

ZONING ORDINANCE

LEON, IOWA

ADOPTED 1968, REVISED 1975, REVISED 2004

ZONING ORDINANCE OF THE
CITY OF LEON, IOWA

Ordinance No. _____

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF LEON, IOWA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 414 CODE OF IOWA, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH

WHEREAS, Chapter 414, Code of Iowa, empowers the City to enact a zoning Ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the City Council deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact such an Ordinance, and

WHEREAS, the City Council, pursuant to the provisions of Chapter 414, Code of Iowa, has appointed a Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS, the Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and

WHEREAS, the Zoning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS, the Zoning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the City Council, and

WHEREAS, the City Council has given due public notice of hearings relating to the zoning districts, regulations, and restrictions, and has held such public hearings, and

WHEREAS, all requirements of Chapter 414, Code of Iowa, with regard to the preparation of the report of the Zoning Commission and subsequent action of the City Council have been met;

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

ARTICLE I
TITLE

Section 100. This ordinance shall be known and may be cited as the Leon, Iowa Zoning Ordinance of 1968, Revisions of 1975 and 2004.

ARTICLE II
ESTABLISHMENT OF DISTRICTS: PROVISION FOR OFFICIAL
ZONING MAP

Section 201. OFFICIAL ZONING MAP – The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: “This is to certify that this is the Official Zoning Map referred to the Article II of Ordinance Number _____ of the City of Leon, Iowa”, adopted _____ day of _____, 2004..

If, in accordance with the provisions of this Ordinance and Chapter 414, Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map stating the number of the amending ordinance, the date the ordinance was passed and the date the ordinance was published, which entry shall be attested by the City Clerk. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article XVII.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Clerk shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the City.

Section 202. REPLACEMENT OF OFFICIAL ZONING MAP. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or

other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the city under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted 3rd day of October, 1968 as part of Ordinance No. _____ of the City of Leon, Iowa."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

ARTICLE III
RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

Section 301. Boundaries indicated, as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;

Section 302. Boundaries indicated as approximately following the right-of-way line of a street, highway or railroad shall be construed as following such right-of-way line;

Section 303. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

Section 304. Boundaries indicated as approximately following city limits shall be construed as following such city limits.

Section 305. Boundaries indicated as following _____ shall be construed to follow such _____, and in the event of change in the _____ shall be construed as moving with the actual _____; boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to follow such center lines;

Section 306. Boundaries indicated as parallel to or extensions of features indicated in Sections 301 through 306 above shall be so construed. The scale of the map shall determine distances not specifically indicated on the Official Zoning Map;

Section 307. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in the circumstances not covered by Sections 301 through 307 above, the Board of Adjustment shall interpret the district boundaries.

Section 308. Where a district boundary line divides a lot which was in single ownership at the time

of passage of this ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 30 feet beyond the district line into the remaining portion of the lot.

ARTICLE IV
APPLICATION OF DISTRICT REGULATIONS

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

Section 401. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

Section 402. No building or other structure shall hereafter be erected or altered:

- a. to exceed the height or bulk;
- b. to accommodate or house a greater number of families;
- c. to occupy a greater percentage of lot area;
- d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance.

Section 403. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

Section 404. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

ARTICLE V
NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND,
NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF
STRUCTURES AND PREMISES, AND NON-CONFORMING
CHARACTERISTICS OF USE

Section 501. INTENT. Within the districts established by this Ordinance or amendments that may later be adopted there exist

- a. lots

- b. structures
- c. uses of land and structures
- d. characteristics of use

which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed. It is further the intent of this Ordinance 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.

Non-conforming uses are declared by this ordinance 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 by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 502. NON-CONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

Section 503. NON-CONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY). Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding \$10,000 the use may be continued so long as it remains otherwise lawful, provided:

- a. No such non-conforming use shall be increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
- b. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;
- c. If any such non-conforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

Section 504. NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such non-conforming structure may be enlarged or altered in a way, which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- b. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than 50 per cent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance;
- c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 505. NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION. If lawful use involving individual structures with a replacement cost of \$10,000, or more or of structure or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy and land outside such building;
- c. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Ordinance;
- d. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
- e. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
- f. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the defined as damage to an extent of more than 50 per cent of the replacement cost at time of destruction.

Section 506. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

ARTICLE VI
SCHEDULE OF DISTRICT REGULATIONS

District regulations shall be as set forth in this Article and in Article VII of this Ordinance entitled “Supplementary District Regulations.”

Section 600. “R” Residential

a. Permitted Uses

1. Single Family Dwellings
2. Two-family Dwellings
3. Multi-Family Dwellings
4. Boarding, Lodging and Rooming Houses
5. Churches and accessory buildings
6. Public and Parochial Schools
7. Clubs, Lodges, Social and Recreational Centers, except those whose chief activity is carried on for financial profit.
8. Non-commercial Parks, Playgrounds and Recreation Areas owned or operated by public or semi-public agencies
9. Publicly owned and operated buildings
10. Home occupations requiring a state license, and with minimal on premises sales, no advertising or established business hours.

b. Permitted Accessory Uses and Structures

1. Those customarily incidental to permitted principal uses
2. Church Bulletin Boards
3. One sign (not exceeding 12 square feet) advertising construction, sale or rent of building or lot on which it is located, sign to be removed as soon as construction, sale or lease is completed.

c. Uses and structures by Special Exception Only

Mobile Homes and Mobile Home Parks. Mobile Homes are allowed only in Mobile Home Parks. (See Mobile Home Ordinance, Article _____)

Section 601. "RE" Rural Estates Residential District

a. Permitted Uses

1. Single Family Dwellings; except mobile homes.
2. Churches and accessory buildings.
3. Clubs, lodges, social and recreational centers; except those whose chief activity is carried on for financial profit.
4. Non-commercial parks, playgrounds and recreation areas owned or operated by public or semi-public agencies.
5. Golf Courses and Country Clubs.
6. Publicly owned and operated buildings.
7. Customary home occupations.

b. Permitted Accessory Uses and Structures

1. Those customarily incidental to permitted principal uses.
2. Church bulletin boards.
3. One sign (not exceeding 12 square feet) advertising construction, sale or rent of building or lot, on which it is located, signs to be removed as soon as construction, sale or lease is completed.

Section 602. "C-1" Commercial Permitted Uses.

a. Any use permitted in any "R" district

b. Retail business or service establishments such as, but not limited to, the following:

Apparel shops

Automobile service station

Automobile, trailer and farm equipment establishment for display, hire, sales and minor repairs

Banks, including drive-in teller service

Barber shop or beauty salon

Billiard parlors and pool halls

Bowling Alley

Business, commercial, dancing or music schools

Clothes cleaning and laundry pickup stations

Cocktail lounge or tavern

Collection office of a public utility

Drugstore

General Hardware stores

Grocery, delicatessen or meat market, except those dealing in live poultry.

Hospitals, clinics, nursing and convalescent homes

Launderette

Locker plans for storage and retail only

Lumber yards, retail, but not including any millwork, manufacturing, fabricating or wholesale operations.

Motels

Pet Shop

Photographic store and/or studio

Printing

Professional offices, such as doctor, engineer lawyer, dentist etc.

Radio and television sales and repair

Radio or TV broadcasting stations, studios and offices but not towers in excess of one hundred (100) feet

Restaurants

Sign painting shops

Theater

Variety store

Wholesale establishments except gasoline

- c. Any use, which is found by the Zoning Administrator to be a use similar to one of the above named uses and, in his opinion, conforms to the intent of this section.

Section 603. "C-2" Commercial

a. Permitted Uses

Any use permitted in "C-1" Commercial

Defined as the same permitted uses as C –1 Commercial with the exception that C-2 zoned properties must provide private parking based on their customer needs and maintain the parking lot at the owners expense. Examples are similar but not limited to the following:

1. Automobile Body and Fender Repair Shops
2. Garages, public
3. Blacksmith, welding or other metal shop

Section 604. "I" Industrial District

a. Permitted Uses

Any use permitted in R, RE, C-1 and C-2. and generally described as manufacturing and /or assembly establishments such as but not limited to the following:

1. Automobile, tractor, truck, trailer, motorcycle and other motor vehicles, manufacture and assembly, including parts
2. Equipment, miscellaneous, such as farm implements and machines, and

construction machines and equipment such as power shovels, graders, excavators; manufacture and assembly, including parts.

3. Extraction of, and fixed plants for processing, lumber, stone, gravel, clay or other raw materials for commercial purposes.
4. Food Product Processing
5. Grain elevators and appropriate storage elevators and bins.
6. Automobile Body and Fender Repair Shops
7. Garages, public
8. Blacksmith, welding or other metal shop, excluding drop hammers and the like
9. Any other enclosed industrial activity similar to the above listed uses.

b. Uses and Structures by Special Exception Only

1. Dwellings for those employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them.
2. Any heavy industrial or manufacturing use that would be objectionable by reason of emitting dust, smoke, gas, noise, fumes, odor, vibration soot, fire or explosion; See General Conditions. Included in such use classification are the following:
 - a. Acid manufacture or wholesale storage of acids.
 - b. Airports;
 - c. Cement, line,
 - d. Gypsum or plaster of paris manufacture,
 - e. Dwelling for custodian quarters only,
 - f. Fat rendering.
 - g. Junk yards or vehicular wrecking yards;
 - h. Scrap iron, scrap paper or rag storage, sorting or baling; provided they are conducted within a building or where entirely enclosed within the screened confines of a light painted fence, masonry wall or suitable substitute not less than eight (8) feet in height, and where there is no open storage at a greater height than that of the screening fence or masonry wall.
3. Manufacture of glue, fertilizer or gas.
4. Meat packing or processing plant

5. Reduction or dumping of dead animals, garbage or offal, including distillation of bones.
6. Sanitary land fill.
7. Smelting or reduction of ores or metallurgical products
8. Slaughter houses and their stockyards
9. Tanneries
10. Refining of or wholesale storage of gasoline, fuel oils and other petroleum products and manufacture or storage of other explosives
11. Structures or towers more than 50 feet in height
12. Signs and Billboards in accordance with Section 712.

c. General Conditions.

1. Manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, goods or products shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of noise; vibration, smoke, dust or other particulate matter, toxic or noxious materials, odors, fires or explosive hazards or glare or heat.
2. No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted except as authorized by a Special Exception granted by the Board of Adjustment.
3. All activities involving the manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, products and goods shall be within completely enclosed buildings, or may be out-of-doors if completely screened by a solid wall or uniformly-painted solid fence or suitable substitute at least eight feet in height, and if there is no open storage at a greater height than that of the screening element.

Section 605. "F" Flood Plain District

a. Permitted Uses

1. Public and private park and recreational areas, to include parks, playgrounds, picnic grounds, golf courses, and fishing lakes and boat docks.
2. Extraction of minerals provided no storage of any kind is maintained on the premises, and provided further that no machinery is located nearer to a residence, street or highway than three hundred (300) feet.

3. RESTRICTIONS ON USES. No structure, dam, obstruction, deposit or excavation shall be erected, used or maintained in District "F", Flood Plain District, without prior written approval of the Iowa Natural Resources Council, where such approval is required by statute or Council policy.
 4. Principal uses, which are permitted in this district, shall be permitted to have one (1) single or double-faced onsite sign, no part of which shall overhang any public right-of-way and which shall not exceed twenty-four (24) square feet in area per face.
- b. Uses and Structures by Special Exception Only. SPECIAL PERMIT.
Prior to the construction of any structure, dam, obstruction, deposit or excavation, or the use of land for the purposes as herein specified, an application for special exception therefore shall be filed with the _____. Application shall be made on forms furnished by the _____ and shall include all information reasonably required to determine the flood hazards associated with the proposed use and the effects of such use upon the capacity and efficiency of the floodway of the creek. No special permit shall be issued by the _____ prior to receipt of (1) written approval of the Iowa Natural Resources Council, where such approval is required by statute or Council policy, which shall be obtained by the applicant and filed with the Administrative Officer; and (2) written approval of the Planning and Zoning Commission regarding the advisability of the projects. Permits shall be acted upon by the Iowa Natural Resources Council and the Planning and Zoning Commission in a reasonable period of time.

ARTICLE VII
SUPPLEMENTARY DISTRICT REGULATIONS

Section 701. VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS.

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half and ten feet above the center grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 40 feet from the point of intersection.

Section 702. FENCES, WALLS, AND HEDGES. Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over six feet in height.

Section 703. ACCESSORY BUILDINGS. No accessory building shall be erected in any required yard other than a rear yard, except as provided hereinafter. Accessory buildings shall be distant at least three (3) feet from alley lines or easement lines, and three (3) feet from lot lines of adjoining lots. On a corner lot they shall conform to the setback regulations on the side street; however, in no case shall any eave or overhang extend closer than two (2) feet to a rear or side yard line, or an easement line.

Accessory buildings must be erected separately from and ten (10) feet distant (into the rear yard) from the principal building, and may not be connected by a breezeway or similar structure. Any building so connected to the principal building shall be considered a part of the said principal building and must meet the space requirements thereof. Any accessory building shall not occupy more than thirty (30) percent of the rear yard and shall not exceed twelve (12) feet in height in any "R" district. This regulation shall not be interpreted to prohibit the construction of a four hundred forty (440) square foot garage on a minimum rear yard.

Section 704. ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT.

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirement of this Ordinance shall be met for each structure as though it were on an individual lot.

Section 705. EXCEPTIONS TO HEIGHT REGULATIONS. The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 706. STRUCTURES TO HAVE ACCESS. Structures conducive to traffic hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

Section 707. PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT. For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

Section 708. PARKING AND STORAGE OF CERTAIN VEHICLES. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

Section 709. DETERMINATION OF FLOOD PLAIN BOUNDARIES AND ESTABLISHMENT OF FLOOD CREST ELEVATIONS. Any point shall be deemed to be within the flood plain if the elevation thereof is below the probable maximum flood-crest elevation at that point. In the absence of precise information concerning the probable maximum flood-crest elevation, the elevation of the experienced flood-crest elevation shall be used to determine to minimum extent of the flood plain on McGruder Creek. In the absence of precise information concerning the experienced flood-crest elevation on the said creek, the delineation of the flood plain district on the zoning district map shall be used to scale and locate the physical flood plain district in Leon.

A record of experienced flood-crest elevations at practical points on the flood plains within

Leon shall be established by a Registered Engineer and maintained in the office of the Administrative Officer, and shall be placed upon suitable maps and stored at City Hall. In determining the experienced flood-crest elevations, all known local records and information and pertinent records of any other governmental body, commission or agency that are deemed reliable by a Registered Engineer shall be utilized.

Flood-crest elevations may be referenced to relatively permanent features at practical points, but shall be referenced to mean sea level datum (1929 adjustment) as rapidly as possible.

Section 710. PARKING (OFF-STREET). All parking spaces required hereafter by this Ordinance shall be on the same tract as the building and shall be surfaced with proper drainage being provided, except that upon approval of the Board of Adjustment, the parking spaces may be provided on another tract within five hundred (500) feet of said building. Each parking space shall be at least nine (9) feet by twenty (20) feet and shall have proper access to the approaching drive.

Off-Street parking spaces, as computed by the Administrative Officer, shall be provided and satisfactorily maintained by the owner of the property; for each building and functioning use in all districts, (except the "C-1", Commercial District) which after the date of enactment of this Ordinance is erected, enlarged, altered or newly established in use for any of the following or similar purposes. Spaces shall be provided in numbers not less than hereinafter set out:

710.1 Dwelling, two (2) parking spaces for each dwelling or family unit, including multi-family units.

710.2 Church, school, auditorium, theatre, stadium or similar places of public assemblages, one (1) parking space for each five (5) seats of its capacity in said place of assemblage.

710.3 Hotel, motel, boarding house, mobile home park, one (1) parking space for each guest sleeping room or for each provided site.

710.4 Restaurant, or other eating or drinking establishment, one (1) parking space for each three (3) singular seats.

710.5 Hospitals, clinics, sanitariums, welfare institutions, nursing homes or similar establishments, one (1) parking space for each eight hundred (800) square feet of floor area in said building.

710.6 Commercial, business and industrial buildings, one (1) parking space for each two hundred (200) square feet of floor area.

710.7 Office buildings and professional buildings, one (1) parking space for each four hundred (400) square feet of floor space in the building or one (1) parking space for each office in such building, whichever provides the greater total number of parking spaces.

Section 711. LOADING (OFF-STREET). Off-street loading and unloading space with proper access

from a street, road or alley and with at least fourteen (14) feet of vertical clearance shall be provided, either within or outside the building so as to adequately serve the use on the lot. All off-street loading and unloading spaces shall be all weather surfaced with proper drainage being provided in order to avail safe and convenient access and use during all seasons

Section 712. SIGNS.

712.1 Business signs:

In the “C-1” and “C-2” district signs, any part of which project out from the building from four (4) to eighteen (18) inches shall be erected so that no portion of the sign is less than eight (8) feet above grade.

Signs which project more than eighteen (18) inches from the building must be at least twelve (12) feet above grade and may extend a maximum of eight (8) feet provided that they do not extend further than a point two (2) feet in back of the curb face.

Moving, flashing or illuminated signs or colored lights that may be confused with traffic lights and therefore be potentially hazardous are not permitted.

712.2 Industrial Signs:

In the “I” district industrial signs, billboards or advertising structures shall be permitted subject to the following conditions:

No sign may extend over the public right-of-way more than six (6) feet or closer than five (5) feet to the curb face unless the bottom point of such sign is at least fourteen (14) feet above the top of the curb. In no case shall any projecting any projecting sign extend beyond the face of the curb.

If the sign is illuminated, it shall not be of the flashing beacon type, and if such illuminated sign faces a residential zone district or a residential use in any zone district, it shall be located at least one hundred (100) therefrom measured perpendicular to the face of the sign.

Section 713. FENCES. In any required front yard, no fence or wall shall be permitted which exceeds six feet in height, except around the parameters of storage yards were eight-foot (8’) heights are allowed.

Any fence or wall more than six (6) feet in height shall be considered structure.

ARTICLE VIII
ADMINISTRATION AND ENFORCEMENT – BUILDING PERMITS
AND CERTIFICATES OF ZONING COMPLIANCE

Section 801. ADMINISTRATION AND ENFORCEMENT. An administrative official/Zoning Administrator designated by the City Council shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the City Council may direct. If the administrative official shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicated the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 802. BUILDING PERMITS REQUIRED. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this Ordinance, unless he receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this Ordinance. A building permit shall be obtained from the Administrative Officer before starting or proceeding with the erection, construction, moving in or the structural alteration of a building or structure.

Section 803. APPLICATION FOR BUILDING PERMITS. All applications for building permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance. One copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The administrative official shall retain the original and one copy of the plans, similarly marked.

Section 804. CERTIFICATES OF ZONING COMPLIANCE FOR NEW, ALTERED, OR NON-CONFORMING USES. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificates of zoning compliance shall have been issued therefor by the administrative official stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

804.1. No non-conforming structure or use shall be added to or changed, until the administrative official shall have issued a certificate of zoning compliance. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this Ordinance.

804.2. No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

804.3. A temporary certificate of zoning compliance may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

804.4. The administrative official shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

804.5. Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable under Article XVII of this ordinance.

