

City of Sloan, Iowa Zoning Ordinance

February 2021



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Article 1: Title + Purpose

SECTION 1.01 TITLE

This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of the City of Sloan, Iowa.

SECTION 1.02 PURPOSE

The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safely 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 promote the conservation of energy resources; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

SECTION 1.03 MINIMUM REQUIREMENTS INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience, comfort, prosperity, sustainability, and general welfare.

SECTION 1.04 RELATIONSHIP TO CITY CODE

The use of buildings and land within the City of Sloan shall be subject to all applicable provisions of the City Code and other ordinances, as well as this Code, whether those other provisions of the City Code are specifically cross-referenced in this Code. Cross-reference to other provisions of the City Code found in this Code are provided for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other provisions of the City Code do not apply.

SECTION 1.05 RELATIONSHIP TO COMPREHENSIVE PLAN

It is the intention of this Ordinance to implement the goals, principles, and objectives reflected in the Comprehensive Plan as adopted by the City. While the City reaffirms its commitment that the provisions of this Ordinance and any amendment made to this Ordinance shall conform to adopted planning policies, the City acknowledges its intent that neither this Ordinance nor any amendment of this Ordinance may be challenged merely on the basis of an alleged nonconformity with the Comprehensive Plan.

SECTION 1.06 APPLICABILITY OF PRIOR ORDINANCES

- A. All violations of prior zoning or other Ordinances of the City, existing on the effective date of this Ordinance, shall continue to be violations and shall not be legal nonconforming situations under this Ordinance. The City shall have the same authority to secure civil remedies for violations of those Ordinances to the same extent that it may secure civil remedies for violations of this Ordinance.
- B. All permits, applications, certificates, and other authorizations submitted or approved prior to the effective date of the Ordinance shall be governed by the Ordinance in effect at the time of the submission or approval.

Article 2: Definitions

SECTION 2.01 RULES

For this Ordinance, the following rules shall apply:

- 2.01.01 Words and numbers used singularly shall include the plural. Similarly, words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.
- 2.01.02 The word “persons” includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent, or other representative.
- 2.01.03 The word “shall” is mandatory. The word “may” is permissive.
- 2.01.04 The words “use”, “used”, “occupy”, or “occupied” as applied to any land or building shall also include the words “intended”, “arranged”, or “designed”.
- 2.01.05 The word “lot” includes the words “parcel” or “plot”.
- 2.01.06 Undefined words or terms not herein defined shall have their ordinary meaning in relation to context.
- 2.01.07 In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.

SECTION 2.02 ABBREVIATIONS + ACRONYMS

For the purposes of these Ordinances, this section contains a listing of abbreviations and acronyms used throughout this document.

- ADA = Americans with Disabilities Act
- CFR = Code of Federal Ordinances
- EPA = Environmental Protection Agency

- IDNR = Iowa Department of Natural Resources
- FAA = Federal Aviation Administration
- FCC = Federal Communication Commission
- FEMA = Federal Emergency Management Agency
- GFA = Gross Floor Area
- HUD = US Department of Housing and Urban Development
- KV = Kilovolt
- KW = Kilowatt
- IDOT = Iowa Department of Transportation
- NPDES = National Pollutant Discharge Elimination System
- NRCS = Natural Resources Conservation Service
- USC = United States Code
- USACE = United States Army Corps of Engineers
- USDA = United States Department of Agriculture

SECTION 2.03 DEFINITIONS

See Appendix C for the complete definition section.

Article 3: Districts + Official Map

SECTION 3.01 DISTRICTS

To regulate and restrict the height, location, size, and type of buildings, structures, and uses allowed on land in the City, the City is hereby divided into districts in accordance with the Comprehensive Plan or Approved Land Use Map. Districts are detailed in Article 5.

SECTION 3.02 PROVISIONS FOR OFFICIAL ZONING MAP

- 3.02.01 The City is hereby divided into 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 the 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 in Section 3.02 of Ordinance No. (___) of the City of Sloan, Iowa”, together with the date of the adoption Ordinance. If, in accordance with the provisions of this Ordinance, changes are made in the 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.

- 3.02.02 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. 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 (Ordinance No. (___) of the City of Sloan, Iowa.” Unless the prior Official Zoning Map has been lost or substantially 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 4: General Provisions

SECTION 4.01 COMPREHENSIVE DEVELOPMENT PLAN RELATIONSHIP

These regulations are designed to implement various elements of the comprehensive development plan or approved land use plan as required by Iowa Code. Any amendment to the district regulations or map shall conform to the comprehensive development plan adopted by Sloan.

SECTION 4.02 GENERAL

The regulations set forth by this Ordinance within each district shall be the minimum standards applicable uniformly to each class or kind of building, structure, or land, except as provided hereinafter.

SECTION 4.03 SCOPE OF ORDINANCE

No building, structure, or land in the unincorporated areas shall hereafter be used or occupied; no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with the provisions of this Ordinance herein specified for the district in which it is located and except after receiving a zoning permit from the Sloan Zoning Administrator.

SECTION 4.04 ZONING VARIANCE STANDARDS

A variance is required if any of the following items are requested and the applicant can prove to the Board of Adjustment that the enforcement of this Ordinance will inflict an unnecessary hardship on the property owner, or if the property in question cannot yield a reasonable return without the requested variance.

- To reduce any required yard setbacks
- To exceed the bulk regulations or maximum height requirements
- To occupy a greater percentage of the lot area

SECTION 4.05 PLANNING + ZONING BOARD RECOMMENDATIONS

Pursuant to Iowa Code §414.6, it shall be the purpose of the Planning and Zoning Board to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning and Zoning Board shall make a preliminary report and hold public hearings thereon before submitting its final report to the City Council for final approval or disapproval.

SECTION 4.06 DISTRICT REGULATIONS, RESTRICTIONS, AND BOUNDARY CREATION

No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings, as well as, the location of the affected district(s) by naming township(s) and section(s) if possible, by describing the roads and streets that form the boundaries of the affected area shall be given by publication thereof in a paper of general circulation in the City at least one time, not less than four days or more than 20 days prior to such hearing.

SECTION 4.07 COURTESY NOTICE

Pursuant to Iowa Code §362.3, notification shall be published between 4 and 20 days in advance of a public meeting. A publication required by the City Code must be printed in a newspaper published at least once weekly and having general circulation in the City.

SECTION 4.08 JURISDICTION

The provisions of this Ordinance shall apply within the corporate limits of the City of Sloan, Iowa, and as may be amended by subsequent annexation.

SECTION 4.09 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance or municipal law, the ordinance or municipal law with the most restrictive provisions shall govern.

SECTION 4.10 ZONING AFFECT EVERY BUILDING AND USE

No building or land shall hereafter be used or reused and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the Ordinances herein specified for the district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a non-conforming use.

SECTION 4.11 LOT

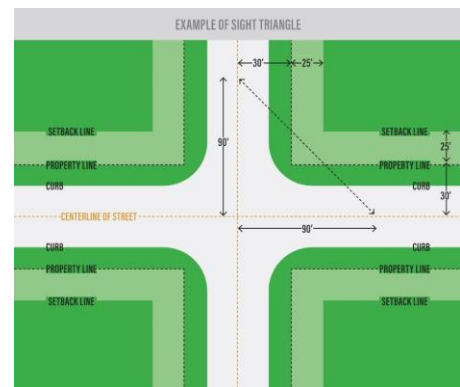
- 4.11.01 Every building hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one principal building on a lot unless otherwise provided.
- 4.11.02 More than one principal building of a single permitted use may be located upon a lot or tract in the following instances if recommended by the Planning and Zoning Board and approved by the City Council.
 - Institutional buildings
 - Public or semi-public buildings
 - Multiple-unit dwellings
 - Commercial or industrial buildings
 - Homes for the elderly
 - Agricultural buildings
 - Planned Unit Developments

SECTION 4.12 REDUCTIONS IN LOT AREA PROHIBITED

No lot, even though it may consist of one or more adjacent lots of record, shall be recorded in area so that yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

SECTION 4.13 OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS PROHIBITED

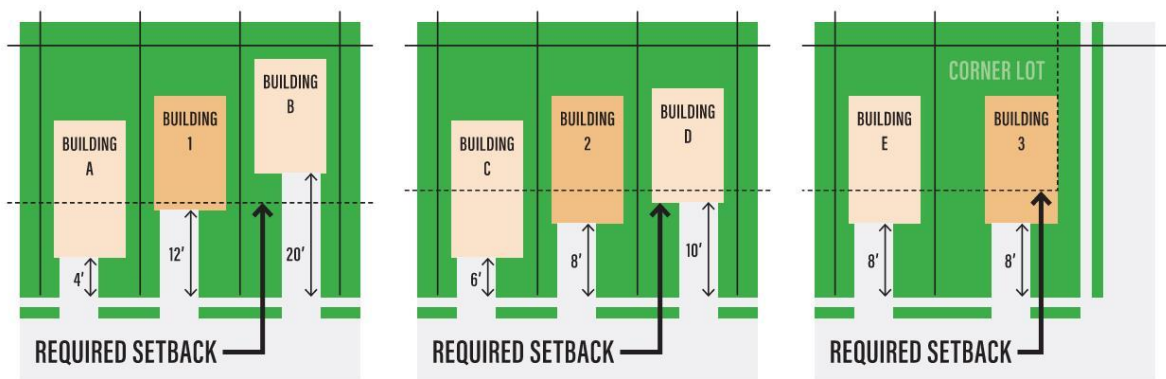
On a corner lot, there shall be provided an unobstructed view across a triangle formed by joining points measured 20 feet along the property line from the intersection of two streets or 15 feet along both the street and alley line from the intersection of a street and alley. Within the triangle there shall be no sight-obstructing or partly obscuring wall, fence, or foliage higher than 30 inches above grade or in the case of trees, foliage lower than five feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.



SECTION 4.14 YARD REQUIREMENTS

- 4.14.01 Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district, found in Appendix B. Front, side, and rear yards shall be provided in accordance with the Ordinances hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
- 4.14.02 No part of a yard, or other open space, or off-street parking or loading space, required 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 required for another building and/or lot.
- 4.14.03 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 the minimum requirements herein.
- 4.14.04 All accessory buildings when connected to the principal building (e.g. attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
- 4.14.05 The Zoning Administrator may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that 1) More than 40 percent of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this Ordinance, and 2) A minority of such structures have observed or conformed to an average setback line (see illustration below for different provisions).

GRAPHIC FOR SECTION 4.14.05: AVERAGE REQUIRED SETBACK DIAGRAM



EXAMPLE:

Setback, Building 1, Interior Lot:
One building less than required

$$\frac{\text{Setback Building A} + \text{Required Setback}}{2} = \text{Setback Building 1}$$

EXAMPLE:

Setback, Building 2, Interior Lot:
Both buildings less than required

$$\frac{\text{Setback Building C} + \text{Setback Building D}}{2} = \text{Setback Building 2}$$

EXAMPLE:

Setback, Corner Lot: Building 3

$$\text{Setback Building 3} = \text{Setback Building E}$$

- 4.14.06 The Zoning Administrator may permit a variation in rear yard setbacks to allow for new or relocated detached garages to conform to the average existing setback provided that, 1) More than 40 percent of the frontage on one side of an alley between intersecting streets is occupied by structures on the effective date of this Ordinance, and 2) A minority of such structures have observed or conformed to an average setback line. However, in no case shall this be permitted when Section 4.17.08 of this Ordinance applies.
- 4.14.07 Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed and the buildings on this side of a block have developed and observed a front yard setback greater than the depth herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings provided that no building shall be required to have a front yard setback greater than 50 feet.
- 4.14.08 Any side or rear yard in a residential district which is adjacent to any existing industrial use shall be no less than 40 feet or commercial use shall be no less than 10 feet and shall install and maintain landscaping and planting suitable to provide effective screening.
- 4.14.09 Any yard for a commercial or industrial use located within any Commercial or Industrial Zoning District, which is adjacent to any residential use or district, shall be increased to 40 feet and shall contain landscaping and planting suitable to provide effective screening; except in the Central Business District (CB).

Included in the increased yard, a solid or semi-solid fence or wall at least six, but not more than eight feet high, shall be provided adjacent to an adjoining residential district unless that adjacent residential district and industrial district are separated by a street right-of-way. Said fence shall:

1. Be maintained in good condition;
2. Be constructed of commercially available fencing;
3. When the fence exceeds six feet in height, it shall be required to be setback from the property line by one foot for every additional foot of height.

SECTION 4.15 DRAINAGE

No building, structure, or use shall be erected on any land and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel that will obstruct, interfere with, or substantially change the drainage form such land to the detriment of neighboring lands in accordance with Chapter 157 of the City Code.

