLE FRONTAGE

A "double frontage lot" is a lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

LOT, REVERSE FRONTAGE

A "reverse frontage lot" is a double frontage lot which has its vehicular access point limited to the back of the lot, rather than having access on its front.

LOT, INTERIOR

An "interior lot" is any lot other than a corner lot with only one (1) frontage street.

LOT AREA

"Lot area" is the total horizontal area included within lot lines.

LOT FRONTAGE

"Lot frontage" is that dimension of a lot or portion of a lot abutting on a street excluding the side dimension of a corner lot.

LOT LINES

"Lot lines" are the lines bounding a lot as defined herein.

LOT LINE, FRONT

"Front lot line" in the case of an interior lot, is the line separating said lot from the street. In the case of a corner lot or double frontage lot, the line separating said lot from the street designated as the front street.

LOT LINE, REAR

"Rear lot line" is the lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line not less than ten (10) feet long and wholly within the lot.

LOT LINE, SIDE

"Side lot line" is any lot boundary line not a front or rear lot line.

## PLANS

"Plans" are all of the drawings including general plans, cross sections, profiles, working details, and specifications which the developer prepared to show the character, extent, and details of the improvements required within this [Ordinance or Resolution]. All drawings and plans are to be to scale of one (1) inch to one hundred (100) feet unless otherwise permitted and authorized by the Administrative Officer.

### PLAT, FINAL

The "Final Plat" is the plan of record of a subdivision, together with required accompanying material.

### PLAT, PRELIMINARY

The "Preliminary Plat" is the plan of layout of a proposed subdivision, together with required improvement plans.

### RIGHT-OF-WAY

The "right-of-way" is a strip of land occupied or intended to be occupied by a road, walkway, crosswalk, railroad, electric transmission line, or other such use. Every right-of-way established under this [Ordinance or Resolution] and shown on a Final Plat is separate and distinct from the lots and parcels adjoining such right-of-way and not included within the dimension or areas of such lots or parcels.

### ROADWAY

A "roadway" is that portion of the street which has or is to be improved and is or will be available for vehicular traffic.

### SEPTIC TANK

A "septic tank" is a sewerage system developed to function on an individual lot basis.

### SETBACK LINE

A "setback line" is that line denoting the distance required to obtain the minimum front, side, and rear yards as required by the Zoning [Ordinance or Resolution] of the [Political Unit].

### SEWERAGE SYSTEM, CENTRAL

A "central sewerage system" is a type approved by the Iowa State Department of Health as properly designed to serve one or more subdivisions.

### SIDEWALK

A "sidewalk" is that portion of the street, walkway, or crosswalk which is paved and intended for pedestrian use only.

STREET

A "street" is a general term used to describe a public right-of-way which provides a channel for vehicular and pedestrian movement, and may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of utilities (both above and below ground).

STREET, COLLECTOR

A "collector street" is a thoroughfare designed for moderate to low volumes of traffic being collected and distributed between major and local streets. All abutting property has direct access and all intersections are at grade.

STREET, CUL-DE-SAC

A "cul-de-sac" is a local street having only one open end and a turnaround for vehicles at the closed end.

STREET, EXPRESSWAY

An "expressway" is a divided thoroughfare with partial control of access serving high volumes of traffic at moderate to high speeds. This facility will normally be designed with some at-grade intersections.

STREET, HALF

A "half street" is a street having a width less than required by these and other appropriate regulations.

STREET, INTERSECTING

An "intersecting street" is any street which joins another street at an angle, whether or not it crosses the other.

STREET LINE

A "street line" is the right-of-way line of a street.

STREET, LOCAL

A "local street" is designed to carry relatively low volumes of traffic at slow speeds. They are designed to provide access to adjacent properties.

STREET, MAJOR

A "major street" is a high-type urban or rural facility serving medium to high volumes of traffic at moderate to high speeds. It has intersections at grade and generally provides direct access to abutting property.

STREET, MARGINAL ACCESS

A "marginal access street" is a local facility which is parallel and adjacent to a thoroughfare carrying a large volume of traffic and which provides access to abutting properties and protects local traffic from fast through-moving traffic.