Section 805. EXPIRATION OF BUILDING PERMIT. If the work described in any building permit has not begun within 90 days from the date of issuance thereof or not completed within 2 years of issuance, said permit shall expire; it shall be cancelled by the administrative official; and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

Section 806. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES OF ZONING COMPLIANCE. Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance, and punishable as provided by Article XVII hereof.

ARTICLE IX
BOARD OF ADJUSTMENT
ESTABLISHMENT AND PROCEDURE

A Board of Adjustment is hereby established, which shall consist of five members to be appointed by the City Council, each for a term of five years, excepting that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

Upon failure of the City Council to appoint the Board of Adjustment, the City Council shall act as the Board of Adjustment.

Section 901. PROCEEDINGS OF THE BOARD OF ADJUSTMENT. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or it absent, or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

Section 902. HEARINGS; APPEALS; NOTICE. Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the administrative official. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the Board, by filing with the administrative official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

Section 903. STAY OF PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

ARTICLE X
THE BOARD OF ADJUSTMENT:
POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties:

Section 1001. ADMINISTRATIVE REVIEW. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Ordinance.

Section 1002. SPECIAL EXCEPTIONS: CONDITIONS GOVERNING APPLICATIONS: PROCEDURES. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted by the Board of Adjustment unless and until:

- a. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested;
- b. Notice shall be given at least 5 days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail or personal service as provided by Rules of Civil Procedure of District Court. Notice of such hearing shall be published in a paper published in the city at least 4 days and not more than 20 days prior to the public hearing;
- c. The public hearing shall be held. Any party may appear in person, or by agent or attorney;
- d. The Board of Adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
- e. Before any special exception shall issue, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following where applicable:
 1. ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 2. off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and the properties generally in the district;
 3. refuse and service areas, with particular reference to the items in (1) and (2) above;
 4. utilities, with reference to locations, availability, and compatibility;
 5. screening and buffering with reference to type, dimensions, and character;
 6. signs, if any, and proposed exterior lighting with reference to glare, traffic safety,

economic effect, and compatibility and harmony with properties in the district;
compatibility and harmony with properties in the district;

7. required yards and other open space;
8. general compatibility with adjacent properties and other property in the district.

Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 30 feet beyond the district line into the remaining portion of the lot.

No activities involving the storage, utilization or manufacture of materials or products, which decompose by detonation, shall be permitted except as authorized by a Special Exception granted by the Board of Adjustment.

Section 1003. VARIANCES; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES.

To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:

- a. A written application for a variance is submitted demonstrating:
 1. That special condition and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same district under the terms of this Ordinances;
 3. That the special conditions and circumstances do not result from the actions of the applicant;
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

- b. Notice of public hearing shall be given as in Section 1002(b) above;

- c. The public hearing shall be held. Any party may appear in person, or by agent or by attorney;
- d. The Board of Adjustment shall make findings that the requirements of Section 1003(a) have been met by the applicant for a variance;
- e. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- f. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Article XVII of this Ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Section 1004. BOARD HAS POWERS OF ADMINISTRATIVE OFFICIAL ON APPEALS; REVERSING DECISIONS OF ADMINISTRATIVE OFFICIAL. In exercising the above mentioned powers, the Board of Adjustment may, so long as such decision is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order to that end shall have the powers of the administrative official from whom the appeal is taken.

The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

Section 1005. NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION. If lawful use involving individual structures with a replacement cost of \$1,000, or more or of structure or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

- a. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy and land outside such building;
- b. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
- c. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
- d. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
- e. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the defined as damage to an extent of more than 50 per cent of the replacement cost at time of destruction.

Section 1006. PARKING (OFF-STREET). All parking spaces required hereafter by this Ordinance shall be on the same tract as the building and shall be surfaced with proper drainage being provided, except that upon approval of the Board of Adjustment, the parking spaces may be provided on another tract within five hundred (500) feet of said building. Each parking space shall be at least nine (9) feet by twenty (20) feet and shall have proper access to the approaching drive. Additional standards and restrictions shall apply as outlined in Article VII, Section 710.

ARTICLE XI
APPEALS FROM THE BOARD OF ADJUSTMENT

Any person or persons, or any board, taxpayer, department, board, or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the Code of Iowa.

ARTICLE XII
DUTIES OF ADMINISTRATIVE OFFICIAL
BOARD OF ADJUSTMENT, CITY COMMISSION,
AND COURTS ON MATTERS OF APPEAL

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by the Code of Iowa.

It is further the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this Ordinance the City Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law, and (2) of establishing a schedule of fees and charges as stated in Article XIII below.

ARTICLE XIII
SCHEDULE OF FEES, CHARGES, AND EXPENSES

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE XIV
AMENDMENTS

The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed, provided however that no such action may be taken until after a public hearing in relations thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City.

When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of 20 per cent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending 200 feet therefrom, or of those directly opposite thereto extending 200 feet from the street frontage of such opposite lots, then such amendments shall not become effective except by the favorable vote of three-fourths of the City Council.

ARTICLE XV
PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Ordinance are at variance with the deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.

ARTICLE XVI
COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with administrative official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

ARTICLE XVII
PENALTIES FOR VIOLATION

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and nay architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE XVIII
SEVERABILITY CLAUSE

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE XIX
DEFINITIONS

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word PERSON includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word SHALL is mandatory, the word MAY is permissive.

The words USED or OCCUPIED include the words INTENDED, DESIGNED, OR ARRANGED TO BE USED OR OCCUPIED.

The word LOT includes the words PLOT or PARCEL.

ACCESSORY USE OR STRUCTURE. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BUILDABLE AREA. The portions of a lot remaining after required yards have been provided.

DWELLING, SINGLE-FAMILY. A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only, and meeting the following criteria:

All structures intended for residential occupancy placed, erected, assembled or constructed in the City after the effective date of this Section shall meet and comply with the following minimum requirements.

- A. Structure Size: Each such single family residential living structure (hereafter known as the primary living structure) shall have minimum exterior dimensions of at least twenty-two feet (22') measured from outside of the exterior walls.
- B. Minimum Floor Area: A minimum floor area of not less than eight hundred (800) square feet. (In order to comply with the provisions of the foregoing subsection A of Section and this subsection), the minimum exterior dimensions of a residential structure shall not be less than 22 feet by 36.5 feet. A structure may include porches, sunrooms, garages and "wings" of lesser dimensions and area, so long as the primary living structure meets the minimum requirements.
- C. Foundation: All residential structures shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a manufactured home if a perimeter foundation is incompatible with the structural design of the manufacture home structure. For such a manufactured home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line. The structure must be permanently attached to the foundation.

- D. Exterior Wall and Roof Material:
1. Exterior wall covering shall be wood or masonry finish, vertical or horizontal grooved siding or lap siding, or suitable commercial siding.
 2. Roofing material shall be shingles, (asphalt, fiberglass or wood), slate, ceramic, or metal of a grade suitable for residential roofing, such as “standing seam” or embossed or textured metal.
 3. Smooth, unfinished or corrugated metal or fiberglass shall not be used for exterior wall or roof covering.
 4. Soffits, eaves, window and door trim roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl or wood or unfinished metal, such as copper, customarily used for residential structure.
- E. Ceiling Height: A minimum finished ceiling height of not less than seven and one-half feet (7 ½’).
- F. Entrance and Exit Doors: Not less than two (2) functional entrance and exit doors.
- G. No residence structure shall have attached wheels, axles or a towing device.
- H. Exemption: The provisions of the Article 1 shall not apply to “mobile” or “manufactured” homes placed in a mobile home park or a mobile home subdivision in compliance with the zoning or subdivision ordinances of the City of Leon.

DWELLING, TWO-FAMILY. A detached residential building containing two dwelling units designed for occupancy by not more than two families.

DWELLINGS, MULTIPLE-FAMILY. A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING UNIT. One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

FAMILY. One or more persons occupying a single dwelling unit, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

FILLING STATION. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail.

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 neither a repair garage nor a body shop.

HOME OCCUPATION. An occupation conducted in a dwelling unit, provided that:

- a. No person other than members of the family residing on the premises shall be engaged in such occupation;
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 per cent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
- d. No home occupations shall be conducted in any accessory building;
- e. There shall be no sales in connection with such home occupation.
- f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

LOADING SPACE, OFF-STREET. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such 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. For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;

- d. A parcel of land described by metes and bounds;

provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

LOT FRONTAGE. The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under YARDS in this section.

LOT MEASUREMENTS.

- a. **DEPTH** of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b. **WIDTH** of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 per cent of the required lot width except in the case of lots on the turning circle of cul-de-sac, where the 80 per cent requirement shall not apply.

LOT OF RECORD. A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES. The diagram (Figure 1) which follows illustrates terminology used in this ordinance with reference to **CORNER** lots, **INTERIOR** lots, **REVERSED FRONTAGE LOTS** and **THROUGH** lots:

In the diagram, **A=CORNER** lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked A (1) in the diagram.

B = INTERIOR lot, defined as a lot other than a corner lot with only one frontage on a street.

C = THROUGH lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

D = REVERSED FRONTAGE lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (C-D).

OUTDOOR ADVERTISING BUSINESS. Provision of outdoor displays or display space on a lease or rental basis only.

PARKING SPACE, OFF-STREET. For the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the City.

SIGN. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein:

- a. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- b. Flags and insignia of any government except when displayed in connection with commercial promotion;
- c. Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
- d. Integral decorative or architectural features of buildings, except letter, trademarks, moving parts, or moving lights;
- e. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SIGNS, NUMBER AND SURFACE AREA. For the purpose of determining number of signs, a sign shall be considered to be a single display and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

SIGN, ON-SITE. 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 signs erected by the outdoor advertising industry in the conduct of outdoor advertising business.