SECTION 4.16 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

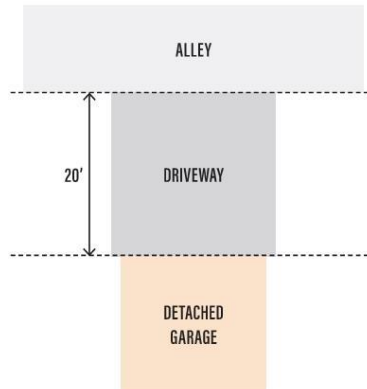
The following shall not be obstructions when located in the required yards:

- 4.16.01 All Yards
 - Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which will not exceed minimum requirements of the Americans with Disabilities Act (ADA) are necessary for access to a permitted building or for access to a lot from a street or alley;
 - Eaves, cornices, and similar features may extend one foot into a required yard except eaves may encroach three feet into a yard space when such yard space is 10 feet or more in width;
 - Open, uncovered porches or terraces no higher than the first floor above grade on the side of the building to which they are connected and no higher than 30 inches above grade where the porch or terrace is located. No railing or other barrier higher than 36 inches shall be placed around said porch or terrace; additionally, no barrier that interferes with the passage of light or air shall not be within five feet of any property line, except as otherwise provided in this title. Porches or terraces located on corner lots shall meet all established requirements for sight triangles;
 - Chimneys projecting 24 inches or less into the yard;
 - Playground and other recreational equipment;
 - Clothes lines;
 - Approved freestanding signs;
 - Arbors and trellises;
 - Flag poles;
 - Window air conditioners projecting not more than 18 inches into the required yard; and
 - Fences or walls subject to applicable height restrictions are permitted according to Section 9.05.
- 4.16.02 Rear and Side Yards:
 - Open, off-street parking spaces;
 - Outside elements of central air conditioning systems;
 - Emergency egress systems for basements on an existing structure.
- 4.16.03 Double Frontage Lots: the required front yard shall be provided on each street.

- 4.16.04 Building Groupings: for the purpose of the side yard Ordinance, a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

SECTION 4.17 ACCESSORY BUILDINGS + USES

- 4.17.01 No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of a principal building.
- 4.17.02 In no event shall an accessory building be used as a dwelling.
- 4.17.03 In no event shall a portable storage container be used as permanent storage or an accessory building within any residential district.
- 4.17.04 No accessory building shall be constructed in the required front yard.
- 4.17.05 No accessory building shall be erected in or encroached upon the required front yard on a corner lot or the front yard of a double frontage lot.
- 4.17.06 Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than three feet.
- 4.17.07 When a detached garage or other outbuilding is built within the required setback for a principal structure, the principal structure and detached building shall remain as separate structures and maintain the required separation distances found in Section 4.17.06 above.
- 4.17.08 When a detached garage has access to an alley, the rear yard setback shall be increased to 20 feet for garages directly accessing the alley from the garage and door is parallel to the alley. Otherwise it shall be a minimum of two feet.



- 4.17.09 All swimming pools shall comply with the 2009 International Residential Code, Appendix G and all subsequent versions.
- 4.17.10 Detached private garages and outbuildings in the Residential Districts within the corporate limits of Sloan for automobiles and/or storage use and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed of materials customarily used in residential construction (i.e. but limited to wood or steel stud framing, sheathing, and exterior finish).
 1. Be constructed of materials that meet building code requirements;
 2. The sidewalls of said building shall not exceed 12 feet in height;
 3. The maximum overall height of said building shall be:
 - A. 20 feet for detached garages and 20 feet for any other outbuilding (this shall apply only within the R-1, R-3, and RHM districts);
 - B. 30 feet for detached garages and any other outbuilding (this shall apply only within the A-1) district);
 4. Garages shall have an overhang of at least six inches;
 5. Garages shall have a maximum width of 36 feet;
 6. Garages shall be constructed and finished in materials customary to residential construction.

- 4.17.11 Ordinance of accessory uses shall be as follows:
 1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
 2. Service station pumps and pump islands may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.
 3. Storage and parking of any boat, boat trailer, camp trailer, or other vehicle shall not be permitted in the required front yard, except on the designated driveway. Said vehicles may be placed on crushed rock or hard surfacing in a rear yard.

Section 4.18 Permitted Modifications of Height Ordinances

- 4.18.01 The height limitations of this Ordinance shall not apply to:
 - Air Pollution Prevention Devices
 - Architectural features including Domes, Ornamental Towers, Cupolas, and Spires
 - Belfries
 - Chimneys
 - Church Spires
 - Commercial Elevator Penthouses
 - Conveyors
 - Cooling Towers
 - Elevator Bulkheads
 - Fire Towers
 - Flag Poles
 - Grain Elevators
 - Observation Towers
 - Public Monuments
 - Public and Semi-Public Buildings including hospitals, churches, group care facilities, schools, and water reservoir towers
 - Radio/Television Towers less than 125 feet tall
 - Silos
 - Smokestacks
 - Storage Towers
 - Tanks
 - Water Towers and Standpipes
 - Web Cameras and Meteorological Equipment

- 4.18.02 Exceptions to the height restrictions shall not be granted in cases where they would violate height restrictions of the aircraft approach and turning zone.
- 4.18.03 Any of the above except flagpoles and chimneys when located in any zoning district with a height limit of 45 feet or less, shall be allowed only upon a finding of the Board of Adjustment that the appurtenances will not be unduly detrimental to the surrounding property.
- 4.18.04 When permitted in a district, public, or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height about the height ordinances for the district in which the building is located.

SECTION 4.19 NONCONFORMING, GENERAL INTENT

It is the intent of the Ordinance to permit lawful non-conformities to continue until they are removed, but not encourage their continuation. Such uses are declared by the Ordinance to be incompatible with permitted uses in the district involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this title.

SECTION 4.20 NONCONFORMING LOTS OF RECORD

In any district, notwithstanding limitations imposed by other provisions of this Ordinance, a primary structure and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. 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 the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the Ordinances for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

SECTION 4.21 NONCONFORMING STRUCTURES

- 4.21.01 Authority to Continue: Any structure which is devoted to a use which is permitted in the zoning district which it is located, but is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.
- 4.21.02 Enlargement, Repair, Alterations: Any such structure described in Section 4.21.01 may be enlarged, maintained, repaired, or remodeled, provided, however, that no such enlargement, maintenance, repair, or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except structures located on a lot that do not comply with the applicable lot size requirements. The side yard requirements shall be in

conformance with Section 4.14 and established bulk regulations for the district, unless otherwise permitted by conditional use permit or approved or specified in the Residential District.

- 4.21.03 Damage or Destruction: In the event that any structure described in Section 4.21.01 is damaged or destroyed, by any means other than intentional destruction, to the extent of more than 50 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the Ordinances for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 4.20, shall not have a side yard of less than five feet. When a structure is damaged to the extent of less than 50 percent of its structural value, no repairs or restoration shall be made unless a building permit is obtained, and restoration is begun within one year after the date of such partial destruction and is diligently pursued to completion.
- 4.21.04 Abandonment: In the event that any structure described in Section 4.21.01 is abandoned for a period of 12 consecutive months or more, such structure shall not be resettled and/or restored unless it shall thereafter conform to the Ordinances for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 4.20, shall not have a side yard of less than five feet.
- 4.21.05 Moving: No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the Ordinance of the zoning district in which it is located after being moved.

SECTION 4.22 NONCONFORMING USES

- 4.22.01 Nonconforming Uses of Land: Where at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
 2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;
 3. If any such nonconforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- 4.22.02 Nonconforming Uses of Structures: If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption 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:

1. 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;
2. Any nonconforming 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 any land outside such building;
3. If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the Board of Adjustment either by general rule or by making findings in the specific case, shall find that proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguard in accordance with the provisions of this Ordinance;
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the Ordinance for the district in which such structure is located and the nonconforming use may not thereafter be resumed;
5. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the Ordinances of the district in which it is located;
6. Where nonconforming use status is applied to a structure and premises in combination, removal, or destruction of the structure shall eliminate the nonconforming status of the land.

SECTION 4.23 REPAIRS + MAINTENANCE

- 4.23.01 On any building devoted to, or in part to, any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing provided that the cubic content of this building as it existed at the time of passage of amendment of this Ordinance shall not be increased.
- 4.23.02 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.

SECTION 4.24 USES UNDER CONDITIONAL USE PERMIT NOT NONCONFORMING USES

Any use for which a special exception has been issued as provided in previous ordinances shall not be deemed a nonconforming use but shall without further action be deemed a conforming use in such district.

SECTION 4.25 TEMPORARY USES + PERMITS

- 4.25.01 The Zoning Administrator shall issue temporary permits for buildings to be constructed and used for storage incidental to the construction of buildings on the property and for signs advertising a subdivision or tract of land or the lots thereon. The permits shall not exceed 180 days unless otherwise stated:
 1. Model homes or apartments, if contained within the development to which they pertain.
 2. Public assemblies, displays, and exhibits.
 3. Commercial circuses, carnivals, fairs, festivals, or other transient events, if events are located on property owned by the sponsoring non-profit organization or are located within a commercial or industrial zoning district.
 4. Outdoor art shows and exhibits.
 5. Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
 6. Construction site offices, if located on the construction site itself.
 7. Outdoor special sales, provided that such sales operate no more than three days in the same week and 10 days in the same month and located in commercial or industrial zoning districts.
 8. Construction or Asphalt Batch Plants, provided that:
 - A. No plant may be located within 600 feet of a developed residential use, park, or school.
 - B. The facility is located no more than one mile from its job site. The Zoning Administrator, or its designee, may extend this distance to two miles if such extension avoids use of local streets by plant-related vehicles.
 - C. Hours of operation do not exceed 12 hours per hour.
 - D. The duration of the plant's operation does not exceed 180 days, but may be extended by the Zoning Administrator, if deemed appropriate.
- 4.25.02 Required Conditions of All Temporary Uses:
 1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.

2. The Zoning Administrator, or its designee, may establish other conditions which they deem necessary to ensure compatibility with surrounding land uses.
- 4.25.03 Permit Application and Issuance
 1. An application to conduct a temporary use shall be made to the Zoning Administrator and shall include at a minimum a description of the proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.
 2. The Zoning Administrator may authorize a temporary use only if they determine that:
 - A. The use will not impair the normal operation of a present or future permanent use on the site.
 - B. The use will be compatible with surrounding uses and will not adversely affect the public health, safety, morals, and welfare.
 - C. The duration of the permit shall be explicitly state on the permit.

SECTION 4.26 EASEMENTS

No structure or vegetation except for grasses shall be constructed or planted within the limits of any easement.

SECTION 4.27 INTERNATIONAL FIRE CODE

All new residential structures constructed with more than one living unit shall comply with the requirements for fire separation as indicated in the most current issue of the International Fire Code or any subsequent code. This provision does not include detached single-unit dwellings.

SECTION 4.28 CERTIFICATE OF OCCUPANCY

Issuance of a certificate of occupancy shall not be construed as an approval of a violation or the provisions of adopted codes or other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of the adopted codes or other ordinances of the jurisdiction shall not be valid. Additionally, a Certificate of Occupancy is contingent upon a new construction meeting City building codes and inspections by a city official or their designee.

SECTION 4.29 PROHIBITED USES

All uses which are not specifically permitted or are not permissible as a Conditional Use throughout each district of this Ordinance are prohibited until such time as the Ordinance is amended accordingly.

SECTION 4.30 FEES

The payment of all fees for any zoning or subdivision related action or permit request shall be required prior to the issuance or investigation of any said action or permit request. Such fees shall be adopted and published by the City Council by separate Resolution.

Article 5: Zoning Districts

SECTION 5.01 LAND USE DISTRICTS

For the purposes of this Chapter, the Municipality is hereby divided into eight districts, designated as follows:

(A-1)	Agricultural District
(R-1)	Low Density Residential District
(R-3)	Medium Density Residential District
(RMH)	Mobile Home Residential District
(CB)	Central Business District
(GB)	General Business District
(I)	Industrial District
(PUD)	Planned Unit Development

In addition to the eight zoning districts, this Ordinance also establishes a Floodplain Overlay (FP) District with regulations and restrictions outlined in Chapter 160 of the Code of Ordinances.

SECTION 5.02 BOUNDARIES + OFFICIAL ZONING MAP OF LAND USE DISTRICTS

The boundaries of the districts are hereby established as shown on the map entitled "Official Zoning Map of the City of Sloan, Iowa." Said maps and all explanatory matter thereon accompany and are hereby made a part of this Ordinance as if fully written herein. The Official Zoning District Map shall be identified by the signature of the Mayor and attested by the City Clerk. No changes shall be made on the Zoning District Map except as may be required by amendments to this Ordinance. Such changes shall be promptly indicated on the Zoning District Map with the Ordinance number, nature of change, and date of change noted on the map.