STREET PAVEMENT, WIDTH

"Street pavement width" shall be measured from the back of the curb.

STRUCTURE

A "structure" is anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things structures include buildings, mobile homes, walls, fences, and billboards.

SUBDIVISION

A "subdivision" is the division of a parcel of land into three (3) or more lots or parcels for the purpose of transfer of ownership, or development for any future use, whether residential, commercial, or industrial. The term includes resubdivision and, when appropriate to context, shall relate to the process of subdividing or to the land subdivided.

WAY

A "way" is a street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

ZONING [ORDINANCE OR RESOLUTION]

The "Zoning [Ordinance or Resolution]" is the duly adopted [Zoning Ordinance or Resolution of the Political Unit].



### Plats

To assure the sound and economic development of land, the following three steps are suggested for processing subdivision plats:

1. Sketch Plan Conference -- The Sketch Plan Conference is a voluntary step to give the developers an opportunity to obtain the advice and assistance of the community's technical staff.
2. Preliminary Plat -- The Preliminary Plat is required in order to properly identify the property being subdivided, to insure the adherence to required design standards, to determine improvement proposals, and to guide construction of the required improvements.
3. Final Plat -- The Final Plat is filed with the County Recorder and is the permanent record of the subdivision as constructed. It shows all property lines, street lines, easements, and other dimensions important for the accurate and legal transfer of property.

In order to provide for proper review of subdivisions, the following information should be included on or accompanying the plans and plats:

1. Sketch Plan
  - a. Location Map. This map should show the relationship of the proposed subdivision to the streets, roads, and any and/or all community facilities serving it; and
  - b. Sketch Plan. The plan should show in simple sketch form proposed layout of streets, lots, and other features in relation to existing conditions.
2. Preliminary Plat
  - a. The Preliminary Plat shall be to a scale of one (1) inch to one hundred (100) feet;
  - b. Name of the proposed subdivision with the exact length and bearing of the exterior boundaries which are to be indicated by a solid heavy line;
  - c. Name and address of owner;

- d. Names of persons who prepared the plat, owner's attorney, representative, or agent;
- e. North point, graphic scale, and date;
- f. Contours at two (2) foot intervals where ground slope is regular; contours at five (5) foot intervals when ground slope is irregular as determined by the Administrative Officer;
- g. Location of existing lot lines, streets, public utilities, water mains, sewers, drain pipes, culverts, water courses or bodies, bridges, railroads, and buildings in the proposed subdivisions;
- h. Location and names of adjoining parcels of unsubdivided and subdivided land;
- i. Zoning on and adjacent to the subdivision;
- j. If the subdivision is within a one and one-half (1-1/2) mile range of public water and/or sewerage system, notation shall be made of the direction and distance to such facilities;
- k. Layout of proposed blocks (if used) and lots including the dimensions of each, and the lot and block number in numerical order;
- l. All front setback lines and side setback lines on intersecting street sides of corner lots will be denoted which shall at least meet the minimum yard requirements and be in conformance with [Zoning Ordinance or Resolution of the Political Unit];
- m. Location, width, other dimensions, and names of existing and proposed streets, alleys, and roads (with approximate radii of all curves and length of tangents), utility easements, parks, and other open spaces or reserved areas;
- n. The Plan and Profile of each street shall be plotted with a horizontal scale of one hundred (100) feet or less to the inch and a vertical scale of ten (10) feet or less to the inch. The proposed grade line of the finished roadway shall be indicated. The location, sizes, and grades of all (if any) storm sewers and appurtenances required shall also be indicated;
- o. Cross sections of the proposed streets showing roadway locations, type of curb and gutter, surfacing material to be used, and sidewalks to be installed;
- p. The layout of proposed water mains and sanitary sewers;
- q. The proposed drainage system of the subdivision, including storm sewers, ditches, culverts, bridges, and other structures;