SIGN, OFF-SITE. A sign other than an on-site sign.

SPECIAL EXCEPTION. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this zoning ordinance.

STREET LINE. The right-of-way line of a street.

STRUCTURE. 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.

TRAVEL TRAILER. 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 feet.

VARIANCE. A variance is a relaxation of the terms of the zoning ordinance where the appealing party can demonstrate that special condition and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; or that literal interpretation of the provisions of this Ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same district under the terms of this Ordinances; or that the special conditions and circumstances do not result from the actions of the applicant; or that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, not be contrary to the public interest and where, owing to conditions peculiar to the enforcement of the ordinance would result in unnecessary and undue hardship. Establishments 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 zoning district.

YARD. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD, FRONT. A yard extending between side lot lines across the front of a lot adjoining a public street.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. However, where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots is hereby rescinded.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the administrative official shall determine the front yard requirements. Subject to the following limitations: (1) At least one front yard shall be provided having the full depth required generally in the district; (2) No other front yard on such lot shall have less than half the full depth required generally.

DEPTH OF REQUIRED FRONT YARDS SHALL BE MEASURED at right angles to the straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel.

YARD, SIDE. A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of THROUGH LOTS, side yards shall extend from the rear lines of front yards required. In the case of CORNER LOTS, yards remaining after full and half-depth front yards have been established shall be considered side yards.

WIDTH of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

YARD, REAR. A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

DEPTH of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

YARD, SPECIAL. A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term “side yard” nor the term “rear yard” clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

SUBDIVISION

REGULATIONS

OF THE

CITY OF LEON

IOWA

ARTICLE I.
TITLE AND PURPOSE

Section 100. TITLE. This Ordinance shall be known, referred to and cited as “Land Subdivision Ordinance of the City of Leon, Iowa.”

Section 101. PURPOSE. This Ordinance is to provide for the harmonious development of land within Leon and in the area within one mile of any city limit line of Leon; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the City Plan of Leon; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

ARTICLE II.
ADMINISTRATION

The Planning and Zoning Commissions of the City of Leon shall administer the provisions of this ordinance. Plats shall be reviewed by the Planning and Zoning Commission and the City’s Engineer after which the Commission and the Engineer shall submit their recommendation and the plats to the City Council, which shall have the final power to approve or disapprove the application.

ARTICLE III.
PROCEDURE FOR PLAT APPROVAL

Section 300. PRE-APPLICATION PROCEDURE. Before subdividing any tract of land and previous to the filing of an application for conditional approval of the Preliminary Plat, the Subdivider should meet with the City Planning and Zoning Commission to discuss his plans. Plans and data should be presented to the Commission as specified in Sections 400.1, application, fee nor filing of plat with the Commission.

Advice to Subdivider:

The purpose of the “Pre-application Procedure” is to give the subdivider an opportunity to benefit from the advice and assistance of the Commission, and to consult early and informally with the Commission before preparation of the preliminary plat and before formal application for its approval, in order to save time and money and to make the most of his opportunities.

He should also consult with parties potentially interested with him or with the ultimate users of the development, such as lending and mortgage insurance institutions, with a view to reaching, at this initial stage, firm conclusions regarding what part of the market demand should be served, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of streets, lots and other features of the proposed development.

Here is where the die is cast; opportunities are assured or lost. Good counsel on all parts of the problem is essential at this stage. The subdivider is advised to engage a land planning specialist qualified to help him resolve the major factors into a workable and profitable subdivision plan.

Either at the time of meeting or within fifteen (15) days after such meeting, the Commission shall inform the Subdivider that the plans and data, as submitted or as modified, do or do not meet the objectives of these regulations. When the Commission finds the plans and data do not meet the objectives of these regulations, it shall express its reasons therefor.

Section 301. PRELIMINARY PLAT PROCEDURE

301.1 On reaching conclusions, informally as recommended in Section 300 above, regarding his general program and objectives, the Subdivider shall cause to be prepared a Preliminary Plat, together with improvement plans and other supplementary material as specified in Section 401.

301.2 At least four (4) prints of the preliminary plat together with four (4) completed application forms for preliminary approval shall be submitted to the Administrative Officer at least two weeks prior to the Commission meeting at which consideration is desired. The Administrative Officer shall immediately refer two (2) copies of said plat to the Secretary of the Commission and one (1) copy to the City's Engineer upon receipt of a preliminary plat.

301.3 No land shall be approved for subdivision which is subject to periodic flooding or which contains extremely poor drainage facilities. However, if the Subdivider agrees to make improvements, which will, in the opinion of the Engineer, make the area, completely safe for occupancy and provide adequate drainage, the preliminary plan may be approved.

301.4 The Commission shall notify the owner or subdivider as to the time and place of the meeting at which his plat and plan will be studied. The Commission may direct that the owner or subdivider attend any deliberation on the submitted plat.

301.5 The Commission shall study and act on the preliminary plat and the Engineer shall study said plat and plans in regard to street layout and the provision of water and sewerage and make his recommendations on these aspects to the Commission; all to be accomplished within forty-five (45) days after submission to the Administrative Officer. If the Commission disapproves a plat, the reasons for disapproval shall be remedied prior to further consideration. The preliminary plat shall not be approved until the plans and specifications for necessary improvements are acceptable to the Engineer.

301.6 If the Commission acts favorably on a preliminary plat, a notation to that effect shall be made on the plat above the signature of the Chairman and Secretary, and it shall be referred to the City Council for action. The City Council shall act within twenty (20) days. Its action shall be noted on the plat, signed by the Mayor, attested to by the City Clerk and be returned to the subdivider for compliance with final plat requirements.

301.7 Conditional approval of preliminary plat shall confer upon the applicant the following rights for

a two (2) year period from the date of approval:

- a. That the general terms and conditions under which the preliminary approval was granted will not be changed.
- b. That the said applicant may submit on or before the expiration date the whole or part or parts of said plat for final approval.

Section 302. FINAL PLAT PROCEDURE

302.1 Before consideration of a final subdivision plat, the Subdivider shall have installed the improvements required under ARTICLE VI or the Commission shall require the posting of adequate performance guarantees with the Administrative Officer to assure the installation of the required improvements within one (1) year after final approval of the plat. See following Section 302.3.

302.2 The final plat or in the case of large subdivisions, a final plat of part of the area covered by the approved preliminary plat, shall be submitted to the Administrative Officer. The original tracing, for (4) prints and four (4) copies of the application form for final approval shall be submitted to the Administrative Officer at least fourteen (14) days prior to the date of a regular Commission meeting at which action is sought. Unless the preliminary plat is approved without changes, the final plat shall have incorporated all changes or modifications required by the Commission. The final plat shall be accompanied by a statement from the Engineer that he has received a map showing all utilities in exact location and elevation, identifying those portions already installed, those to be installed, and that the Subdivider has complied with one or a combination of the following:

- a. Installed all improvements in accordance with the requirements of these regulations, or
- b. A performance bond, approved by the City Attorney, has been posted with the Administrative Officer in sufficient amount to assure the completion of required improvements within one (1) year after final approval of the plat. The amount of the bond shall not be less than the estimated cost of the improvement as determined by a Registered Professional Engineer acting for the Subdivider. The amount of bond shall also have the approval of the City's Engineer.

302.3 The administrative Officer shall immediately refer two (2) copies of said plat to the Secretary of the Commission and one copy to the Engineer upon receipt of a final plat. The Commission shall be assisted by the Engineer's recommendations and shall act upon the final plat within thirty (30) days after the date of submission for final approval to the Administrative Officer.

302.4 If approval is given, the Commission shall vote such approval on the plat over the signature of both the Chairman and Secretary of the Commission and the Commission shall then forward the plat to the City Council for final approval and acceptance of all streets, alleys, ways, easements, parks or areas preserved for, or dedicated to, the public.

302.5 If the Commission does not recommend approval of the final plat of a subdivision, the City

Council may approve the plat and accept all streets, alleys, ways, easements, parks or areas preserved for or dedicated to the public by a unanimous favorable vote by the entire membership of the City Council.

302.6 Upon final approval, copies of the final plat shall be filed by the City Council with the following:

- a. Planning and Zoning Commission
- b. Administrative Officer
- c. City's Engineer

302.7 After final approval by the City Council, the Commission shall notify the owner or the subdivider, and the subdivider shall cause plat to be filed with the County Recorder of Decatur County, Iowa, as provided by the Code of Iowa; and shall file satisfactory evidence of such recording in the office of the Administrative Officer of Leon, Iowa, before the City shall recognize the plat as being in full force and effect.

ARTICLE IV SPECIFICATIONS FOR PLATS AND PLANS

Section 400. PRE-APPLICATION PLANS AND DATA

400.1 General Subdivision Information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required below. This information may include data on existing covenants, land characteristics, and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, business areas, playgrounds, park areas and other public areas, proposed protective covenants and proposed utilities and street improvements.

400.2 A Location Map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. Such map shall include the development name and location; main traffic arteries; public transportation lines; shopping areas; elementary and high schools; parks and playgrounds; principal places of employment; other community features such as railroad stations, airports, hospitals and churches; title, scale, north arrow, and date.

400.3 A sketch Plan on a topographic survey map shall show in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on a print of the topographic survey. In any event, the sketch plan shall include either the existing topographic data listed in Section 401.1 below or such of these items of data as the Commission determines is necessary for its consideration of the proposed sketch plan.