SECTION 5.03 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES ON THE OFFICIAL ZONING MAP

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be constructed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline;
6. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
7. Boundaries indicated as parallel to or extensions of feature indicated in subsections (1) to (6) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (1) to (7) above, the Board of Adjustment shall interpret the district boundaries.
9. 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 the extension of the Ordinances for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
10. When a district boundary line splits a lot, tract, or parcel that is in sole ownership, the zoning district with the most restrictive requirements may be extended over the entire property without amending the zoning map through the public hearing process.
11. When a lot, tract, or parcel is bisected by the extraterritorial jurisdiction boundary line, the jurisdiction with the greatest portion of the property shall have controlling interest.

SECTION 5.04 INTERPRETATION OF STANDARDS

Whenever regulations or restrictions imposed by this chapter are more restrictive or less restrictive than regulations or restrictions imposed by any governmental authority through legislative rule or regulation; the regulations, rules, or restrictions which are most restrictive, or which impose higher standards or requirements shall govern. Regardless of any other provision of this chapter, no land shall be used, and no structure erected

or maintained in violation of any pollution control or environmental protection law or regulation set forth by local, State, or Federal authority.

SECTION 5.05 USE MATRIX EXPLANATION

The Use Matrix found in Appendix A of this Ordinance is a listing of uses that may be allowed within the eight Zoning Districts and includes corresponding use definitions for some uses identified in the Matrix.

1. The different uses are grouped into general “Use Categories.”
2. The Zoning Districts included in the Matrix are Agricultural (A-1), Low Density Residential (R-1), Medium Density Residential (R-3), Mobile Home Residential (RHM), Central Business (CB), General Business (GB), Industrial (I), and Planned Unit Development (PUD).
3. All new development or substantial improvements to existing property occurring in the Floodplain (FP) Overlay District shall be in accordance with Chapter 160 of the City Code of Ordinances. The Floodplain Overlay District is not included in the Use Matrix found in Appendix A.

The different uses within the Matrix in Appendix A are Permitted (P), allowed upon approval of a Conditional Use Permit (C), Temporary (T), Not Permitted (-), allowed if specified in a Development Plan (DP) in a Planned Unit Development (PUD).

To determine if a specific use is allowed in a Zoning District, the following steps need to be followed:

1. Find the Use Type that matches your application
2. Look across the table and determine which Zoning Districts allow the Use Type.
3. Determine any special criteria for the use(s) by referring to the specific District or by referring to this Zoning Ordinance.
4. Determine where the specific Zoning Districts are by reviewing the Official Zoning Map.
5. Determine the necessary procedures to receive required permits or approvals after the land or property is in the control of the applicant.
6. When in doubt, please confer with the Zoning Administrator or Planning and Zoning Board.

SECTION 5.06 ANNEXATION + CONFORMANCE WITH THE LAND USE PLAN

All land which may hereafter be annexed into the City shall be zoned as (A-1) Agricultural District until such classification shall have been changed by amendment in accordance with the provisions of this Ordinance and reclassified in accordance with the City’s approved Comprehensive Plan.

SECTION 5.07 FLOODPLAIN OVERLAY (FP) DISTRICT

- 5.07.01 Intent: The Floodplain Overlay District is intended and designed to do the following:
 1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities;
 2. Require that uses vulnerable to floods are protected against flood damage at the time of initial construction or substantial improvement;
 3. Protect individuals from buying lands which may not be suited for their intended purposes because of flood hazard;
 4. And assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.
- 5.07.02 Additional Regulations: See Chapter 160 of the Code of Ordinances and all subsequent amendments

SECTION 5.08 AGRICULTURAL (A-1) DISTRICT

- 5.08.01 Intent: The Agricultural District is intended and designed to provide for continued agricultural use of certain areas that are not expected to develop with urban uses in the immediate future or development is not expected until the community can feasibly extend community services to ensure orderly and sustainable growth.
- 5.08.02 Principal Permitted Uses: Permitted uses in the “A-1” District shall include, but are not limited to, the following. Additional uses can be found in the Use Matrix in Appendix A of this Ordinance.
 1. Agricultural production, animal husbandry, and associated agricultural buildings and accessory structures
 2. Rural Residential and Single-Unit Residential (detached)
 3. Publicly owned facilities including museums, libraries, community centers, parks, playgrounds, golf courses, and recreation areas
 4. Places of religious assembly, provided that all principal buildings are set back a minimum of 50 feet from all property lines
- 5.08.03 Permitted Accessory Uses: Refer to the definitions of Accessory Uses and Structures in Section 4.17, as well as the permitted accessory uses outlined in the Use Matrix located in Appendix A of this Ordinance.

- 5.08.04 Conditional Uses: The uses identified in Appendix A with a “C” are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the “A-1” District as heard and approved by the Board of Adjustment.
- 5.08.05 Temporary Uses: Temporary Uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.25.
- 5.08.06 Bulk Regulations: Refer to Appendix B for Bulk Regulation requirements for the “A-1” District.
- 5.08.07 Off-Street Parking and Loading Requirements: Refer to Section 7.03 for Off-Street Parking + Loading Requirements.

SECTION 5.09 LOW DENSITY RESIDENTIAL (R-1) DISTRICT

- 5.09.01 The Low Density Residential District is intended and designed for low density residential areas in Sloan that are currently developed primarily with single unit detached dwellings and areas where similar types of residential development are likely to occur.
- 5.09.02 Principal Permitted Uses: Permitted uses in the “R-1” District shall include, but are not limited to, the following. Additional uses can be found in the Use Matrix in Appendix A of this Ordinance.
 1. Single unit dwellings, as well as two and three unit dwellings
 2. Places of religious assembly
 3. Public parks, playgrounds, or other public recreational uses
 4. Limited agricultural uses; provided that no offensive odors or dust are created, and provided further, that no retail sales shall be permitted on the premises
- 5.09.03 Permitted Accessory Uses: Refer to the definitions of Accessory Uses and Structures in Section 4.17, as the well as the permitted accessory uses outlined in the Use Matrix located in Appendix A of this Ordinance.
- 5.09.04 Conditional Uses: The uses identified in Appendix A with a “C” are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the “R-1” District as heard and approved by the Board of Adjustment.
- 5.09.05 Temporary Uses: Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.25.
- 5.09.06 Bulk Regulations: Refer to Appendix B for Bulk Regulation requirements for the “R-1” District.
- 5.09.07 Off-Street Parking and Loading Requirements: Refer to Section 7.03 for Off-Street Parking + Loading Requirements.

SECTION 5.10 MEDIUM DENSITY RESIDENTIAL (R-3) DISTRICT

- 5.10.01 Intent: The Medium Density Residential District is intended and designed for certain medium density areas in Sloan now developed with multi-unit dwellings and areas where similar residential development seems likely to occur.
- 5.10.02 Principal Permitted Uses: Permitted uses in the “R-3” District shall include, but are not limited to, the following. Additional uses can be found in the Use Matrix in Appendix A of this Ordinance.
 1. Uses permitted in the R-1 District
 2. Multi-unit dwellings, including row dwellings consisting of not more than six units in a continuous row, apartment complexes, and condominium dwellings
 3. Nursing, convalescent, and retirement homes
 4. Places of religious assembly
- 5.10.03 Permitted Accessory Uses: Refer to the definitions of Accessory Uses and Structures in Section 4.17, as well as the permitted accessory uses outlined in the Use Matrix located in Appendix A of this Ordinance.
- 5.10.04 Conditional Uses: The uses identified in Appendix A with a “C” are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the “R-3” District as heard and approved by the Board of Adjustment.
- 5.10.05 Temporary Uses: Temporary Uses may be permitted provided a Temporary Use Permit is obtained and said Temporary Use is eliminated at the expiration of the permit. See Section 4.25.
- 5.10.06 Bulk Regulations: Refer to Appendix B for Bulk Regulation requirements for the “R-3” District.
- 5.10.07 Off-Street Parking and Loading Requirements: Refer to Section 7.03 for Off-Street Parking + Loading Requirements.

SECTION 5.11 MOBILE HOME RESIDENTIAL (RMH) DISTRICT

- 5.11.01 Intent: The Mobile Home Residential District is intended for orderly and properly planned mobile home development. It provides opportunities for mobile home development within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.
- 5.11.02 Principal Permitted Uses: Permitted uses in the “RMH” District shall include, but are not limited to, the following. Additional uses can be found in the Use Matrix in Appendix A of this Ordinance.
 1. Specific community services and civic uses

2. Public parks and open space
 3. Residential living
- 5.11.03 Permitted Accessory Uses: Refer to the definitions of Accessory Uses and Structures in Section 4.17, as well as the permitted accessory uses outlined in the Use Matrix located in Appendix A of this Ordinance.
 - 5.11.04 Conditional Uses: The uses identified in Appendix A with a “C” are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the “RMH” District as heard and approved by the Board of Adjustment.
 - 5.11.05 Temporary Uses: Temporary Uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.25.
 - 5.11.06 Bulk Regulations: Refer to Appendix B for Bulk Regulation requirements for the “RMH” District.
 - 5.11.07 Off-Street Parking and Loading Requirements: Refer to Section 7.03 for Off-Street Parking + Loading Requirements.
 - 5.11.08 Special Design Criteria for this District:
 1. A mobile home development shall have a lot area of not less than two acres. No mobile homes or other structures shall be located less than 65 feet from the road centerline when contiguous to or having frontage to a County Road or State Highway. These areas shall be landscaped. The minimum lot depth for the mobile home development shall be 200 feet.
 2. Each lot provided for occupancy of a single mobile home dwelling shall have an area of not less than 3,000 square feet, excluding road right-of-way, and a width of not less than 40 feet. Each individual lot shall have:
 - A. Side yard setback shall not be less than five feet, except that on corner lots, the setback for all buildings shall be a minimum of 25 feet on the side abutting a street/road.
 - B. Front yard setback shall not be less than 20 feet, except the setback shall be 50 ft. if the lot is adjacent to a Residential “R” District or Public Street
 - C. Rear yard setback shall not be less than 10 feet.
 3. Height of buildings shall be:
 - A. Maximum height for principal uses shall be 30 feet
 - B. Maximum height for accessory uses shall be 10 feet

4. Each lot shall have access to a hard surfaced or crushed stone drive not less than 24 feet in width, excluding parking.
 5. Community water and community sewage disposal facilities shall be provided with connections to each lot, in accordance with design standards adopted by the City. The water supply shall be adequate for domestic use and for fire protection.
 6. Service buildings including adequate laundry and drying facilities.
 7. Storm shelters shall be required and meet the following criteria:
 - A. Shelter space equivalent to two persons per mobile home lot;
 - B. Designed in conformance with “National Performance Criteria for Tornado Shelters” by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA;
 - C. Shelters shall be sited to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.
 8. All trailer pad locations shall be hard surfaced with properly reinforced Poured in Place Concrete.
 9. Not less than 10 percent of the total court area shall be designated and used for park, playground, and recreational purposes for park occupants.
 10. Each mobile home dwelling shall be provided with a paved patio or equivalent, other than parking spaces, of not less than 150 square feet.
- 5.11.09 Special Requirements: All lots must be platted in accordance with the Subdivision Ordinances of the City of Sloan and shall also contain the following information:
A complete plan of the mobile home development shall be submitted showing:
 1. A development plan and grading plan of the mobile home park.
 2. The area and dimensions of the tract of land.
 3. The number, location, and size of all mobile home spaces.
 4. The area and dimensions of the park, playground, and recreation areas.
 5. The location and width of all circulation patterns, including roadways and walkways.
 6. The location of service buildings and any other proposed structures.
 7. The location of water and sewer lines and sewage disposal facilities.
 8. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park.

SECTION 5.12 CENTRAL BUSINESS (CB) DISTRICT

- 5.12.01 Intent: The Central Business District is intended to accommodate the variety of retail stores and related activities which occupy the prime area within the Central Business District. Uses permitted in the CB District are similar to those permitted in the General Business (GB) District, however, bulk regulations are not required due to the density of the existing development and desired character of the Central Business District.
- 5.12.02 Principal Permitted Uses: Permitted uses in the “CB” District shall include, but are not limited to, the following. Additional uses can be found in the Use Matrix in Appendix A of this Ordinance.
 1. Downtown Residential
 2. Community Services and Civic Uses
 3. Public Parks and Open Spaces
 4. Business and Professional Services
 5. Retail businesses or service establishments, provided that no merchandise shall be displayed for sale or rent in any required yard abutting a public street or right-of-way
- 5.12.03 Permitted Accessory Uses: Refer to the definitions of Accessory Uses and Structures in Section 4.17, as the well as the permitted accessory uses outlined in the Use Matrix located in Appendix A of this Ordinance.
- 5.12.04 Conditional Uses: The uses identified in Appendix A with a “C” are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the “CB” District as heard and approved by the Board of Adjustment.
- 5.12.05 Temporary Uses: Temporary Uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.25.
- 5.12.06 Bulk Regulations: Refer to Appendix B for Bulk Regulation requirements for the “CB” District.
- 5.12.07 Off-Street Parking and Loading Requirements: Refer to Section 7.03 for Off-Street Parking + Loading Requirements.
- 5.12.08 Use Limitations:
 1. When adjacent to any residential district, no parking, drives, or signs shall be allowed in the required front yard within 15 feet of such residential district.
 2. No outdoor storage shall be permitted unless other provisions of this Ordinance or City Code allow for this condition.

3. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
4. Any firearm and ammunition sales shall require a permit from the Bureau of Alcohol, Tobacco, and Firearms, or its successor agency.

SECTION 5.13 GENERAL BUSINESS (GB) DISTRICT

- 5.13.01 Intent: The General Business District is intended to provide space for general retail and professional office uses, and the efficient development of retail shopping areas. The district includes commercial property existing along major streets and highways in the City. The uses permitted are intended to accommodate both the general retail consumer and the needs and services of the automobile traveling public. It is not intended that any new residential development be permitted in the GB District, except as an incidental use to one of the principal uses listed in this section.
- 5.13.02 Principal Permitted Uses: Permitted uses in the “GB” shall include, but are not limited to, the following. Additional uses can be found in the Use Matrix in Appendix A of this Ordinance.
 1. Any use permitted in the CB District
 2. Public and Civic Facilities
 3. Retail businesses or service establishments, provided that no merchandise shall be displayed for sale or rent in any required yard abutting a public street or right-of-way
 4. Daycares, Public, and Private Schools
 5. Public Parks and Open Spaces
 6. Public and Private Utilities
 7. Businesses and Professional Services
- 5.13.03 Permitted Accessory Uses: Refer to the definitions of Accessory Uses and Structures in Section 4.17, as the well as the permitted accessory uses outlined in the Use Matrix located in Appendix A of this Ordinance.
- 5.13.04 Conditional Uses: The uses identified in Appendix A with a “C” are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the “GB” District as heard and approved by the Board of Adjustment.
- 5.13.05 Temporary Uses: Temporary Uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.25.
- 5.13.06 Bulk Regulations: Refer to Appendix B for Bulk Regulation requirements for the “GB” District.

- 5.13.07 Off-Street Parking and Loading Requirements: Refer to Section 7.03 for Off-Street Parking + Loading Requirements.
- 5.13.08 Use Limitations:
 1. When adjacent to any residential district, no parking, drives, or signs shall be allowed in the required front yard within 15 feet of such residential district.
 2. No outdoor storage shall be permitted unless other provisions of this Ordinance or City Code allow for this condition.
 3. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
 4. Any firearm and ammunition sales shall require a permit from the Bureau of Alcohol, Tobacco, and Firearms, or its successor agency.

SECTION 5.14 INDUSTRIAL (I) DISTRICT

- 5.14.01 Intent: The Industrial District is intended and designed to provide for the location of manufacturing, warehousing, and industrial. In addition, no new residential uses shall be permitted except as provided by this section. Adult Entertainment Facilities are included in this Zoning District. The intent of the Sloan Zoning Ordinance in including these uses in this district is not to prohibit these uses but to regulate the secondary effects of the uses within the community.
- 5.14.02 Principal Permitted Uses: Permitted uses in the “I” shall include, but are not limited to, the following. Additional uses can be found in the Use Matrix in Appendix A of this Ordinance.
 1. Manufacturing, assembling, compounding, processing, or packaging materials
 2. Laboratories; research, experimental, and testing
 3. Warehousing and storage
 4. Automotive services, salvage services and junk yards
 5. Adult Entertainment Uses
- 5.14.03 Permitted Accessory Uses: Refer to the definitions of Accessory Uses and Structures in Section 4.17, as the well as the permitted accessory uses outlined in the Use Matrix located in Appendix A of this Ordinance.
- 5.14.04 Conditional Uses: The uses identified in Appendix A with a “C” are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the “I” District as heard and approved by the Board of Adjustment.

- 5.14.05 Temporary Uses: Temporary Uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.25.
- 5.14.06 Bulk Regulations: Refer to Appendix B for Bulk Regulation requirements for the “I” District.
- 5.14.07 Off-Street Parking and Loading Requirements: Refer to Section 7.03 for Off-Street Parking + Loading Requirements.
- 5.14.08 Use Limitations:
 1. When adjacent to any residential district, no parking, drives, or signs shall be allowed in the required front yard within 15 feet of such residential district.
 2. When adjacent to any residential district, new construction shall provide permanent screening with a height of 80 inches if utilizing a fence, pursuant to Section 9.05, in order to minimize impacts on residentially zoned property.
 3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted. No display of merchandise shall be allowed on a public right-of-way.
 4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
 5. When adjacent to an alley, the width of the alley shall be included in computing the minimum rear yard setback.
 6. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of those lots maintained as landscaped area.
- 5.14.09 Performance Standards: See Section 9.06 of the Supplemental Ordinances.

SECTION 5.15 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

- 5.15.01 Intent: The Planned Unit Development (PUD) is intended to encourage the creative design of new living and retail areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings and open space, while promoting the health, safety, welfare, and morals of existing and future residents of surrounding neighborhoods.

When a PUD District is requested, it will require a change of zone with the PUD being attached to the primary district. Once the rezoning is approved, the allowed uses and standards herein shall modify the minimum requirements of the underlying district.

- 5.15.02 Principal Permitted Uses: The following uses are permitted in the Planned Unit Development District provided the requirements of this Article are met. Appendix A shows more information for use types that may be permitted in a Development Plan.

1. All uses are allowed as permitted in the primary district.
- 5.15.03 Permitted Accessory Uses: Refer to the definitions of Accessory Uses and Structures in Section 4.17, as well as the permitted accessory uses outlined in the Use Matrix located in Appendix A of this Ordinance.
 1. All accessory uses allowed within the primary district.
 - 5.15.04 Conditional Uses: The uses identified in Appendix A with a “C” are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the “PUD” District as heard and approved by the Board of Adjustment.
 1. All uses allowed as a conditional use in the primary district.
 - 5.15.05 Temporary Uses: Temporary Uses: Temporary Uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.25.
 1. All uses allowed as a temporary use in the primary district.
 - 5.15.06 Supplemental Regulations:
 1. The Planning and Zoning Board, in its minutes, shall set forth its reason for recommendation of approval or denial of the application for a PUD plan approval, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.
 - A. Said PUD shall be in general conformity with the provisions of the Sloan Comprehensive Plan.
 - B. Said PUD shall not have a substantially adverse effect on the development of the neighboring area.
 - C. The minimum size allowed for a PUD District by type of use shall be as follows:
 - i. Residential (only), two acres;
 - ii. Mixed-Use (residential and commercial), four acres.
 - D. Height, bulk, and yard requirements shall be reflected on the Development Plan (DP) and shall promote an efficient and creative use of land.
 2. Use Limitations: In a PUD, no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except for any use permitted in the District. All uses must be approved as shown on the Development Plan as specified in this division.
 3. Standards and Conditions for Development: A development for proposed land classified in the PUD district shall include the following general standards for the use of land, and the use, type,

bulk and location of buildings, the density or intensity of use, open space, public facilities, and the Development Plan shall, where applicable, reflect compliance.

- A. The applicant shall satisfy the Planning and Zoning Board and City Council that the applicant is able to carry out the proposed plan, including financial assurances and the phasing of the project, and shall prepare and submit a schedule of construction, if necessary. The proposed construction shall begin within a period of 12 months following the approval of the final application by the City Council. If the approved schedule of construction expires under this section, the applicant shall show good cause to the Planning and Zoning Board to extend the plan approval.
- B. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the City Council to be reasonably required to assure performance in accordance with the Development Plan and to protect the public interest in the event of abandonment of said plan before completion.
- C. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.
- D. The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
- E. The entire tract or parcel of land to be occupied by the proposed PUD shall be held in single ownership or control at the time of application, or if there are two or more owners, the application for the proposed PUD shall be filed jointly by all owners. This provision may be waived provided that the land contains existing improvements.
- F. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a PUD not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved as shown on the Development Plan.
- G. Off-street parking and loading shall be provided in accordance with the parking and loading Ordinances of the City of Sloan. See Article 7 for the specific parking and loading requirements depending on the proposed uses in the PUD.
- H. When a commercial use within a PUD District abuts a residential district, the Development Plan shall reflect screening consisting of landscaping or fencing provided

adjacent to any adjoining residential district; except in the event the adjacent residential use and the commercial use are separated by a street right-of-way.

- I. All residential and commercial buildings shall set back not less than 25 feet from the perimeter of the land zoned PUD. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the Planning and Zoning Board for protection of health, safety, general welfare, and morals of the City.
- J. Building coverage area shall not exceed the following percentages of the net developable area of each individual parcel of the total development:

Residential: 60 percent minimum

Commercial: 50 percent minimum

Note: Building coverage area, is the area covered by building(s) or structure(s) on each individual lot or parcel (not including such impervious improvements such as but not limited to walkways, driveways, patios, etc.). The net developable area shall be the area of each parcel and the net of any required yard required under the Development Plan. The Development Plan shall reflect the calculations used to demonstrate compliance with this requirement.

- K. A minimum requirement of 20 percent of the net area of that part of a PUD reserved for residential use shall be provided for Common Areas as defined by this Ordinance under subsection (O) below. The term 'net area' shall be the gross area, measured in square feet, of the Development Plan devoted to the residential use less the area dedicated for public streets. Common Areas shall be defined as playgrounds, street medians, landscaped green space, or other similar areas designed to be used by the residents of the development in common with each other. Common Areas for leisure and recreation of development shall be owned and maintained in common by residents through a homeowner's association.
- L. The PUD District shall include such provisions for the ownership and maintenance of the Common Areas as are reasonably necessary to insure its continuity, care, conservation, and maintenance, and to insure that remedial measures will be available to the City Council if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the PUD or of the entire community. The applicant shall submit any protective covenants and organizational documents of the homeowner's association with the Development Plan, if applicable.

- M. Any commercial use must reflect its traffic on the Development Plan. All commercial areas must have indirect access via a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets.
 - N. Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the PUD.
 - O. Common Areas as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures, community buildings, or accessory structures, except recreational structures. Common Areas shall include open space that is accessible and available to all owners or residents in common pursuant to an Owner's Association.
- 5.15.07 Application for Approval of a Planned Unit Development:
 1. An application for PUD shall be handled in the same manner prescribed for amending this Ordinance. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.
 2. The applicant shall prepare and submit 11 copies of the development plan (the 'Development Plan' or 'DP') of the proposed development in the PUD District for review and approval by the Planning and Zoning Board. The Development Plan shall include:
 - A. A site plan showing:
 - Contours at intervals of two feet or spot elevations on a one-hundred-foot grid shall be required on flat land;
 - Location, size, height, and use of all proposed structures and proposed yards on each lot;
 - All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas;
 - All streets adjoining subject property and the width of the existing right-of-way;
 - Areas set aside for Common areas with the type of use or recreational facilities planned for each;
 - Designation of individual parcels if the proposed development is to be set up in separate construction phases;
 - Designation of individual lots if such lots are proposed to be sold to individual owners;

- Location of required screening;
 - Location of natural features such as ponds, tree clusters, and rock outcropping;
 - Existing development on adjacent properties within 200 feet, including their current zoning classification.
- B. The site plan described above shall also include a general provisions section that details the following items, when applicable:
- Net area in square feet of the development. (Note: Net area shall be computed as the gross area less the land dedicated or necessary to be dedicated for public street right-of-way.)
 - Building coverage of the net area of the development by individual parcel or total development.
 - The percentage of the Development Plan provided for common open space as defined by this Ordinance. (Note: Twenty percent is the minimum for the PUD district.)
 - If more than one parcel is proposed, a statement relating to the sequence of development shall be included.
 - Required number of parking spaces and location adhering to the requirements set forth in this Ordinance.
 - All proposed land uses shall be listed by parcel.
- C. A statement or adequate drawings shall be included describing the manner for the disposal of sanitary wastewater and storm water.
- D. The full legal description of the boundaries of the property or properties to be included in the proposed PUD.
- E. A vicinity map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the proposed PUD.
- F. When a PUD includes provisions for common space or recreational facilities, a statement describing how much open space and/or facility will be owned and maintained when not under the ownership of a governmental entity. A homeowner association or other controlling entity shall provide the City of Sloan with copies of the proposed articles of incorporation and bylaws of such entity.