- r. Specifications and engineering construction drawings including profiles, cross sections, and details as applicable, of all public improvements or "as built" plans if the improvements are to be constructed prior to final plat submissions; elevations shall be referred to mean sea level as exhibited in standard U.S. Geological Survey Maps;
- s. Boundaries of the highest known flood of record affecting the subdivision and the source of information;
- t. If the proposed subdivision borders on a lake or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the mean high water mark of the lake or stream;
- u. Lots and easements as required by this [Ordinance or Resolution] and any other information necessary to show that the plat conforms to the requirements of the [Zoning Ordinance or Resolution of the Political Unit];
- v. A statement, near the owner's name, to read: PRELIMINARY PLAT, NOT TO BE RECORDED;
- w. A table of the following information: total acreage of subdivision, total number of lots, and acreage of public lands to be dedicated other than streets; and
- x. A complete listing of all existing covenants which apply to the land to be subdivided, and a complete listing of all covenants which are proposed by the developer to apply to the subdivided land.

### 3. Final Plat

- a. Final Plat shall be drawn to the scale of one (1) inch to one hundred (100) feet. The Final Plat may include all or only part of the Preliminary Plat, depending on the amount of development to be undertaken;
- b. Accurate tract boundary lines with dimensions and angles which provide a survey tract, closing with an error of not more than one (1) foot in three thousand (3,000) feet;
- c. All monuments, erected corners, and other points established in the field in their proper places; the material of which the monuments, corners, or other points are made shall be noted at the representation thereof by legend;
- d. All proposed streets will be named and listed on the Final Plat;
- e. All curves will be supplied with complete and accurate curve notes;

- f. The exact length and bearing of the boundary lines of all blocks, public grounds, streets, and alleys and all lot lines, except that when the lines in any tier of lots are parallel, it shall be sufficient to mark the bearings of the outer lines on one tier thereof; easements shall be shown by center line and width when lines are parallel to a boundary; otherwise, boundary bearings and distances shall be shown;
- g. The exact width of all easements, streets, and alleys;
- h. All blocks consecutively numbered or lettered in alphabetical order; the block in numbered additions to subdivision bearing the same name shall be numbered or lettered consecutively through the several additions;
- i. All lots in each block shall be numbered consecutively;
- j. All lake or stream shore meander lines established by the surveyor in accordance with the Preliminary Plat requirements, the distances and bearings thereof, and the distance between the point of intersection of such meander lines with lot lines and the ordinary high water mark;
- k. All front setback lines and side setback lines on intersecting street sides of corner lots;
- l. Accurate boundaries and legal description of any areas to be dedicated or reserved for public use, with the purpose indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners in the subdivision;
- m. Subdivision name;
- n. Name of owner(s) of the property and developer, if other;
- o. North point, scale, and date;
- p. Final Approval of the Final Plat with date and signature of the [Governing Body and/or the Planning Commission of the Political Unit];
- q. Where provisions are made for access from any subdivision to any lake or stream, the plat shall show the area over which access is provided to the lake or stream;
- r. The names of adjoining streets, state highways, and subdivisions shown in their proper location underscored by a dotted line;
- s. Abutting street and state highway lines of adjoining plats shown in their proper location by dotted lines, the width of these streets and highways shall be given also;
- t. All proposed covenants effecting the land being subdivided;

- u. Notarized certification by the owner and/or developer of the dedication of streets and other public areas;
- v. A statement signed by the subdivider setting forth the public improvements he proposed to make in the subdivision;
- w. Certification by a Registered Iowa Land Surveyor stating:  
"I hereby certify that I have surveyed the herein described property, that the plat conforms to said survey, and that same is true and correct."

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Surveyor's Name and Seal

- x. Certification by a Registered Professional Engineer, licensed under the laws of the State of Iowa, to the effect that all work and improvements completed conform and comply in all respects with the approved plans and specifications.

"I hereby certify that I am an engineer licensed in the State of Iowa, that I have inspected all work and improvements on the described property, and that such work and improvements conform with the approved plans and specifications."

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Engineer's Name and Seal

### Design Standards

Before a subdivision is approved and developed, it should meet certain minimum design standards. The purpose of this section is to recommend standards to be used in the design of subdivisions for the purpose of assuring sound urban development. Local conditions and policies may dictate the need for modifications in the standards set forth below.