Section 401. PRELIMINARY PLAT

401.1 TOPOGRAPHIC DATA required as a basis for the Preliminary Plat, in 401.2 below, shall

include existing conditions as follows except when otherwise specified by the Planning Commission:

- a. Boundary lines: bearings and distances.
- b. Easements: location, width and purpose.
- c. Streets on and adjacent to the tract: name and right-of-way width and location; type, width and elevation of surfacing; any legally established center-line elevations; walks, curbs, gutters, culverts, etc.
- d. Utilities on an adjacent to the tract: location, size, and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, showing invert elevation of sewers.
- e. Ground elevations on the tract, to city datum: for land that slopes less than approximately 2 percent show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions; for land that slopes more than approximately 2 percent either show contours with an interval of not more than 5 feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than 2 feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings.
- f. Subsurface conditions on the tract: location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to ground water unless test pits are dry at a depth of 5 feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.
- g. Other conditions on the tract: water courses, marshes, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, shacks, and other significant features.
- h. Other conditions on adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, date of recording, and show approximate percent built-up, typical lot size, and dwelling type.
- i. Photographs, if required by the Planning Commission: camera locations, directions of views and key numbers.
- j. Zoning on and adjacent to the tract.
- k. Proposed public improvements: highways or other major improvements planned by

public authorities for future construction on or near the tract.

- l. Key plan showing location of the tract.
- m. Title and Certificates:
 1. Legal description of the tract.
 2. Proposed name of the subdivision.
 3. Name and address of owners.
 4. Total area of proposed subdivision.
 5. Legend including scale, north point, datum, date.
 6. Name of person preparing the plat.

401.2 PRELIMINARY PLAT shall be at a scale of tow hundred feet to one inch or larger (preferred scale of 100 feet to one inch). It shall show all existing conditions required above in 401.1, Topographic Data, and shall show all proposals including the following:

- a. Streets: names; right-of-way and roadway widths; approximate grades and gradients; approximate radii of all curves and lengths of all tangents; similar data for alleys, if any.
- b. Other rights-of-way or easements: location, width and purpose.
- c. Location of utilities, if not shown on other exhibits.
- d. Lot lines, lot numbers and block numbers.
- e. Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.
- f. Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.
- g. Minimum building setback lines.
- h. Site data, including number of residential lots, typical lot size, and acres
- i. Title, scale, north arrow, and date.

401.3 OTHER PRELIMINARY PLANS. When required by the Planning Commission, the Preliminary Plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk; and preliminary plan of proposed water mains and sanitary and storm water sewers with grades and sizes indicated. All elevations shall be to city datum plane.

401.4 DRAFT OF PROTECTIVE COVENANTS whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

Section 402 FINAL PLAT

402.1 FINAL PLAT shall be drawn in ink on tracing cloth on sheets 24 inches wide by 36 inches long and shall be at a scale of one hundred (100) feet to one (1) inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision.

For large subdivisions the Final Plat may be submitted for approval progressively in contiguous sections satisfactory to the Planning Commission. The Final Plat shall show the following:

- a. The exterior boundaries of the tract shall be accurately referenced to the original government survey of the State of Iowa.
- b. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves.
- c. Name and right-of-way width of each street or other right-of-way.
- d. Location, dimensions and purpose of any easements.
- e. Number to identify each lot or site.
- f. Purpose for which sites, other than residential lots, are dedicated or reserved.
- g. Minimum building setback line on all lots and other sites.
- h. Location and description of monuments.
- i. Names of record owners.
- j. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
- k. Certification by surveyor or engineer certifying to accuracy of survey and plat.
- l. Statement by owner dedicating streets, rights-of-way and any sites for public uses.
- m. Every plat shall be accompanied by a complete abstract of title and an opinion from an attorney at law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by the bond provided for in

SECTION 409.11 of the Code of Iowa; and a certified statement from the treasurer of the county that it is free from taxes, and from the clerk of the district court that it is free from all judgements, attachments, mechanics or other liens as appears by the record in his office, and from the recorder of the county that the title in fee is in such proprietor and that it is free from encumbrance or free from encumbrance other than that secured by the above cited bond as shown by the records of his office.

n. Title, scale, north arrow, and date.

402.2 CROSS SECTIONS AND PROFILES of streets showing grades approved by the City Engineer. The profiles shall be drawn to city standard scales and elevations and shall be based on city datum plane.

402.3 A CERTIFICATE BY THE CITY ENGINEER certifying that the subdivider has complied with one of the following alternatives:

- a. All improvements have been installed in accord with the requirements of these regulations and with the action of the Planning Commission giving Conditional Approval of the Preliminary Plat, or
- b. A bond or certified check has been posted, which is available to the city, and in sufficient amount to assure such completion of all required improvements.

402.4 PROTECTIVE COVENANTS in form for recording.

402.5 OTHER DATA: Such other certificates, affidavits, endorsements, or deductions as may be required by the Planning Commission in the enforcement of these regulations.

402.6 A Certificate of Approval by the Planning and Zoning Commission and the City's Engineer.

402.7 A Resolution of Plat Approval with the mayor and clerk's certification.

ARTICLE V SUBDIVISION DESIGN STANDARDS

Section 500. STREETS: The arrangement, character, extent, width, grade and location of all streets shall conform to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

500.1 The arrangement of streets in a subdivision shall either:

- a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas, or
- b. Conform to a plan for the neighborhood approved or adopted by the Commission

to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

500.2 Minor streets shall be so laid out that their use by through traffic will be discouraged.

500.3 Where a subdivision abuts or contains an existing or proposed arterial street, the Commission 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 such other treatment as may be necessary for adequate protection of the residential or other proposed properties and to afford separation of through and local traffic.

500.4 Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

500.5 Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the City under conditions approved by the Commission.

500.6 Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.

500.7 A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

500.8 When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than one hundred (100) feet for minor and collector streets, and of such greater radii as the Commission shall determine for special cases.

500.9 Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees. More than two (2) streets intersecting at the same location shall be prohibited.

500.10 When the Commission finds it necessary for reasons of safety and the protection of property, property lines at street intersections shall be rounded with a radius of fifteen (15) feet or may have comparable chords in lieu of the rounded corner.

500.11 Street right-of-way widths shall be not less than as follows:

| <u>Street Type</u> | <u>Right-of-Way</u> | <u>Minimum Width of Roadway Surface Back to Back of Curbs*</u> |
|--------------------|---|--|
| State Arterial | Requirements set by Iowa State Highway Commission | |
| Community Arterial | 80 ft. | 25 ft. |
| Collector | 70 ft. | 25 ft. |
| Minor | 60 ft. | 25 ft. |
| Cul-de-sac | 60 ft. | 25 ft. |
| Marginal Access | 50 ft. | 25 ft. |

*Where on-street parking is to be permitted, an additional nine (9) feet per parking lane shall be required.

500.12 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 Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

500.13 Dead-end streets, designed to be so permanently, shall not be longer than six hundred (600) feet. Such streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred twenty (120) feet. The Commission may approve a “T” or “Y” type turnaround in lieu of the circular turnaround.

500.14 No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Commission.

500.15 Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:

| <u>Street Type</u> | <u>Percent Grade</u> |
|--------------------|----------------------|
| Arterial | 6% |
| Collector | 8% |
| Minor | 10% |
| Cul-de-sac | 10% |
| Marginal Access | 8% |

500.16 No street grade shall be less than 0.5 percent where drainage is carried within the traveled roadway.

Section 501. ALLEYS

501.1 Alleys shall be provided in commercial and industrial districts except that the Commission may waive this requirement where other definite and assured provision is made for service access, such as offstreet loading, unloading, and parking consistent with and adequate for the uses proposed.

501.2 Alleys shall not be permitted in a residential district unless deemed necessary by the Commission.

501.3 The minimum width of an alley shall be twenty (20) feet.

501.4 Alley intersections and sharp changes in alignment shall be avoided; but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

501.5 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 Commission.

Section 502. EASEMENTS

502.1 Easements across lots or centered on rear or side lot lines shall be provided for utilities and shall be not less than five (5) feet in width on each side of all rear lot lines and side lot lines where necessary for poles, wire, conduits, storm sewer and sanitary sewers, gas, water and heat mains. Greater width easements may be required in some cases.

502.2 Where a subdivision is traversed by a watercourse, 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 watercourse, and such further width or construction or both as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith. If it is deemed advisable by the Commission or the Engineer, such watercourse or drainage way may be re-established to conform with the proposed street pattern, in which case suitable storm drainage facilities shall be installed as designed and established by a Registered Professional Engineer for the subdivider.

Section 503. BLOCKS The lengths, widths and shapes of blocks shall be determined with due regard to:

- a. Provision of adequate building sites suitable to the special needs of the type of 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 and other natural features.

503.1 Block lengths shall not exceed one thousand four hundred (1,400) feet, or be less than five hundred (500) feet.

503.2 Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Section 504. LOTS

504.1 The lot size, width, depth, slope and orientation, and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

504.2 Lot dimensions shall conform to the requirements of the zoning ordinance, and:

- a. Residential lots where served by public sewer shall be not less than sixty (60) feet wide at the building setback line nor less than seven thousand two hundred (7,200) square feet in area.
- b. Residential lots where not served by public sewer shall be not less than one hundred twenty (120) feet wide at the building setback line nor less than twenty thousand (20,000) square feet in area.

504.3 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.

504.4 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.

504.5 Large lot subdivisions. Whenever the area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical and functional arrangement of smaller lots.

504.6 Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

504.7 Side lot lines shall be substantially at right angles or radial to street lines. Side lines of lots formed by radial projections shall form a lot having not less than twenty (20) feet across the rear property line.

504.8 Corner lots for residential use shall have additional width to permit appropriate building setback from and orientation to both streets.