- 5.15.08 Final Approval:
 1. After approval of a Development Plan (DP) and prior to the issuance of any building permit or zoning permit, the applicant shall apply for final approval with the PUD development compliance review committee. The PUD development compliance committee shall consist of members of the Sloan Planning and Zoning Board, Sloan City Council, the Zoning Administrator, the Sloan City Attorney, and the Sloan City Engineer; this committee will be assembled only on an as needed basis. Said final application may include the entire PUD District or may be for a unit or section thereof as set forth in the approval of the preliminary plan. The application shall include 11 copies of such drawings, specifications, covenants, easements, conditions, and any other conditions including but not limited to performance bonds. The final plan shall include the same information, as the preliminary plan except the following shall also be provided:
 - A. A surveyor's certificate that confirms the accuracy of the boundary surveys shown;
 - B. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public right-of-way;
 - C. All easements and appropriate building setback lines;
 - D. All lot lines, and lot dimensions, including chord distances for curvilinear lot lines;
 - E. Lot and/or parcel numbers;
 - F. Location, size, height, and use of all proposed or present buildings;
 - G. Dedication of all streets, public highways, or other land intended for public use, signed by the owner and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property;
 - H. A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of streets and alleys to conform to grades established.
 2. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval by the Planning and Zoning Board, provided any modification of the Development Plan does not:
 - A. Vary the proposed intensity of use by more than five percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area; nor
 - B. Increase by more than 10 percent the floor area proposed for non-residential use; nor
 - C. Increase by more than five percent the total ground area covered by buildings nor involved in a substantial change in the height of buildings.

D. Substantially change the design of the plan to significantly alter:

- Pedestrian or vehicular traffic flow;
 - The juxtaposition of different land uses;
 - The relation of open space to residential development;
 - The proposed phasing of construction;
 - Proposed use of one or more buildings to a more intensive use category as delineated in this Article.
3. A public hearing does not need to be held for the approval of a final design if it is in substantial compliance with the approved preliminary plan. The Planning and Zoning Board shall, within thirty business days of the time filing, review the final plan for compliance with the approved preliminary plan. Upon review approval, said final plan shall be filed with the City Council for approval and acceptance.
4. If the final plan submitted contains changes in excess of those permitted under subparagraph (2) above, the applicant shall resubmit the original plan. The Development Plan (DP) shall be modified in the same manner prescribed in this division as for original approval.
- **5.15.09 Enforcement and Modification of Plan:** The enforcement and modification of the provisions of the plan as approved in final form, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions to further the mutual interest of the residents and owners of the PUD and general public:
 1. The use of land and the use, bulk, and location of buildings and structures; and
 2. The quality and location of common space; and
 3. The intensity of use or the density of residential units shall favor the City's future development plans; and
 4. Shall be enforceable in law or in equity, by the City, without limitation on any powers or Ordinance otherwise granted by law. The development of any land pursuant to an approved Development Plan shall be constructed in accordance with the requirements of Section 5.15 and approved Development Plan.
 - **5.15.10 Amendments:** The PUD District agreement or a Development Plan may be amended in the same manner described in this division for approval of a preliminary or final plan. Application for amendment may be made by a homeowner's association or 51 percent of the owners of the property within the PUD District.

- 5.15.11 Platting: For unplatted tracts or tracts being replatted, the approval of the Development Plan shall be considered as the approval of a preliminary plat. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision Ordinances, except the scale shall be 100 feet, 50 feet, or 20 feet to the inch.
- 5.15.12 Fees: For the following applications, fees shall be paid to the City:
 1. Development Plan, filing fee shall be set by the City Council by separate ordinance;
 2. Final Plan, filing fee shall be set by the City Council by separate ordinance.

These fees are separate and do not include any Preliminary and Final Plat Fees or any Change of Zoning District Fees required by the City of Sloan.

Article 6: Conditional Use Permits

SECTION 6.01 INTENT

Allowable conditional uses may be permitted, enlarged, or altered upon application for a Conditional Use Permit in accordance with the rules and procedures of the Board of Adjustment. The Board of Adjustment will grant or deny a Conditional Use Permit in accordance with the standards and provisions set forth herein with the intent and purpose of this Ordinance. In granting a Conditional Use Permit, the Board of Adjustment will authorize the permit and may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the granted Conditional Use Permit.

The Conditional Use Permit process provides for flexibility in identifying special conditions or uses without making the Ordinance unreasonably complicated. The objective of the Conditional Use Permit process is to encourage compatibility of the proposed development or modification with the environment and with existing and future land uses in the area.

SECTION 6.02 CONDITIONAL USE PERMIT REQUIRED

Those uses which require a Conditional Use Permit are listed in Appendix A, shown with the letter 'C'.

SECTION 6.03 APPLICATION FOR CONDITIONAL USE PERMIT

A request for a Conditional Use Permit for a special use or modification of a conditional use may be initiated by a property owner or their authorized agent by filing an application with the Zoning Administrator. The application shall be accompanied by a site plan and other corresponding plans and data showing the dimensions, arrangement, descriptive data, and other materials constituting a record essential to understanding the proposed use and modification in relation to the standards outlined herein. The application shall also be accompanied with a fee outlined in the separately approved fee schedule.

SECTION 6.04 ISSUANCE OF CONDITIONAL USE PERMIT

Prior to issuance of a Conditional Use Permit, the Board of Adjustment will consider the application for the special use permit at a meeting held at the call of the Chairman within 30 days after the initial filing of the application. The concurring vote of the majority of the Board of Adjustment will be necessary to grant a Conditional Use Permit.

SECTION 6.05 NOTIFICATION

Notification will be posted as per Section 4.07.

SECTION 6.06 STANDARDS FOR APPROVAL

The Board of Adjustment shall review the proposed or modified development for conformance to the following criteria:

1. That the establishment, maintenance, or operation of the special use will not be detrimental or endanger the public health, safety, morals, or general welfare of the community.
2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose and use already permitted, nor substantially diminish and impair property values within the surrounding area.
3. That the establishment of the special use will not impede the normal and orderly development or improvement of the surrounding properties for uses permitted in the district.
4. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress, designed to minimize traffic congestion in the public right-of-way.
6. The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate firefighting and fire suppression equipment and safety devices that are normally used in the handling of such materials.
7. The use shall not include noise levels which are objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
8. The use shall not include vibration which is discernable without instruments on any adjoining lot or property.
9. The use shall not involve any malodorous gas or matter which is discernable on adjoining lot or property.

10. The use shall not involve any pollution of the air by fly-ash dust vapors or other substance which is harmful to health, animals, vegetation, or other property; or which can cause soiling, discomfort, or irritation.
11. The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
12. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
13. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for necessary adjustments.

SECTION 6.07 BURDEN OF PERSUASION

The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this chapter is always on the applicant. The burden of presenting evidence to the Board of Adjustment sufficient for it to conclude that the application does not comply with the requirements of this section is upon the person or persons recommending such a conclusion, unless the information presented by the applicant warrants such a conclusion.

SECTION 6.08 BOARD OF ADJUSTMENT ACTION ON APPLICATIONS

In considering whether to approve an application for a conditional use permit, the Board of Adjustment shall proceed according to the following format:

1. The Board of Adjustment shall establish a finding of facts based upon information contained in the application, Zoning Administrator recommendation, and presented at the Board of Adjustment hearings.
2. The Board shall consider reasonable requirements or conditions to the permit to ensure the development or modification will satisfy the requirements of this chapter.
3. The Board of Adjustment shall consider whether the application complies with all the applicable development criteria set forth in Section 6.06. Separate votes may be taken with respect to each criterion. If the Board of Adjustment concludes that the application fails to meet one or more of the criteria, the application shall be denied.
4. If the Board of Adjustment concludes that all such criteria have been met, the application shall be approved unless the Board adopts a motion stating that the application fails to meet any of the standards set forth in Section 6.06. Separate votes may be taken with respect to each standard.

Any such motion regarding compliance or noncompliance of the application to the development criteria or approval standards shall specify the supporting reasons for the motion. It shall be presumed the application complies with all criteria and standards that are not specifically found to be unsatisfied.

The Board of Adjustment may also include a condition limiting the duration of the permit. All conditions or requirements shall be entered on the permit and recorded at the time of Board of Adjustment consideration.

SECTION 6.09 EXPIRATION OF PERMITS

A conditional use permit shall expire automatically if (A) within one year after issuance, substantial action has not been taken to accomplish the purpose for which the permit was granted, or (B) after substantial action has been taken and work is subsequently discontinued for a period of one year, the permit shall immediately expire, or (C) if the conditional use has been established and subsequently discontinued for a period of one year, the permit shall immediately expire.

The Board of Adjustment may extend a permit for one year after a permit would otherwise expire if the Board of Adjustment concludes that (A) the permit has not expired, or (B) the permit recipient has proceeded in good faith and with due diligence, or (C) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to one year at a time upon the same findings.

For purposes of this section, the conditional use permit is issued when the Board of Adjustment votes to approve the application and plans. Substantial action shall include commencement of construction, erection, alteration, demolition, or similar work required for the development authorized by the permit. With respect to phased development, this shall apply only to the first phase.

SECTION 6.10 EFFECT OF PERMIT ON SUCCESSORS + ASSIGNS

A conditional use permit authorizes the permit holder the use of land or structures in a specific way, subject to certain conditions. As such, it is transferable. However, no person (including successors or assigns of the original permit holder) may make use of the land or structures covered under such permit except in accordance with all terms and requirements of the permit, so long as the permit remains in effect.

SECTION 6.11 AMENDMENTS + MODIFICATIONS

Insignificant or minor modifications to the approved permit are permissible upon authorization by the Zoning Administrator. Such permission may be obtained without a formal application, public hearing, or payment of fees. A modification is insignificant if it has no discernable impact on neighboring properties, the public, or those intended to use or occupy the proposed development.

All other requests for modifications to the approved permit will be processed as new applications. New conditions may be imposed by the Board of Adjustment, but the applicant retains the right to reject such new

conditions by withdrawing the request for modifications and proceeding under the terms and conditions of the original permit. The permit holder requesting approval of modifications shall submit a written request (including plans as necessary) for such approval to the Administrator. Approval of all modifications must be given in writing.

Article 7: Parking Requirements

SECTION 7.01 PURPOSE

The Off-Street Parking Ordinance requires that developments provide parking in proportion to the need created by each use. The Parking Ordinance further establishes standards for the functional design of parking facilities. This Ordinance is intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

SECTION 7.02 OFF-STREET AUTOMOBILE STORAGE

- 7.02.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the uses or similar uses found in Section 7.03.
- 7.02.02 Off-street automobile storage or standing space shall be provided with vehicular access to a street or an alley.
- 7.02.03 For purposes of computing the number of parking spaces available in an area, the ratio of 250 square feet per parking space shall be used. Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one half shall be disregarded and any fraction of one half or more shall require one space.
- 7.02.04 All parking spaces for single-unit, two-unit, and multi-unit dwellings, rooming and boarding houses, convalescent homes, and mobile homes shall be paved with asphalt or concrete.
- 7.02.05 In the R-1 and R-3 Districts, required off-street parking for residential uses shall be provided on the lot where the use is located. In all other Districts, if the vehicle storage space or standing space required in Section 7.03 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Planning and Zoning Board and City Council, the City Council may permit such space to be provided on another off-street property, provided such space lies within 400 feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- 7.02.06 Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.

- 7.02.07 Some uses may require two different use types to be calculated together to determine the total parking requirement, i.e. primary schools may require a calculation for classrooms and another for assembly areas.
- 7.02.08 The parking requirements herein do not apply to the Central Business District (CB).
- 7.02.09 All off-street parking conditions shall meet the ADA requirements in Section 7.05 of this Ordinance.