#### A. STREETS

1. A public street shall be provided for convenient access to all property within the subdivision. No private street or thoroughfare shall be permitted. If deemed necessary the [Governing Body and/or Planning Commission of the Political Unit] may require that access be provided to adjoining developed and undeveloped properties.
2. The subdivision of a parcel of land shall be undertaken in such a manner as to enhance the sound development of the area in which the subdivision lies. The streets shall be designed to adjoin existing and planned streets, conform to topographical conditions and natural terrain features, such as streams and existing tree growth; enhance public convenience and safety and accommodate the proposed land use.
3. Minor streets shall be so laid out that their use by through traffic will be discouraged.
4. Where a subdivision abuts or contains an existing or proposed expressway or major street, the [Governing Body and/or the Planning Commission of the Political Unit] may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
5. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, parallel streets shall be located at a distance suitable for the appropriate use of the intervening land, such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
6. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited.

7. A tangent at least fifty (50) feet long shall be introduced between reverse curves on any street.
8. All changes in street grade shall be connected by vertical curves of minimum length in feet equal to twenty-five (25) times the algebraic difference in percents of grade.
9. The intersection of more than two streets at a point will be prohibited.
10. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other at less than sixty (60) degrees.
11. Property lines at street intersections shall be rounded with a minimum radius of ten (10) feet, or of a greater radius if deemed necessary by the [Governing Body and/or the Planning Commission of the Political Unit]. Comparable cut-offs or chords are acceptable in place of rounded corners.
12. The design of all streets shall be in conformance to the standards listed below:
  - a. Expressways shall have a right-of-way width as established and be no less than one hundred fifty (150) feet and two (2) segments of pavement of not less than twenty-four (24) feet each, divided by a median strip.
  - b. Major streets shall have a right-of-way width of not less than eighty (80) feet and a pavement width of forty-four (44) feet.
  - c. Collector streets shall have a right-of-way width of not less than sixty (60) feet and a pavement width of thirty-six (36) feet.
  - d. Local streets shall have a right-of-way width of not less than fifty (50) feet and a pavement width of twenty-seven (27) feet.
  - e. Marginal access streets shall have a right-of-way width of not less than forty (40) feet and a pavement width of twenty-seven (27) feet.
  - f. Cul-de-sacs shall meet all the requirements for a local street and, in addition, shall provide a turnaround with a right-of-way radius of fifty-three (53) feet and a pavement radius of forty (40) feet. No cul-de-sac shall exceed one thousand (1,000) feet in length.
13. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the [Governing Body and/or Planning Commission of the Political Unit] finds it will be practicable to require the ded-

ication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

14. Street grades, wherever feasible, shall not exceed the following:

<u>Street Type</u>	<u>Percent Grade</u>
Expressways	five (5)
Major Streets	six (6)
Collector Streets	eight (8)
Local Streets	ten (10)
Cul-de-sacs Turnaround	six (6)

15. No street grade shall be less than one half (1/2) of one (1) percent.
16. Where the grade of any street at an approach to an intersection exceeds five (5) percent, a leveling area shall be provided having no greater than five (5) percent grade for a distance of fifty (50) feet from the intersection of street rights-of-way; vertical curves shall connect the intersecting grades.
17. No street names shall be used which will duplicate or be confused with names of existing streets. Street names shall be subject to the approval of the [Governing Body and/or the Planning Commission of the Political Unit].

B. ALLEYS

- Alleys shall be provided in commercial and industrial districts, except that the [Governing Body and/or the Planning Commission of the Political Unit] may waive this requirement where other definite and assured provisions are made for service access, such as off-street parking, loading, and unloading consistent with and adequate for the uses proposed.
- Alleys shall have a right-of-way width of not less than thirty (30) feet with a pavement width of not less than twenty (20) feet.
- Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead-end, as determined by the [Governing Body and/or Planning Commission of the Political Unit].
- Alleys shall be prohibited in residential districts.



C. EASEMENTS

1. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and additional width may be required when deemed necessary by the [Governing Body and/or Planning Commission of the Political Unit]. Lot lines should coincide with such drainage easements or meander lines to the greatest extent possible.
3. No tree, shrub, or structure shall be placed or erected in any easement for utility or drainage purposes preventing the proper authorities free access to and use of such easements at any time.