Section 505. PUBLIC SITES AND OPEN SPACES

505.1 Where a proposed park, playground, school or other public use is located in whole or in part in a subdivision, the Commission may require that such area be reserved for acquisition by the City or School District for a period of one and on-half (1 ½) years, in those cases in which the Commission deems such requirements as reasonable.

505.2 Where deemed essential by the Commission, upon consideration of particular type of development in the subdivision and especially in large scale neighborhood unit development, the Commission may require a one and on-half (1 ½) year reservation for the City's acquisition of such other areas or sites of a character, extent and location suitable to the needs created by such development for schools, parks and other neighborhood purposes.

Section 506. UTILITIES

506.1 The source of domestic water supply and type of sewage disposal shall accompany each plat for the information of the Commission, the Engineer and the City Council.

ARTICLE VI REQUIRED IMPROVEMENTS

Section 600. MONUMENTS

600.1 Durable iron monuments shall be placed at all lot and block corner, at all angle points in any line, at each end of all curves, and at such other points as may be required by the City's Engineer.

600.2 The external boundaries of the subdivision, block corners, angle points and ends of curves shall be monumented in the field by iron rods or pipes at least thirty (30) inches long and one and one-half (1 ½) inches in diameter.

600.3 All lot corners and other points not referred to in Section 600.2 shall be monumented in the field by iron rods or pipes at least twenty four (24) inches long and one (1) inch in diameter.

600.4 All monuments shall be properly set flush with the ground by a licensed land surveyor.

Section 601. STREET CONSTRUCTION

601.1 The subdivider shall grade and improve all streets within the subdivision to the full right-of-way width of the street. Roadway pavement shall be either full width Portland cement concrete with integral curbs or 30 inch Portland cement concrete curb and gutter sections with rolled stone base and asphaltic concrete surface. Pavement thickness and specification shall be approved by the City's Engineer.

601.2 The width of the roadway shall conform to the requirements of its functional classification as specified in Section 500.11.

601.3 All streets shall be sodded or seeded with grass in a manner which shall provide suitable protection from erosion over that area lying between the right-of-way lines and the back of street curbs.

601.4 Street profiles and the necessary drainage plans to serve the area shall be determined and designed by a Registered Professional Engineer for the subdivider. All construction of such facilities shall be in accordance with such profiles and plans and shall be subject to the recommendations, supervision and approval of the City's Engineer.

Section 602. SIDEWALK CONSTRUCTION

602.1 The subdivider shall install or cause to be installed sidewalks on each side of surfaced streets (for the full length of blocks). Sidewalks shall be a minimum of four (4) feet wide and located in the street right-of-way with the outer edge one (1) foot from the right-of-way line.

Section 603. WATER FACILITIES

603.1 Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) according to the specifications of the City's Engineer and municipal water department. Proposed locations of fire hydrants shall be approved by the City's Engineer and the municipal water department.

603.2 If a public utility system is not available, individual wells may be used, provided that construction is in accordance with Iowa State Department of Health Standards and that samples submitted to the Iowa State Department of Health are approved for human consumption.

Section 604. SEWER FACILITIES

604.1 Where a public sanitary sewer is accessible, the subdivider shall install adequate sanitary sewers (including the installation of house service lines to the street right-of-way lines) subject to the specifications of the City's Engineer.

604.2 Where sewage pumping stations are required, the location will be determined by the City's Engineer. The subdivider will install the lift station together with all required appurtenances and force main. The subdivider will be reimbursed in the proportion to which the area outside the subdivision, but served by the pumping station, bears to the total area served by the pumping station.

- a. If the subdivider connects to a sewer leading to a sewage pumping station, he will be required to pay to the City of Leon his pro rata share of the cost of the pumping station and force main according to the ratio of area his subdivision has to the total area served by the sewage pumping station.

604.3 Where a public sanitary sewer is not available, the minimum lot areas shall conform to the requirements of Section 504.2 of this ordinance. The subdivider shall make, or cause to be made, percolation tests of the soil as required by the City’s Engineer. These tests shall be the basis for design of individual sanitation facilities.

604.4 In the future, however, if a public sanitary sewer is accessible and a sanitary sewer is placed in a street, alley or easement abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste; and it shall be unlawful for any such owner or occupant to maintain upon such property an individual sewage disposal system.

Section 605. STORM WATER

605.1 When a public storm sewer is accessible, the developer shall install storm sewer facilities. Where no outlets are available within a reasonable distance, adequate provision shall be made for disposal of storm water.

605.2 All storm sewer design and construction shall be done in accordance with the standards and specifications of the City’s Engineer.

Section 606. STREET TREES

606.1 Street trees having a trunk diameter (measured 12 inches above the ground level) of not less than two (2) inches may be planted along all residential streets, where trees do not already exist, no less than thirty (30) feet nor more than seventy-five (75) feet apart.

606.2 Only oak, honey locust, hard maples, ginkgo (non-fruiting) or other long-lived shade trees acceptable to the City’s Engineer and Planning Commission shall be planted.

606.3 Where required or permitted, street trees or other plantings within the street right-of-way shall be located as specified below:

| <u>Street Right-of-way (feet)</u> | <u>Distance of Planting from Front Property Line (feet)</u> | |
|---|---|----------------|
| | <u>Minimum</u> | <u>Maximum</u> |
| 80 | 8-3/4 | 13-3/4 |
| 70 | 8-3/4 | 10-3/4 |
| 60 | 7-1/4 | 7-1/4 |

Section 607. UTILITIES

607.1 It shall be the responsibility of the subdivider to contact utility companies to determine the availability of services and to make the necessary arrangements for their installation within necessary rights-of-way and easements.

607.2 Public water, storm drainage and sanitary sewer or septic system plans shall be designed by a Registered Professional Engineer for the subdivider. The facilities shall be constructed in accordance with such plans prior to construction of buildings upon the lots, and shall be subject to supervision and approval by the City's Engineer.

607.3 The location and depth of all underground utilities shall be in accordance with the general utility location plan prepared by the City's Engineer.

607.4 Electric power and telephone; these utility lines shall be installed underground.

ARTICLE VII.
VARIANCES

Section 700. **HARDSHIP.** Where the Commission finds that extra-ordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of this ordinance.

Section 701. **LARGE SCALE DEVELOPMENT.** The standards and requirements of these regulations may be modified by the Commission in the case of a plan and program for a self-contained, complete community or a neighborhood unit, which would in the judgement of the Commission provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which would also provide such covenants or other legal provisions as will assure conformity to and achievement of the plan.

Section 702. **CONDITIONS.** In granting variances and modifications, the Commission shall weigh the benefits or hardships against the general standards and objectives of this ordinance; and may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

ARTICLE VIII
DEFINITIONS

Section 800. For the purpose of this ordinance the language used herein shall be in accordance with the following rules:

- a. The singular number shall include the plural and the plural, the singular.

- b. The use of the present tense shall include the past and future tense, and the future shall include the present.
- c. The word “shall” is mandatory, the word “may” is permissive, the word “should” is suggestive.
- d. The word “building” shall include the word “structure”.

Section 801. For the purpose of this ordinance, all words shall carry their customary meanings, except as specifically defined hereinafter:

ADMINISTRATIVE OFFICER: The City Official appointed by the City Council to assist with the administration of this ordinance.

ALLEY: Right-of-way providing a secondary means of access to the side or rear of those properties whose principal frontage is on some other street.

ARTERIAL STREET: A public right-of-way with a high degree of continuity which serves to movement of large volumes of traffic between various districts.

BUILDING LINE: A line designating the allowable proximity of a building to an adjacent street, alley or property line.

COLLECTOR STREET: A street which carries traffic from minor streets to an arterial, including the principal entrance streets of a residential development and streets for basic circulation within such a development.

CUL-DE-SAC: A minor street having one open end and being permanently terminated at the other end by a vehicular turn-around.

HALF STREET: A street bordering one or more property lines of a tract of land in which the developer has dedicated only part of the ultimate right-of-way width.

MARGINAL ACCESS STREET: A minor street which is parallel and adjacent to an arterial, and which provides access to abutting properties and protection from through traffic.

MINOR STREET: A street of limited continuity used primarily for access to abutting properties and the local needs of a neighborhood.

PEDESTRIAN WAY: A right-of-way across or within a block for use by pedestrian traffic whether designated as a pedestrian way or a crosswalk or other.

ROADWAY: The developed portion of a street available for vehicular traffic.

STREET: A public right-of-way which affords primary means of access by pedestrians and vehicles to abutting properties.

SUBDIVISION: The division of a parcel of land into three (3) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land; provided that the division of land for agricultural purposes into lots or parcels of ten (10) acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

ARTICLE IX AMENDMENTS

Any regulations or provisions of this ordinance may be changed and amended from time to time by the City Council with such amendment being initiated by the City Council, by a motion of the Commission or by a petition by any person; provided that such changes or amendments shall not become effective until they have first been reviewed and a recommendation has been made thereon by the Commission; and further provided that a public hearing shall be held by the City Council, public notice of which shall be given in the newspaper of the City of Leon not less than ten (10) nor more than twenty (20) days before the date of hearing.

ARTICLE X CONFLICT AND VALIDITY

Section 1000. CONFLICT. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standard shall govern.

Section 1001. VALIDITY. Should any section, sentence, clause or provision of this ordinance be declared by a court to be invalid, the same shall not affect the validity of this ordinance as a whole or the remaining portions of this ordinance.

ARTICLE XI PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall, upon conviction, be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days for each offense; and each day that a violation is permitted to exist shall constitute a separate offense.

ARTICLE XII "RE" RURAL ESTATES RESIDENTIAL DISTRICT

SECTION 1201. DEFINITION

1201. “RE” RURAL ESTATES RESIDENTIAL DISTRICT is adopted to establish a large lot residential zoning district wherein streets may be constructed with a “Rural Cross Section” design with storm water drainage conveyed with ditches.