SECTION 7.03 SCHEDULE OF MINIMUM OFF-STREET PARKING + LOADING REQUIREMENTS

Table 7.1: Minimum Off-Street Parking and Loading Requirements

USES	PARKING REQUIREMENTS	LOADING REQUIREMENTS
Commercial and Industrial Uses		
Adult Entertainment Establishments	1 space per 2 persons of licensed capacity	None required
Agricultural Sales/Service	1 space per 500 sf. of gross floor area	One space per each 5,000 sf.
Automotive Rental/Sales	1 space per 500 sf. of gross floor area	One space per each 5,000 sf.
Automotive Services	4 spaces per service capacity	One space per each 5,000 sf.
Barber Shop/Hair Salon	2 spaces per chair	None required
Boarding Houses/Bed and Breakfasts	1 space per rental unit	None required
Body Repair	5 spaces per repair stall	None required
Bowling Alleys	5 spaces per alley + 1 space per 2 employees	One space per establishment
Campground	1 space per camping unit	None required
Commercial Recreation	1 space per 2 persons of licensed capacity	One space per establishment
Construction Sales/Services	1 space per 500 sf. of gross floor area	One space per establishment
Dance Hall, Skating Rink	Greater of the two: 1 space per 40 sf. of dining area, or 1 space per 150 sf. of gross floor area	One space per establishment
Equipment Rental/Sales	1 space per 500 sf. of gross floor area	One space per establishment
Food Sales	1 space per 200 sf. of gross floor area	Two spaces per establishment
Funeral Homes, Mortuaries, and Chapels	Greater of the two: One space per 3 seats in chapel, or One per 50 sf. of public area	One space per hearse, ambulance or another non-passenger vehicle
Furniture and Appliance Stores	1 space per 500 sf. of gross sales space	One for the first 5,000 sf. plus one for each additional 20,000 sf. or major fraction thereof
General Retail Sales Establishments	1 space per 200 sf. of gross floor area	One for the first 5,000 sf. plus one for each additional 30,000 sf. or major fraction thereof
Home Based Businesses (not explicitly mentioned elsewhere in this table)	2 spaces for non-related employees, 2 spaces for client/visitor parking	None required
Industrial Uses	.75 times the maximum number of employees during the largest shift	None required
Laundry Services	1 space per 200 sf. of gross floor area	None required
Lodging	1 space per rental unit plus 1 for each 200 sf. of public meeting area	One space per establishment

Offices and Office buildings	1 space per 300 sf. of gross floor area plus 1 space per 2 employees	None required
Restaurants with Drive-Thru	Greater of the two: 1 space per 40 sf. of dining area, or 1 space per 150 sf. of gross floor area	One space per establishment
Restaurants (General)	One per each 2.5 seats	One space per establishment
Service Oriented Establishments	1 space per 200 sf. of gross floor area	One per each 2.5 seats
Stables and/or Riding Academies	1 space per employee plus 1 space per 400 sf. of indoor facility	None required
Taverns, Bars, and Night Clubs	One per each 2.5 seats	One space per establishment
Veterinary Establishments	1 space per 500 sf. plus 1 space per staff doctor	One space per establishment
Wholesaling/Distribution Operations	1 space per 2 employees on the largest shift	Two spaces per establishment
Residential Use Types		
Group Care Facilities	0.5 space per dwelling unit	One space per structure
Duplex	2 spaces per dwelling unit	None required
Multi-Family Unit or Apartments	2 spaces per apartment; 1 guest space per 2 units in complexes with more than 4 units	One space per building containing 10 dwelling units + one additional space for each 20 units or major fraction thereof
Civic, Public, or Semi-Public Use Types		
Auditoriums/Stadiums and Arenas	1 space per 4 seats in main assembly area	None required
Churches, Synagogues, and Temples	1 space per 4 seats in main assembly area	None required
Clubs and Community Centers, including fraternal organizations	1 space per 500 sf. of gross floor area	None required
Convalescent & Nursing Home Services	1 space per 4 beds + 1 per employee on the largest shift	Two spaces per structure
Daycare Facility	1 space per employee plus 1 space or loading stall per each 5 persons of licensed capacity	None required
Educational Uses, Primary Facilities	2 spaces per classroom	Two spaces per structure
Educational Uses, Secondary Facilities	8 spaces per classroom plus 1 space per employee on largest shift	Two spaces per structure
Group Care Facility	1 space per 4 persons of licensed capacity	Two spaces per structure
Hospitals	One space per two licensed beds	Three spaces per structure
Medical Clinics	5 spaces per staff doctor, dentist, chiropractor	None required
Public Facilities	1 space per 400 sf. of gross area plus 1 space per 2 employees	One space per structure
Theaters/Auditoriums/Places of Assembly	1 space per 4 persons of licensed capacity	One space per establishment

SECTION 7.04 OFF-STREET PARKING: SHARED PARKING REQUIREMENTS

Notwithstanding the provisions of Section 7.03, in cases where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in a common parking lot is likely to occur, compliance with the standard parking ratios may be decreased with a variance by the Board of Adjustment.

SECTION 7.05 OFF-STREET PARKING: PARKING FOR INDIVIDUALS WITH DISABILITIES

- 7.05.01 In conformance with the Americans with Disabilities Act (ADA) and the Iowa Accessibility Guidelines per Chapter 661-18 of the IAC, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. They may be provided in a different lot, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

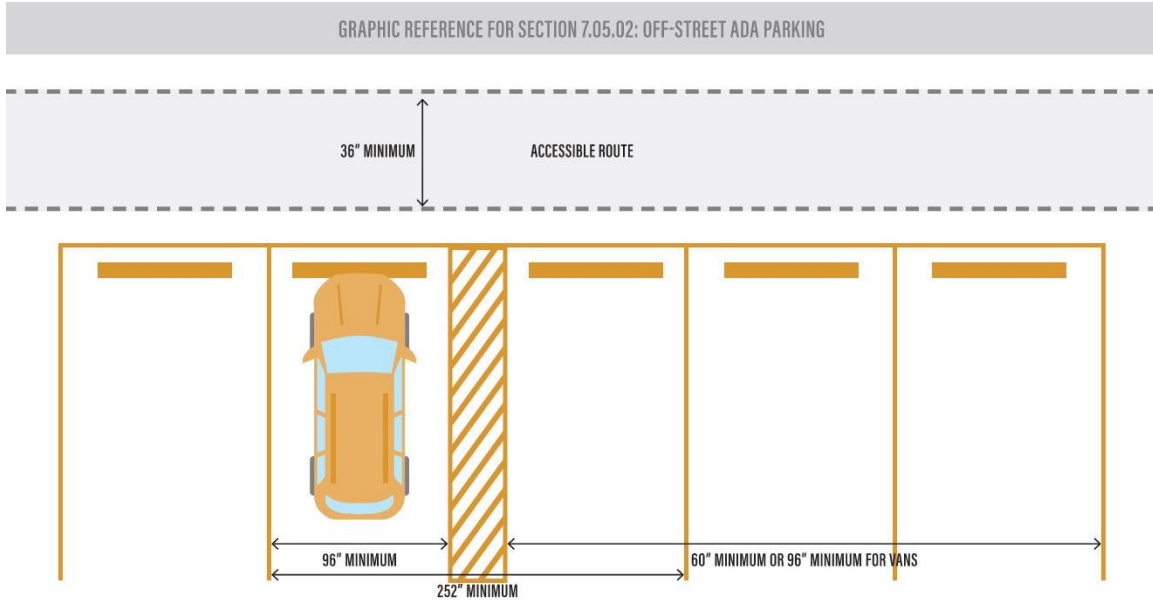


Table 7.2: Required Off-Street ADA Parking

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000

- 7.05.02 Access aisles adjacent to accessible spaces shall be 60 inches wide at minimum.
 - One in every 5 accessible spaces, but not less than one, shall be served by an accessible aisle 96 inches wide minimum and shall be designated “van designated” as required by Section 7.05.04 of this Ordinance. The vertical clearance at such spaces shall comply with

Section 7.05.05 of this Ordinance. All such spaces may be grouped on one level of a parking structure.

2. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
 3. Parked vehicle overhangs shall not reduce the clear width of an accessible route.
 4. Parking spaces and access aisles shall be level with slopes not exceeded two percent in all directions.
 5. If passenger loading zones are provided, then at least one passenger loading zone shall comply with Section 7.05.06 of this Ordinance.
 6. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with Section 7.05 of this Ordinance shall be provided in accordance with Section 7.05.01 of this Ordinance, except as follows:
 - A. Outpatient units and facilities: 10 percent of the total number of parking spaces provided service each outpatient unit or facility shall be accessible;
 - B. Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each unit or facility shall be accessible.
 7. Valet parking: Valet parking facilities shall provide a passenger loading zone complying with Section 7.05.06 of this Ordinance located on an accessible route to the entrance of the facility. Sections 7.05.01, 7.05.02 (1), and 7.05.02 (3) of this Ordinance do not apply.
- 7.05.03 Location of accessible parking spaces serving a specific building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
 1. In parking facilities that do not serve a specific building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
 2. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
 - 7.05.04 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with Section 7.05.02 (1) shall have an additional sign state the stall is "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

- 7.05.05 Minimum vertical clearance of 114 inches at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 7.05.02 (1), provide minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).
- 7.05.06 Passenger Loading Zones shall provide an access site at least 60 inches wide and 240 inches long and be adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not to exceed two percent in all directions.

SECTION 7.06 OFF-STREET PARKING DESIGN CRITERIA

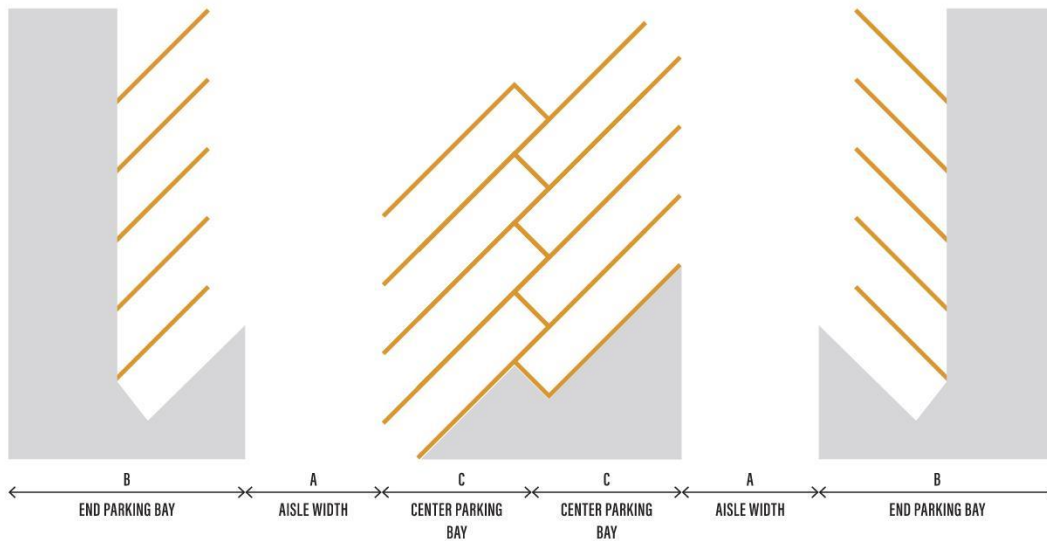
- 7.06.01 Standard parking stall dimensions shall not be less than 10 feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

Table 7.3 Parking Design Criteria for Off-Street Parking, Standard Car

Parking Configuration- Standard Size Car				
	90-degree	60-degree	45-degree	0-degree
Aisle Width (A)				
One-Way Traffic	24 feet	18 feet	13 feet	13 feet
Two-Way Traffic	24 feet	18 feet	13 feet	24 feet
End Parking Bay Width (B)				
Without Overhang	18 feet	21 feet	19.8 feet	-
With Overhang	16 feet	19 feet	17.8 feet	-
Center Parking Bay Width (C)	18 feet	18 feet	16 feet	-
Island Width	36 feet	37.4 feet	33.2 feet	-
Stall Dimensions				
Width	9 feet	9 feet	9 feet	8.5 feet
Depth	18 feet	19 feet	19 feet	-

Parking Configuration- Compact Car				
	90-degree	60-degree	45-degree	0-degree
Aisle Width (A)				
One-Way Traffic	24 feet	18 feet	13 feet	13 feet
Two-Way Traffic	24 feet	18 feet	13 feet	24 feet
End Parking Bay Width (B)				
Without Overhang	16 feet	17.8 feet	17 feet	-
With Overhang	14 feet	15.8 feet	15 feet	-
Center Parking Bay Width (C)	18 feet	18 feet	16 feet	-
Island Width	32 feet	31.7 feet	28.3 feet	-
Stall Dimensions				
Width	8 feet	8 feet	8 feet	7.5 feet
Depth	16 feet	16 feet	16 feet	-

EXAMPLE OF PARKING CONFIGURATION



- 7.06.02 Minimum dimensions for a parallel parking space shall be nine feet by 23 feet.
- 7.06.03 Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility and shall not create blind, hidden, or hazardous areas.
- 7.06.04 Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety.

- 7.06.05 All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of refuse, debris, and litter; maintaining parking surfaces in sound condition; and maintaining landscaped areas.
- 7.06.06 Lighting:
 1. Any lighting used to illuminate any off-street parking area shall be arranged to direct light away from adjoining properties in any residential district.
 2. Lighting standards shall not exceed 22 feet in height and shall be equipped with top and side shields when necessary to prevent glare onto adjacent properties.
 3. All lighting shall meet the International Energy Code.