D. BLOCKS

1. The length, widths, and shapes of blocks shall be determined with due regard to:
  - a. Provision of adequate building sites suitable to the needs of the use contemplated;
  - b. Zoning requirements as to lot sizes and dimensions;
  - c. Needs for convenient access, circulation, control, and safety of street traffic;
  - d. Limitations and opportunities of topography.
2. Block lengths shall not exceed fifteen hundred (1500) feet and, except in unusual circumstances, residential blocks shall not be less than five hundred (500) feet. Where a subdivision adjoins a major thoroughfare, the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary intersections as outlined in Section A-4 above.
3. Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, transportation, and/or other community facilities.
4. Block widths shall provide for two (2) tiers of lots when circumstances allow.

E. LOTS

1. 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.

2. Lot dimensions shall conform to the requirements of the [Zoning Ordinance or Resolution of the Political Unit].
3. In case of unusual soil conditions or other physical factors which may impair the health and safety of the area in which a subdivision may be located, the [Governing Body and/or the Planning Commission of the Political Unit] may increase lot area requirements as may be necessary.
4. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
5. 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. No lot shall have a frontage width of less than twenty (20) feet.
6. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. The [Governing Body and/or the Planning Commission of the Political Unit] may require a planting screen easement of at least ten (10) feet across which there shall be no access.
7. Side lot lines shall be substantially at right angles or radial to the center line of the street or center of a cul-de-sac turnaround.
8. If remnants of land exist after subdividing with no apparent future use than can be properly controlled, they shall be incorporated into the lots of the proposed lotting scheme.

F. PUBLIC SITES AND OPEN SPACES

1. The [Governing Body and/or Planning Commission of the Political Unit] may request the reservation in whole or part of an area for a proposed park, playground, school, or other public use if such a facility is deemed necessary.
2. Where a park, school, playground, or other public use is to be provided in a subdivision, the corporate authorities having jurisdiction over such use shall acquire the land so designated by purchase or commence proceedings to acquire such land by condemnation within one year from the date to approval of the Preliminary Plat.

### Minimum Required Improvements

The purpose of this section is to establish those minimum requirements for subdivision improvements which must be provided by the developer. These requirements furnish a means for implementing the design standards outlined in the preceding section.

As was the case with the design standards, the minimum required improvements should be reviewed and modified by local communities in light of degree of urbanization and availability of utilities. The requirements adopted by a local governmental unit will be minimum and developers should be encouraged to surpass them whenever possible, resulting in a better and more attractive community.

#### A. STREET IMPROVEMENTS

1. The construction of all streets shall be in accordance with the design standards set forth in these regulations and in accordance with all construction standards established by the [Political Unit]. The cost of required street improvements shall be provided by the subdivider for each classification of street as follows:
  - a. The subdivider shall be required to dedicate sufficient right-of-way as specified herein for all expressways and major streets. Pavement and construction costs for expressways and major streets will be provided by the appropriate governmental agencies.
  - b. The subdivider shall be required to dedicate sufficient right-of-way as specified herein for all collector, local, and marginal access streets. The cost of construction and pavement of collector, local, and marginal access streets shall be provided by the subdivider in accordance with the design standards set forth herein and the construction standards established by the [Political Unit].
2. All new streets and alleys shall be constructed to provide complete and adequate drainage of the entire subdivision, including any such work which may be necessary to provide adequate and satisfactory drainage along the side of any existing public road or street which lies adjacent to the subdivision. Insofar as practical, all lots in the subdivision shall be graded so that any main buildings erected

thereon, which have access to the streets or thoroughfare, shall not be more than eight (8) feet above or below the adjacent roadway.

B. ALLEYS

Where alleys are permitted by the [Governing Body and/or the Planning Commission of the Political Unit], the developer shall provide sufficient right-of-way as indicated by the subdivision design and as approved by the [Governing Body and/or the Planning Commission of the Political Unit]. The cost of construction and pavement shall be provided by the developer in accordance with construction standards established by the [Political Unit].