Section 1202. SCHEDULE OF DISTRICT REGULATIONS For “RE” Rural Estates Residential District

1202.1. Permitted Uses

- a. Single Family Dwellings; except mobile homes.
- b. Churches and accessory buildings.
- c. Clubs, lodges, social and recreational centers; except those whose chief activity is carried on for financial profit.
- d. Non-commercial parks, playgrounds and recreation areas owned or operated by public or semi-public agencies.
- e. Golf Courses and Country Clubs.
- f. Publicly owned and operated buildings.
- g. Customary home occupations.

1202.2. Permitted Accessory Uses and Structures

- a. Those customarily incidental to permitted principal uses.
- b. Church bulletin boards.
- c. One sign (not exceeding 12 square feet) advertising construction, sale or rent of building or lot on which it is located, sign to be removed as soon as construction, sale or lease is completed.

SECTION 1203. SCHEDULE OF DISTRICT BULK REQUIREMENTS

| Zoning District | Use | Min. Width | Min. Area Sq. Feet | Maximum % of Lot Covered by Buildings | Min. Front Yard | Min. Rear Yard | Min. Side Yard |
|-----------------|--------------|------------|--|---------------------------------------|-----------------|----------------|----------------|
| "R" | 1 Family | 50 | 5,400 | | 25 | 30 | 6 |
| | 2 Family | 70 | 6,600 | | 25 | 30 | 6 |
| | Multi-family | 90 | 6,600 plus 2,000 for each additional family over two | | 25 | 30 | 12 |
| | Other | 70 | 6,600 | 50% | 30 | 30 | 20 |
| "RE" | All | 120 | 1 acre | | 50 | 50 | 20 |
| "C-1" | All | 0 | 0 | 100% | 0 | 0 | 0 |
| "C-2" | All | 0 | 0 | 50% | 50 | 25 | 0 |
| "I" | All | 0 | 0 | | 40 | 30 | 20 |
| "F" | All | 0 | 0 | | 30 | 10 | 30 |

"R" Residential District

"C-1" Commercial District

"C-2" Commercial District

"RE" Rural Estates Residential District

"I" Industrial District

"F" Flood Plain District

SECTION 1204. STREET CONSTRUCTION STANDARDS FOR "RE" RURAL ESTATES

1204.1 The subdivider shall grade and improve all streets within the subdivision to the full right-of-way width of the street. Within all zoning districts, except the "RE" Rural Estates Residential District, roadway pavement shall be of Urban Design Standards with either full width Portland cement concrete with integral curbs or asphaltic cement concrete pavement and 30 inch Portland cement concrete curb and gutter sections as illustrated in Section 601.2.

1204.2 Within the "RE" Rural Estates Residential District, public streets may be constructed in accordance with Urban Design or Rural Design Standards with road side ditches to convey storm water. Aggregate roadway surface material may be permitted with approval by the City Council for Minor, Cul-de-sac or Marginal Access street types within the "RE" District on streets with projected traffic volumes of less than 350 trips

1204.3 The width of paved roadways shall conform to the requirements of its functional classification as specified in Section 500.11. Streets and associated improvements shall be designed by a registered professional engineer. Street thickness, width and surfacing material shall be based upon projected traffic on the street as determined by review of the plans for the subdivision, adjacent land uses and forecasted through traffic. The following pavement design parameters shall apply to Minor, Cul-de-sac and Marginal Access type streets.

1204.4 Community Arterial and Collector streets with projected daily traffic volumes greater than 1,000, and streets in areas of industrial or commercial land use may have greater standards required by the City’s Engineer based on traffic volumes and amount of truck traffic. The current “Highway Capacity Manual” published by the Transportation Research Board and the latest edition of AASHTO’s publication of A Policy on Geometric Design of Highways and Streets should be used in the design of Community Arterial and Collector streets to determine the number of lanes and intersection configuration. Minor, Cul-de-sac and Marginal Access street types in residential areas shall comply with the following minimum roadway pavement design requirements:

SECTION 1205. ROADWAY PAVEMENT DESIGN REQUIREMENTS (RESIDENTIAL SUBDIVISIONS)

| Projected Daily Traffic Volume | Asphaltic Concrete Thickness | Portland Cement Concrete Thickness | Rural Cross Section Width | Urban Cross Section Width |
|--------------------------------|------------------------------|------------------------------------|---------------------------|---------------------------|
| 0 – 500 Trips | 8 inches | 6” non-reinforced | 24’ | 25’ |
| 500-1000 Trips | 9 inches | 6” reinforced or 7” non-reinforced | 24’ | 25’ |

1205.1 The Design of Minor, Cul-de-sac or Marginal Access street types with Urban Design Cross Section or a Rural Design Cross Section shall conform with the following standard cross section details. The cross section design of Community Arterial and Collector Streets shall be based on projected traffic volumes and subject to recommendation of the City’s Engineer and approval by the City Council.

1205.2 The street subgrade shall be properly graded, shaped and compacted in preparation for placement of pavement or aggregate surface material. The subgrade material shall be of uniform composition without organic materials or stones over 3” in diameter at least 12 inches below top of subgrade and under roadway surface material plus a minimum of 2 feet on each side. The top 12 inches of subgrade shall be disked, scarified, mixed and recompacted in 6”

lifts with moisture and density control. Subgrade compaction should not be less than 95% maximum Standard Proctor Density with moisture content not less than optimum or more than 4% above optimum moisture content.

- 1205.3 Backfill of trenches within the street right-of-way, including trenches for the installation of utilities, watermains, sewers and associated structures shall be properly compacted. Backfill more than 3 feet below surface shall be compacted in 12 inch lifts to at least 95% of maximum Standard Proctor Density. Backfill above 3 feet below the surface shall be filled and compacted in 6 inch lifts to at least 95% of maximum Standard Proctor Density. Terminate compacted backfill 6 inches below finish grade in areas of the street right-of-way to remain unpaved and outside of the roadway surface area.
- 1205.4 Street profiles and the necessary drainage plans to serve the area shall be designed by a Registered Professional Engineer for the subdivider. All construction of such facilities shall be in accordance with such profiles and plans and shall be subject to the recommendations and approval of the City's Engineer.
- 1205.5 Streets shall intersect as nearly as possible at right angles and no street shall intersect with another street at less than sixty (60) degrees as set forth in section 500.9. Minimum back of curb or roadway surface radii at intersections shall be 25 feet. The intersections of Community Arterial or Collector streets, and where truck traffic is significant, back of curb or roadway surface radii shall be designed in accordance with the latest edition of A Policy on Geometric Design of Highways and Streets, published by AASHTO.
- 1205.6 All streets shall be sodded or seeded with a grass mix approved by the City's Engineer and in a manner which shall provide suitable protection from erosion over that area lying between the right-of-way lines and the roadway surface.

MOBILE HOME

ORDINANCE

LEON, IOWA

MOBILE HOME ORDINANCE

AN ORDINANCE REGULATION OF MOBILE HOMES AND MOBILE HOME PARKS AND THE DESIGN AND DEVELOPMENT OF MOBILE HOME PARKS WITHIN THE CORPORATE LIMITS OF LEON, IOWA, AND FOR PROVIDING PENALTIES FOR VIOLATIONS.

ARTICLE I PURPOSE.

The purpose of this ordinance is to provide for municipal regulation of mobile homes and mobile home parks and for the regulation of the design and development of mobile home parks in furtherance of the public health, safety, morals and welfare.

ARTICLE II DEFINITIONS

SECTION 200. For use in this ordinance the following terms are defined:

1. a. “Mobile Home” refers to any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A “mobile home” is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976]. A mobile home does not include Modular Homes or Manufactured Homes for purposes herein.
[321.1(39)(a) and 435.1(4), Code of Iowa]
- b. “Modular Home” refers to a factory built structure that is manufactured to be used as a place of human habitation, in constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code commissioner. Modular Homes shall be subject to the same standards as site built homes.
[435.1(6), Code of Iowa]
- c. “Manufactured Home” is defined as a factory built single family structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and required by federal law to display a seal from the United States Department of Housing and Urban Development.

Federal manufactured Home Construction Safety Standards. A “Manufactured Home” is to be used as a place for human habitation, is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site. A Manufactured Home does not have permanently attached to its body or frame any wheels or axles. All manufactured homes were constructed on or after June 15, 1976. For the purposes of these regulations, a Manufactured Home shall be considered the same as any site-built single family detached dwelling.

[321.1(36)(b) and 435.1 (3), Code of Iowa]

- d. “Mobile Home Park” shall mean any site, lot, field or tract of land upon which two (2) or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park. The term “mobile home park” shall not be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students.
- e. “Mobile Home Lot” shall mean a parcel of land for the placement of a mobile home and the exclusive use of its occupants
- f. “Mobile Home Stand” shall mean that part of an individual mobile home lot which has been reserved for the placement of a mobile home.

ARTICLE III.

DWELLING, SINGLE FAMILY, MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURES INCLUDING MANUFACTURED MOBILE HOMES AND MODULAR HOMES, EXCLUDING MOBILE HOMES AS DEFINED HEREIN.

Section 300. Definition: Dwelling, Single-Family. A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only, and meeting the following criteria:

Section 301. Compliance: All structures intended for residential occupancy placed, erected, assembled or constructed in the City after the effective date of this Section shall meet and comply with the following minimum requirements.

Section 302: Structure Size: Each such single family residential living structure (hereafter known as the primary living structure) shall have minimum exterior dimensions of at least twenty-two feet (22’) measured from outside of the exterior walls.