C. SEWERAGE SYSTEM

1. Central sewerage system shall be installed and constructed in such a manner that every lot or parcel of land to be serviced thereby shall be serviced by means of a house connection within its own frontage. The installation, construction, and design of central sewerage system herein required shall be subject to all state and local requirements.
2. When a central sewerage system is not reasonably available, a subdivision plat may be approved which shall be dependent upon individual septic tanks provided the lot specifications comply with requirements of the [Political Unit].

D. STORM DRAINAGE SYSTEM

1. These standards for the design of storm drainage systems are established to forestall flooding and ponding of water on streets, lots, building sites, dwellings, and sites for drain fields of septic tanks and to prevent erosion. In addition, these standards are designed to prevent damage from increased storm water run-off and changed drainage patterns created by subdivision of the land.
2. A storm drainage plan shall be provided by the developer which includes accurate existing and finished contours; indications of existing and proposed water courses; the system of open channels, pipes, culverts, drains, inlets, catch-basins, and similar facilities designed to handle storm water in times of rainstorms. The calculations used in the design of such systems and plans shall clearly indicate the easements required in the construction and maintenance of the drainage system. Said easements shall be shown on the preliminary and final plats.
3. Property containing sink holes and other low places may be subdivided; however, the subdivision shall be designed so as to yield lots with building sites and septic tanks which shall be free of the danger of flooding.

4. No plat will be approved of a subdivision which is subject to periodic flooding or which contains extremely poor drainage facilities or where conditions are such that adequate drainage of the streets and the entire subdivision is impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the [Governing Body and/or the Planning Commission of the Political Unit], make the area completely safe for residential occupancy, and provide adequate street drainage, the preliminary and final plats of the subdivision may be approved.

E. WATER DISTRIBUTION SYSTEM

1. Public water systems shall be installed and constructed in such a manner that every lot or parcel of land to be serviced thereby shall be serviced by means of a house connection within its own frontage. The installation, construction, and design of public water systems herein required shall be subject to all state and local requirements.
2. When a public water system is not reasonably available, a subdivision plat may be approved which shall be dependent upon individual wells provided that specifications of lots comply with all state and local requirements.

F. GENERAL UTILITIES

All utilities shall be developed in accordance with appropriate state, local, and utility agency requirements, that are applicable at the time of submission of the Preliminary Plat and meet with the design standards contained herein.

### Variations

This section outlines those particular situations when consideration should be given to varying the subdivision requirements. The first situation involves the reducing or otherwise varying of the requirements, when a definite hardship would result from the strict enforcement of the subdivision regulations. The second instance involves varying of the requirements for large scale or planned developments.

#### A. HARDSHIP

The [Governing Body and/or the Planning Commission of the Political Unit] may reduce or otherwise vary the requirements of these regulations in specific cases:

1. Where particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was adhered to;
2. Where the reasonable future volume or type of traffic may so warrant;
3. Where topographic or soil conditions may so warrant;
4. Where the purpose of the variation is not based exclusively upon a desire for financial gain;
5. Where the conditions creating the need of a variance are unique and are not applicable, generally, to other property and have not been created by any person having an interest in the property;
6. Where the granting of the variation will not be detrimental to public safety, health, or welfare, or injurious to other property or improvements in the area in which the property is located.

#### B. LARGE SCALE OR PLANNED DEVELOPMENTS

1. In granting any variance for a large scale or planned development the [Governing Body and/or Planning Commission of the Political Unit] shall ensure that the public interest will continue to be served in granting variance from the strict application of the provisions of these regulations. Prior to the approval of Preliminary and Final Plats, the [Govern-

ing Body and/or the Planning Commission of the Political Unit] may require evidence of bonds, covenants, deed restrictions, and contracts to assure that developments as proposed will materialize.

2. The standards and requirements of these regulations may be modified in the case of large scale developments when the [Governing Body and/or the Planning Commission of the Political Unit] finds that a plan and/or program for a new village, complete community, shopping center, industrial park, or neighborhood unit provides adequate public open spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and which also provides such covenants or other legal provisions as will assure conformity and achievement of the plan.
3. If a subdivision is designed to offer unusually good amenities but does not conform strictly to the provisions of these regulations, the [Governing Body and/or the Planning Commission of the Political Unit] may waive requirements of these regulations. The developments allowable under this provision are those which might call for smaller lots than required, but call for preservation of land for recreational, scenic, historical, and/or park purposes, and for the maintenance of the drainage capacity of water courses in such a matter as to yield a wholesome living environment for future occupants.

## APPENDIX A

## CHECKLIST FOR REVIEW OF SUBDIVISION REGULATIONS

Governmental Unit \_\_\_\_\_

ITEMS TO BE CHECKED	YES	NO	COMMENTS
Does the ordinance require the submission of a Preliminary Plat together with improvement plans and other supplementary material at time of original application for conditional approval?			
Does the Ordinance require the submission of a Final Plat with application for approval?			
Does the ordinance require topographic data?			
Are unusual features such as scenic and historic spots, watercourses, watersheds and ravines protected?			
Does the ordinance permit departures from the strict letter of the law so as to accommodate new design approaches, topographic difficulties and allow retention of natural features within the subdivision?			
Do the regulations require reservation of dedication of school and recreational sites?			
Does the ordinance require lots to have:	Dimensions?		
	Grade?		
	Setbacks?		
	Width?		
	Grade?		
	Location?		
	Surfacing?		
	Curbs?		
	Drainage?		
	Intersections?		
Have street standards been established with respect to:	Classification: e.g., local, collector, arterial?		
Does the ordinance control the length of cul-de-sac streets?			



SUBDIVISION REGULATIONS

ITEMS TO BE CHECKED	YES	NO	COMMENTS
Do the regulations require conformity with the:			
a. Master plan?			
b. Zoning Ordinance?			
Do the regulations require marginal access streets in subdivisions that border on traffic out of residential subdivisions?			
Are the provisions and design standards for local streets designed to keep through traffic out of residential subdivisions?			
Is it a requirement for the health department to inspect and approve all septic tank and other private sewage disposal systems?			
Is a percolation test required before approving a plat for subdivision in which septic tanks will be used?			
Are these improvements required by developer?	Street grading and surfacing?		
	Street lighting?		
	Sidewalks?		
	Street name signs?		
	Storm drainage structures?		
	Sanitary sewers?		
	Curbs and gutters?		
	Street trees?		
Does the ordinance specifically set forth the terms of issuance of performance bonds in lieu of improvement installations?			

## APPENDIX B

## CHECKLIST FOR REVIEW OF BUILDING CODE

Governmental Unit \_\_\_\_\_

- References: (a) Uniform Building Code, International Conference of Building Officials, 610 South Broadway, Los Angeles 14, California. (Specification code)
- (b) Basic Building Code, Building Officials Conference of America, Inc., 1313 E. 60th Street, Chicago 60637, Ill. (Performance standards code)

ITEMS TO BE CHECKED (Format follows ref. (b).)	YES	NO	COMMENTS
Are there provisions for Administration and Enforcement?			
Is there a definitions and classifications section?			
Are there general building limitations such as:			
Height?			
Area?			
Yard and court?			
Projections?			
Compatibility with zoning?			
Are there special use and occupancy requirements?			
Is light and ventilation provided for?			
Are means of egress covered?			
Are structural and foundation loads and stresses regulated?			
Is there a section on materials and tests?			
Is construction involving steel, masonry, concrete, gypsum, and lumber regulated?			
Are there standards governing building enclosures, walls, and wall thicknesses?			
Are there fire-resistive construction requirements?			
Are chimneys, flues, and vent pipes regulated?			
Are heating appliance mountings and connections covered?			

## BUILDING CODE

ITEMS TO BE CHECKED	YES	NO	COMMENTS
Are standards set forth for fire protection and extinguishing equipment?			
Are precautions to be taken during building operations noted?			
Are signs and outdoor displays regulated?			
Is electric wiring and equipment regulated?			
Are there provisions governing elevators, dumbwaiters, and conveyer equipment?			
Are plumbing, drainage, and gas-piping covered?			
Are there standards set forth for air conditioning, refrigeration, and mechanical ventilation?			
Are there provisions covering pre-fabricated construction?			
Are there standards governing the use of plastics in construction?			

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