- a. Minimum Floor Area: A minimum floor area of not less than eight hundred (800) square feet. (In order to comply with the provisions of the foregoing subsection A of Section and this subsection), the minimum

exterior dimensions of a residential structure shall not be less than 22 feet by 36.5 feet. A structure may include porches, sunrooms, garages and “wings” of lesser dimensions and area, so long as the primary living structure meets the minimum requirements.

- b. Foundation: All residential structures shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a manufactured home if a perimeter foundation is incompatible with the structural design of the manufactured home structure. For such a manufactured home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line. The structure must be permanently attached to the foundation.
- c. Exterior Wall and Roof Material:
 - 1. Exterior wall covering shall be wood or masonry finish, vertical or horizontal grooved siding or lap siding, or suitable commercial siding.
 - 2. Roofing material shall be shingles, (asphalt, fiberglass or wood), slate, ceramic, or metal of a grade suitable for residential roofing, such as “standing seam” or embossed or textured metal.
 - 3. Smooth, unfinished or corrugated metal or fiberglass shall not be used for exterior wall or roof covering.
 - 4. Soffits, eaves, window and door trim roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl or wood or unfinished metal, such as copper, customarily used for residential structure.
- d. Ceiling Height: A minimum finished ceiling height of not less than seven and one-half feet (7 ½’).
- e.. Entrance and Exit Doors: Not less than two (2) functional entrance and exit doors.
- f. No residence structure shall have attached wheels, axles or a towing device.
- g. Exemption. The provisions of this Article 1 shall not apply to “mobile” or “manufactured” homes placed in a mobile home park or a mobile home subdivision in compliance with the zoning or subdivision ordinances of the City of Leon.

ARTICLE IV
LOCATION OF MOBILE HOMES.

Section 400. It shall be unlawful for any person, firm or corporation to park or place any mobile home on the streets, alleys, or highways, any public place, or on any private land within this City. This section shall not apply to mobile homes parked or placed within duly licensed mobile home parks, or upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

ARTICLE V
EMERGENCY AND TEMPORARY PARKING.

Section 500. Emergency or temporary parking of mobile homes upon the streets, alleys or highways or any other public or private place for a period not in excess of twenty-four (24) hours shall not constitute a violation of Section 3., but other ordinances of this City.

ARTICLE VI
REGULATIONS TO WHICH MOBILE HOME PARK OWNERS ARE SUBJECT.

Section 600. State License Required. No person, firm or corporation shall establish, maintain, conduct or operate a mobile home park within this City without first obtaining an annual license therefor from the State Department of Health.

Section 601. State Permit Required. No person, firm or corporation shall construct, expand, remodel or make alterations to the sanitary facilities in a mobile home park within this City without first obtaining a permit therefor from the State Department of Health.

Section 602. City Permit Required. No person, firm or corporation shall construct, establish or expand a mobile home park within this City except in accordance with this ordinance and without first obtaining a permit from the City Planning and Zoning Commission.

ARTICLE VII
MOBILE HOME PARK DESIGN STANDARDS.

Section 700. Design Standard Requirements All mobile home parks constructed, established or expanded within this City after the date this ordinance becomes effective shall meet the following design standards:

Section 701. The Site: The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to predictable sudden flooding , or erosion and shall not be used for any purpose which would expose persons or property to hazards. Conditions of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants.

Section 702. Minimum Land Requirements:

- a. The minimum site for a mobile home park shall be five (5) acres with a minimum of twenty-five (25) lots.
- b. Not less than eight (8) percent of the gross site area shall be devoted to recreation facilities, generally provided in a central location. Recreation area may include space for community buildings and community use facilities, such as indoor recreation area, swimming pool, hobby and repair shops and service buildings. The site of centralized recreation areas shall be calculated on a basis of at least one hundred (100) square feet per lot, provided that no recreation area shall contain less than 5,000 square feet.
- c. All mobile homes shall be located at least twenty-five (25) feet from any park property boundary line abutting upon a public street or highway and at least ten (10) feet from other park property boundary lines.
- d. There shall be a minimum distance of ten (10) feet between the mobile home stand and the abutting park street. All mobile home parks located adjacent to industrial or commercial land uses shall be provided screening, such as fences or natural growth along the property boundary line separating the park and such adjacent non-residential area.
- e. All utility lines shall be placed underground within the park. Each mobile home lot shall be provided with water, sanitary sewer, electric lines, and telephone lines, and gas lines if needed, in compliance with applicable codes. Fire hydrants shall be installed as required by the governmental agency having jurisdiction.
- f. Adequate street lighting shall be provided along the private streets for the safety of pedestrians.
- g. Refuse collection areas shall be screened from public view.

Section 703. Number of Entrances. If possible, a minimum of two vehicular entrances shall be provided for each mobile home development. One entrance may be kept closed to the general public if provision is made for emergency access.

Section 704. Boundary Hedge Plantings. Exterior boundaries of the park which do not abut a public street shall be bounded by an approved hedge planting.

Section 705. Boundary Masonry Walls. Exterior boundaries of the park abutting a public street may be provided with masonry wall having a minimum height of five feet and a maximum height of six (6) feet and designed in an irregular or undulating pattern to create an attractive border. The land between the wall and the public street improvement shall be landscaped and shall be maintained in good condition by the park operator.

Section 706. Storage of Vehicles. Trailer and boat storage area shall be provided at the minimum ratio of 250 square feet of land for each mobile home lot.

Section 707. Final Plat Plans. All abutting public streets and alleys and all interior easements for utilities and public service vehicles shall be dedicated where required on the Final Plan and all public improvements shall be installed in accordance with plans approved by the Public Works Department.

Section 708. Physical Placement. No mobile home shall be permitted to be placed so that the rear of said mobile home faces a public street unless there is a minimum separation distance of 250 feet between the street centerline and the mobile home.

Section 709. Identification Signs. One permanent identification sign shall be permitted at any main entrance to a mobile home development. Such sign shall be of ornamental stone, masonry, or other permanent material and shall indicate only the name of such mobile home development. Such sign shall not exceed twenty (20) square feet in surface area.

Section 710. Density. The maximum density of mobile homes shall be eight (8) per acre.

Section 711. Application of Density. No mobile home shall be located closer than twenty (20) feet from any other mobile home or permanent building within the mobile home park, except that in the case of modular or sectionalized construction, the minimum distance can be decreased to zero where the abutting walls of the modulars or sectionalized construction has no windows and the plan incorporates means of fire protection between said modulars or sectionalized construction of not less than one hour fire resistant materials.

Section 712. Lot Density. Mobile home stands shall not occupy an area in excess of one-third of the respective lot area. The accumulated occupied area of the mobile home and its accessory structures on a mobile home lot shall not exceed two-thirds of the respective lot area.

Section 713. Streets. All mobile home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile lot. Such access shall be provided by streets, driveways, or other means.

Section 714. Entrances. Entrance to mobile home developments shall have direct connections, to a public street and shall be designed to allow free movement of traffic on such adjacent public streets.

Section 715. Street Widths. Pavements should be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street, with ten (10) feet minimum moving lands for collector streets, nine (9) feet minimum moving lanes

for minor streets, seven (7) feet minimum land for parallel parking, and in all cases shall meet the following minimum requirements:

- a. Collector streets with quest parking allowance.....34 feet
- b. Collector streets and all other streets except minor streets without parking allowance.....24 feet
- c. Minor streets serving less than forty (40) lots (no parking).....18 feet
- d. One-way minor streets serving less than twenty (20) lots (no parking).....14 feet

Section 716. Parking. Two (2) parking spaces shall be provided for each mobile home lot, plus one quest parking space for each ten (1) mobile home lots.

Section 717. Accessory Structures remain as per definition dependent upon the mobile home and shall not be used as complete independent living units with permanent provisions for sleeping, cooking and sanitation. Such structures shall be designed in a manner that will enhance the appearance of the mobile home development and shall be erected and constructed and as required by applicable local building codes.

ARTICLE VIII
BUILDING PERMITS

Section 801. Permit Required. Prior to the issuance of a “Building Permit” for construction of a mobile home park, a comprehensive site plan shall be submitted for review and approval of the Planning and Zoning Commission.

Section 802. Application: All applications for permits shall contain the following:

- a. The area and dimensions of the tract of land;
- b. The number, location and size of all mobile home lots;
- c. The location and width of roadways and walkways;
- d. The location of water and sewer lines and riser pipes;
- e. Plans and specifications of the water supply and refuse and sewage disposal facilities;
- f. Plans and specifications of all buildings constructed or to be constructed within the development;
- g. Location and details of lighting and electrical systems;
- h. Location and details of recreation areas and facilities;
- i. Detailed landscape and grading plan.

Section 803. Fee: All applications shall be accompanied by the deposit of a fee of Twenty Five Dollars (\$25.00).

Section 804. Application Review: When, upon review and comment of the applications, the administrative officer, as well as the Planning and Zoning Commission are satisfied that the proposed plan meets the requirements of this ordinance, a permit shall be issued by the administrative officer.

Section 805. Hearing. Any person whose application for a permit under this ordinance has been denied may request and shall be granted a hearing of the matter before the Board Of Adjustment under the procedure by this ordinance.

ARTICLE IX
VARIANCES

Section 900. Where the Commission finds that extra-ordinary hardships may result from strict compliance with the design standards of this ordinance it may vary the standard so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of this ordinance. In granting variances and modifications, the Commission shall weigh the benefits or hardships against the general standards and objective of this ordinance; and may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

ARTICLE X
PENALTY

Section 1000. Anyone violating any of the provisions of this ordinance shall upon conviction, be subject to imprisonment not exceeding thirty (30) days, or a fine not exceeding \$100.00 for each day the violation continues.

ARTICLE XI
REPEALER

Section 1001. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

ARTICLE XII
SEVERABILITY CLAUSE

Section 1002. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.