Article 8: Sign Ordinance

SECTION 8.01 PURPOSE AND FINDINGS

The provisions of this article shall govern the construction, repair, erection, alteration, location, and maintenance of privately-owned outdoor signs and outdoor advertising and identification devices. These sign regulations are declared to be necessary for the following purposes:

1. To protect property values within the City;
2. To prevent the occurrence of blight and slum conditions;
3. To protect the public from damage and injury which may be caused by the faulty and unregulated use of signs; and
4. To prevent any unreasonable appropriation of the public domain, its open spaces, streets, and private use.

SECTION 8.02 SIGN MAINTENANCE REQUIRED

Signs shall be maintained to be structurally sound and in a safe condition. Signs which, by reason of deterioration, become unsafe or unsightly, shall be repaired or removed by the property owner upon written notice of the City or may be removed by the City upon written notice.

SECTION 8.03 SIGNS IN RESIDENTIAL DISTRICTS

- 8.03.01 Signs are not permitted in any residential district, except if used with home occupations, home based businesses, public or semi-public uses, or temporary signs like those used for real estate purposes, supporting a candidacy for office, or urging action for a matter on an election ballot.

- 8.03.02 Except as otherwise provided, signs used with home occupations or home-based businesses in any residential district or in connection with any residential building in any other district shall not exceed six square feet in area.
- 8.03.03 Announcement signs for a club or public or semi-public building shall not be more than 12 square feet in area and shall refer only to the occupied premises.

SECTION 8.04 SIGNS IN COMMERCIAL DISTRICTS

- 8.04.01 Signs in the Central Business (CB) and General Business (GB) shall be erected so that no portion of the sign is less than eight feet above grade at any part of the sign which projects out from the building four to 18 inches.
- 8.04.02 Signs which project more than 18 inches from the building must be at least 12 feet above grade and may extend a maximum of eight feet.
- 8.04.03 Moving, flashing, or illuminated signs or colored lights that may be confused with traffic lights are potentially hazardous and will not be permitted.
- 8.04.04 Within 30 days after a business ceases to operate, all signs that are located on or near the former business premises shall be removed by the owner of the premises.
- 8.04.05 Freestanding commercial or industrial signs placed on a vacant lot that do not otherwise conform to these regulations may be permitted when authorized as a special exemption by the Zoning Administrator or their designee.

SECTION 8.05 ADDITIONAL SIGN REGULATIONS

Industrial Signs: In the Industrial District (I) industrial signs, billboards, or advertising structures shall be permitted subject to the following standards:

- 8.05.01 No sign may extend over the public right-of-way more than six feet or closer than five feet to the curb face unless the bottom of the sign is at least 14 feet above the top of the curb. In no case shall any projecting sign extend beyond the face of the curb.
- 8.05.02 If the sign is illuminated, it shall not be the flashing beacon type, and if such illuminated sign faces a residential district or a residential use in any district, it shall be located at least 100 feet therefrom, measured perpendicular to the face of the sign.
- 8.05.03 Within 30 days after a business ceases to operate, all signs that are located on or near the former business premises shall be removed by the owner of the premises.

SECTION 8.06 OBSTRUCTION OF DOORS, WINDOWS, OR FIRE ESCAPES

No person shall erect, locate, or maintain any sign to prevent free ingress to or egress from any door, window, or fire escape. No person shall attach any sign of any kind to a fire escape.

SECTION 8.07 SIGNS NOT TO CONSTITUTE TRAFFIC HAZARDS

No person shall erect any sign at the intersection of any street in such a manner as to obstruct a free and clear view of the intersection, or at any location where any sign may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal, or device. The placement of all signs shall allow for corner visibility to provide an unobstructed view across the triangle, also known as a sight triangle.

SECTION 8.08 NONCONFORMING SIGNS

Signs in existence when these sign regulations became effective may continue subject to the following:

1. The lawful use of a sign existing on the effective date of these regulations, although such sign does not conform to the provisions hereof, may continue; but if such nonconforming use is discontinued for a period of one year, any future use of the sign shall be in conformity with the provisions of this article.
2. A sign shall not be altered structurally or moved unless made to comply with the provisions of this article. Changing the moveable parts of an existing sign that is designed for such changes, repainting an existing sign, or reposting display matter shall not be deemed a structural alteration.
3. No sign which has been damaged or destroyed by fire, flood, explosion, wind, other calamity, or act of God to the extent that 50 percent or more of the sign is destroyed, shall be restored except in conformity with the regulations of this chapter. Any sign which has been damaged to an extent less than 50 percent may be restored to its condition which existed as a nonconforming use prior to its damage. Restoration or reconstruction shall commence within six months from the time of loss; if not, then the sign must be in conformity with the regulations of this chapter.

Article 9: Supplemental Regulations

SECTION 9.01 HOME OCCUPATIONS + HOME BASED BUSINESSES IN RESIDENTIAL AND AGRICULTURAL DISTRICTS (R-1, R-3, AND A-1)

- 9.01.01 Intent: A home occupation or home-based business shall be permitted when said occupation or business is conducted on residentially or agriculturally used or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence and shall not be construed as a business.

- 9.01.02 Procedure:
 1. Home Occupations: An application for a home occupation, within residentially or agriculturally zoned areas shall not be required by the City of Sloan. These zones include the Districts of Low Density Residential (R-1), Medium Density Residential (R-3), and Agricultural (A-1).
 2. Home-Based Businesses: An application for a home-based business, within residentially or agriculturally zone areas shall be made to the Sloan Zoning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met. These zones include the Districts of R-1, R-3, and A-1.
 3. The differences between Home Occupations and Home-Based Businesses are detailed in Section 9.01.05 and Section 9.01.08 respectively. The primary differences between the two designations is the number of non-related individuals employed at the establishment.

- 9.01.03 Permitted Home Occupations:
 1. Workrooms for sewing, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, furniture repair, or other handcrafted items.
 2. Offices for professionals including, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance and insurance agents, clergy, painters, photographers, accountants, psychologists, landscape design, cleaning services, salespersons, and travel agents.
 3. Child Care Home or Child Development Home provided the requirements of Iowa Code §237A are met.
 4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
 5. Instructional services, including music, dance, art, and craft classes and tutoring.
 6. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
 7. Sale of guns and ammunition in limited quantities provided the applicant has a license to sell from the Bureau of Alcohol, Tobacco, and Firearms or its successor organization. **This home occupation shall require a Conditional Use Permit and Public Hearing as opposed to a standard permit.**
 8. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

- 9.01.04 Prohibited Home Occupations:
 1. Medical and dental clinics, hospitals.
 2. Restaurants, clubs, drinking establishments.
 3. Undertaking and funeral parlors.
 4. Adult Entertainment Uses.

- 9.01.05 Performance Standards for Home Occupations:
 1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
 2. The operator conducting the home occupation shall be the sole entrepreneur; additionally, the operator shall not employ any other person other than a member of the immediate family residing on the premises.
 3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
 4. No more than 50 percent of the floor area of any one story of the dwelling unit shall be devoted to the home occupation.
 5. Additional or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home-based business.
 6. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.
 7. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
 8. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.

- 9.01.06 Permitted Home-Based Businesses and Appropriate Permit:
 1. Workrooms for sewing, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, furniture repair, or other handcrafted items.
 2. Offices for professionals including, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance and insurance agents, clergy, painters, photographers, accountants, psychologists, landscape design services, cleaning services, salespersons, and travel agents.

3. Personal services, including Barber and Beauty shops (limited to two chairs), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
 4. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
 5. Offices for services provided outside the home including, but not limited to, lawn care, snow removal, and other similar services.
 6. Child Care Home and/or Child Care Development Home provided the requirements of Iowa Code §237A are met.
- 9.01.07 Prohibited Home-Based Businesses:
 1. Medical and dental clinics, hospitals.
 2. Restaurants, clubs, and drinking establishments.
 3. Undertaking and funeral parlors.
 4. Adult Entertainment Uses.
 - 9.01.08 Performance Standards for Home-Based Businesses:
 1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home-based business shall remain a resident in the dwelling unit.
 2. The operator conducting the home-based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as, an additional two unrelated individuals for purposes of conducting business.
 3. Structural additions, enlargements, or exterior alterations may be completed to provide space for the home-based business. Any alterations and additions shall be limited to 50 percent of the floor area of the main floor at the time of application.
 4. All alterations and additions shall be completed in a manner that matches the existing structure and shall have an exterior residential appearance. All separate entrance(s) shall be discrete and match the residential design.
 5. No offensive noise, vibration, odor, heat, or glare shall be noticeable at or beyond the property line.
 6. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.

- 9.01.09 Revocation:
 1. Conditions: A home occupation with appropriate permit and home-based business permit granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:
 - A. That any condition of the home-based business permit has been violated or the home occupation has violated the performance standards;
 - B. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
 - C. That the permit was obtained by misrepresentation or fraud;
 - D. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; and
 - E. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
 2. Appeal: Within five business days of revocation, an appeal may be made to the Sloan Board of Adjustment. The Zoning Administrator shall report his or her findings within ten business of the receipt of an appeal of the revocation. The Zoning Administrator shall report their findings of facts and may revoke, modify, or allow to remain unchanged the home occupation or home-based business permit in accordance with the Board's final determination.
 3. Nontransferable: A home occupation or home-based business permit granted in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.

SECTION 9.02 ADDITIONAL SUPPLEMENTAL REGULATIONS FOR HOME OCCUPATIONS + HOME-BASED BUSINESSES IN RESIDENTIAL DISTRICTS (R-1 AND R-3 ONLY)

- 9.02.01 Intent: The regulations included in this section are in addition to the regulations set forth in Section 9.01. The following is only applicable for home occupations and home-based businesses located in the Low Density Residential (R-1) and Medium Density Residential (R-3) zoning districts.
- 9.02.02 Permitted Home Occupations:
 1. Repair services, including watch and clock, small appliances, computers, electronic devices, and lawnmowers including engines (limited to garage areas).
 2. All permitted home occupations outlined in Section 9.01.03.

- 9.02.03 Prohibited Home Occupations:
 1. Motor vehicle repair.
 2. All prohibited home occupations outlined in Section 9.01.04.
- 9.02.04 Performance Standards for Home Occupations:
 1. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.
 2. No retail sales are permitted from the site other than incidental sales related to services provided.
 3. All performance standards outlined in Section 9.01.05.
- 9.02.05 Permitted Home-Based Businesses:
 1. Repair services, including watch and clock, small appliances, computers, electronic devices, and lawnmowers including engines (limited to garage areas).
 2. All permitted home-based businesses outlined in Section 9.01.06.
- 9.02.06 Prohibited Home-Based Businesses:
 1. Motor vehicle repair.
 2. All prohibited home occupations outlined in Section 9.01.07.
- 9.02.07 Performance Standards for Home-Based Businesses:
 1. No more than 50 percent of the floor area of any one story of the dwelling unit shall be devoted to such home-based businesses.
 2. Such home-based businesses shall be conducted entirely within the primary building or dwelling unit used as a residence. Home-based businesses may also be located within an existing accessory building.
 3. Home-based businesses conducted within an accessory building shall be confined to the structure of said accessory building. In addition, the applicant must prove that the accessory building meets all Life Safety Codes, including electrical compliance, for a commercial business.
 4. No retail sales are permitted from the site other than incidental sales related to services provided.
 5. All performance standards for home-based businesses outlined in Section 9.01.08.

SECTION 9.03 ADDITIONAL SUPPLEMENTAL REGULATIONS FOR HOME OCCUPATIONS + HOME-BASED BUSINESSES IN AGRICULTURAL DISTRICTS (A-1 ONLY)

- 9.03.01 Intent: The regulations included in this section are in addition to the regulations set forth in Section 9.01. The following is only applicable for home occupations and home-based businesses located in the Agricultural (A-1) zoning district.
- 9.03.02 Permitted Home Occupations:
 1. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines, and motor vehicles (limited to no more than two at one time).
 2. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), welding, and excavating services with equipment storage and maintenance.
 3. Warehousing and storage of products associated with agri-business, including seed sales, fertilizer sales (as allowed by state and federal ordinances), and herbicide and pesticide sales (as allowed by state and federal ordinances).
 4. Kennels, stables, and veterinarian clinics/hospitals.
 5. All permitted home occupations outlined in Section 9.01.03.
- 9.03.03 Prohibited Home Occupations:
 1. All prohibited home occupations outlined in Section 9.01.04.
- 9.03.04 Performance Standards for Home Occupations:
 1. Home occupations may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent Life Safety Codes, including electrical wiring, depending on the nature of the business.
 2. When a home occupation is in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
 3. Home occupations focused on vehicle repair and maintenance shall not be allowed to store damaged, unlicensed, or salvaged vehicle parts on site and outside the structure where said home occupations are taking place.

4. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all State and Federal ordinances and shall be kept in a place that is secured, dry, and locked from general access.
 5. All performance standards for home occupations outlined in Section 9.01.05.
- 9.03.05 Permitted Home-Based Businesses:
 1. Repair services including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines, and motor vehicles (limited to no more than two at one time).
 2. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), and welding and excavating services with equipment storage and maintenance.
 3. Warehousing and storage of products associated with agri-business, including seed sales, fertilizer sales (as allowed by State and Federal ordinances), and herbicide and pesticide sales (as allowed by state and Federal ordinances).
 4. Kennels, stables, and veterinarian clinics/hospitals.
 5. All permitted home businesses outlined in Section 9.01.06.
 - 9.03.06 Prohibited Home-Based Businesses:
 1. All prohibited home occupations outlined in Section 9.01.07.
 - 9.03.07 Performance Standards for Home-Based Businesses:
 1. No more than 50 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based businesses when contained within the principal structure.
 2. Home-based businesses may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent Life Safety Codes, including electrical wiring, depending on the nature of the business.
 3. When a home-based business is in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
 4. Home-based businesses focused on vehicle repair and maintenance and motors shall not be allowed to store damaged, unlicensed, or salvaged vehicles or parts on site and outside the structure where said home based business is taking place.

5. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all State and Federal ordinances and shall be kept in a place that is secured, dry, and locked from general access.
6. All performance standards for home-based businesses outlined in Section 9.01.08.

SECTION 9.04 WIRELESS COMMUNICATION TOWERS

- **9.04.01 Intent:** Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities, and antennas in the City in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. The intent is to protect residential acres and land uses from adverse impacts through careful design, siting, and camouflaging; to promote and encourage the shared use and collocation of towers and other antenna support structures, rather than the construction of additional single use towers; to avoid potential damage to property that is caused by towers, telecommunication facilities, and antennas by ensuring such structure are soundly and carefully designed, constructed, modified, maintained, repaired, and removed when no longer used or are determined to be structurally unsound; and to ensure that towers and antenna are compatible with surrounding land uses.
- **9.04.02 Definitions:** All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Ordinances of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:
 1. **Antenna:** Shall mean a device designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (include direct-to-home satellite service), and/or video programming services via multi-point distribution services.
 2. **Antenna Support Structure:** Shall mean any building or structure other than a tower which can be used for location of telecommunication facilities.
 3. **Application:** Shall mean a process by which the owner of a tract of land which the zoning jurisdiction of the City submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation, verbal statements, and representations, in whatever, formal forum, made by an applicant to the City concerning such request.
 4. **Conforming Commercial Earth Station:** Shall mean a satellite dish which is two meters or less in diameter and is in an area where commercial or industrial uses are generally permitted under this Ordinance.

5. **Owner:** Shall mean any person with a simple title or a leasehold exceeding 10 years in duration to any tract of land within the zoning jurisdiction of the City who desires to develop, construct, modify, or operate a tower upon such tract of land.
6. **Satellite Dish Antenna:** Shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.
7. **Stealth:** Shall mean any telecommunication facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look like something other than a tower, such as light poles, power poles, and trees.
8. **Telecommunication Facilities:** Shall mean any cables, wires, lines, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunication facilities shall not include:
 - A. Any Conforming Commercial Earth Station antenna two meters or less in diameter which is located on real estate zoned R-1 or R-3.
 - B. Any satellite dish antenna of one meter or less in diameter, regardless of zoning applicable to the location of the antenna.
9. **Tower:** Shall mean a self-supporting lattice, guyed, or monopole structure, which supports Telecommunications Facilities. The term Tower shall not include non-commercial amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.
10. **Tower Development Permit:** Shall mean a permit issued by the City upon approval by the City Council of an application to develop a tower within the zoning jurisdiction of the City; which permit shall continue in full force and effect for so long as the tower to which it applies conforms to this Section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permit's duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest. The Tower Development Permit is intended to be a Conditional Use Permit and follow the subsequent process outlined herein.
11. **Tower Owner:** Shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

- 9.04.03 Location of Towers and Construction Standards
 1. Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized by this Ordinance.
 2. No person shall develop, construct, modify, or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a Tower Development Permit by the City Council and issuance of the permit by the City. Applicants shall submit their application for a Tower Development Permit to the Zoning Administrator, or their designee, and shall pay a filing fee in accordance with Section 4.30.
 3. All towers, telecommunication facilities, and antennas on which construction has commenced within the zoning jurisdiction of the City after the effective date of this Ordinance shall conform to the Building Codes and all other construction standards set forth by the City, County, State, and Federal law, as well as applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all the applicable regulatory standards shall be filed with the Zoning Administrator.
- 9.04.04 Application to Develop a Tower: Prior to beginning the development or construction of a tower, an application shall be submitted to the Zoning Administrator for a Tower Development Permit and shall include the following:
 1. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of a tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
 2. The legal description and address of the tract of land on which the tower is to be located.
 3. The names, addresses, and telephone numbers of all owners of other towers or useable antenna support structures within a one-mile radius of the proposed tower, including publicly and privately-owned towers and structures.
 4. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicant's telecommunications facilities on a tower or useable antenna support, or written technical evidence from an engineer that the applicant's telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.

5. Written technical evidence from an engineer that the proposed tower will meet any established building codes, and all other applicable construction standards set forth by the City Council, federal, state, and ANSI standards.
 6. Descriptions and diagrams of the proposed tower, telecommunication facilities or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.
- 9.04.05 Procedure for Conditional Use Permit for Towers: The process for the consideration, public notice, and approval of a Conditional Use Permit for a tower shall follow the procedures outlined in Article 6: Conditional Use Permits.
 - 9.04.06 Setbacks and Separation or Buffer Requirements:
 1. All towers up to 50 feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers more than 50 feet in height shall be set back an additional one foot for each one foot of tower height more than 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto.
 2. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.
 3. Towers of 100 feet or less in height may be in residentially zoned districts provided said tower is separated from any residential structure, school, church, or occupied structures other than those utilized by the tower owner, by a minimum of 100 percent of the height of the tower.
 4. Towers must meet the following minimum separation requirements from other towers:
 - A. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
 - B. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.
 - 9.04.07 Structural Standards for Towers Adopted: The *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by the Ordinance and set forth in this Article of the Zoning Ordinance.

- 9.04.08 Illumination and Security Fences:
 1. Towers shall not be artificially lit except as required by the Federal Aviation Administration (FAA). In cases where there are residential uses or residentially zoned properties within a distance equal to 300 percent of the height of the tower, any tower subject to this Section shall be equipped with dual mode lighting or a red beacon only.
 2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.
- 9.04.09 Exterior Finish: Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the City Council as part of the application approval process. All towers which must be approved as a conditional use shall be stealth design unless stealth features are impractical, or the cost of such features represents an undue burden on the applicant.
- 9.04.10 Landscaping: All tracts of land on which towers, antenna support structures, telecommunications facilities or antennas are located shall be subject to any municipal landscaping requirements.
- 9.04.11 Maintenance, Repair, or Modification of Existing Towers: All towers constructed or under constructed on the date of approval of this Ordinance may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Section. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with the Section, including applying for and obtaining a Tower Development Permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this Ordinance shall be required to comply with the requirements of this Section including applying for and obtaining a Tower Development Permit.
- 9.04.12 Maintenance: The towers, antenna support structures, telecommunication facilities and antennas shall always be kept and maintained in good conditions, order, and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.
- 9.04.13 Abandonment: If any tower shall cease to be used for a period of one year, the Zoning Administrator shall notify the tower owner that the site has been determined to be abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have 30 days to show a preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Zoning Administrator shall issue a final

determination of abandonment of the site and the tower owner shall have 75 days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Administrator and they shall proceed to abate said public nuisance pursuant to authority set forth in Iowa Code and the City of Sloan Municipal Code, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

- 9.04.14 Satellite Dish Antennas Ordinance: Upon adoption of this Ordinance, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Sloan only upon compliance with the following criteria:
 1. In residentially zoned districts, satellite dish antennas may not exceed a diameter of 10 feet.
 2. Single-unit residences may not have more than three satellite dishes over three feet in diameter.
 3. Multiple-unit residences with 10 or less dwelling units may have no more than one satellite dish antenna over three feet in diameter per dwelling unit. Multiple-unit residences with more than 10 dwelling units may have no more than two satellite dish antennas over three feet in diameter per dwelling unit.
 4. In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.
 5. All satellite dish antennas installed within the zoning jurisdiction of Sloan, upon adoption of this Ordinance, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

SECTION 9.05 FENCES

- 9.05.01 All fences within the zoning jurisdiction of the City of Sloan shall be constructed according to the following requirements:
 1. Unless otherwise provided by this title or other sections of the Sloan Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines.
 2. The finished surfaces of any fence shall face toward adjacent properties and street frontage.
 3. All parts of a fence shall be completely within the boundaries of a property of the owner installing the fence.
 4. Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions:

- A. The maximum height of a fence within a required front yard or a street side yard setback shall be four feet.
 - B. The maximum height for any fence outside of a required front yard shall be six feet unless other requirements are stated.
 - C. Fences built on residential property outside of required front or street side yards may exceed 50 percent closed construction.
 - D. Fences may be constructed of wood, chain-link, PVC/resin, stone or masonry materials only. Wood fences shall utilize standard building lumber only.
 - E. Height shall be measured from the average grade along the fence line.
5. Where it is demonstrated that for security purposes the perimeter fencing around a plan or building located in an area zoned as an Industrial District (I) must be higher than six feet in height may be approved through a Conditional Use Permit.
 6. Fences constructed along and parallel to rear and side lot line adjoining arterial streets, as designated by the IDOT, shall not exceed eight feet in height.
- 9.05.02 No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.
 - 9.05.03 The use of barbed wire in the construction of any fence is prohibited except:
 1. Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the City before commencement of construction.
 2. Farm fencing constructed for agricultural purposes on parcels of land 10 acres or more in size, located in the Agricultural (A-1) District.
 - 9.05.04 All fences should be maintained in good repair and meet upkeep standards established in corresponding nuisance abatement ordinances and regulations approved and enacted by the City.
 - 9.05.05 Electric Fences: No electric fence, except for underground animal control fencing, also known as invisible fencing, shall be constructed or maintained within the City of Sloan.

SECTION 9.06 PERFORMANCE STANDARDS FOR INDUSTRIAL USES

- 9.06.01 Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the

display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.

- 9.06.02 Fire Hazard: No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or inherent fire hazards. This provision shall not be constructed to prohibit the use of normal heating fuels, motor fuels, and welding gasses when handled in accordance with other Ordinances of the City of Sloan.
- 9.06.03 Noise: No operation shall be carried on which involves noise exceeding the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used, and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness.
- 9.06.04 Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge of sewage or liquid wastes into a sewer, water course, or the ground. This includes any radioactive or poisonous waste and chemical wastes that are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
- 9.06.05 Air Contaminants:
 1. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one, four-minute period in each one-half hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
 2. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees of Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may be equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
 3. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, the general rule shall be applied that contaminants or other materials shall not be discharged in such quantities as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.

4. Odor: The emission of odors that are generally agreed to be obnoxious to any considerable number of people, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Ordinance.
 5. Gasses: The gasses Sulphur Dioxide and Hydrogen Sulfide shall not exceed five parts per million (5ppm), Carbon Monoxide shall not exceed five parts per million (5ppm). All measurements shall be taken at the zoning lot line.
 6. Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths of an inch (0.003”) measured at the zoning lot line. The use of steam or broad hammers shall not be permitted.
 7. Glare and Heat: All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.
- 9.06.06 Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: Displays the maximum permitted sound levels that may be generated by uses in the Industrial District (I) where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district.

Table 9.1 Maximum Permitted Sound Levels at Residential Boundaries

Maximum Permitted Sound Levels		
Originating Zoning District	Time	Maximum One Hour Leg* (dBA)
Industrial (I)	7:00 am – 10:00 pm	65
	10:00 pm – 7:00 am	55

*Leg is the average sound level and accurately portrays the sound the human ear hears. dBA is the noise power calculated in decibels.

SECTION 9.07 SCREENING

- 9.07.01 Intent: The intent of the screening requirements are to improve the appearance of lot areas; to provide a buffer between differing land uses; to minimize the adverse effect of uses from one another; to minimize the effect of heat, noise, and glare; and to conserve the value of property and neighborhoods within the community. Property development shall consider and respect land

capabilities and constraints, minimize erosion and destruction of natural amenities, and provide a buffer between differing land uses.

- 9.07.02 Screening Requirements:

1. All parking areas or vehicular use areas abutting a residential district or public right-of-way shall be screened from grade level to a height not less than three feet.
2. All commercial and industrial uses that abut residential districts shall provide screening not less than three feet in height along the abutting property line(s).
3. Screening required by this section shall be equivalent to the following:
 - A. Solid fences or walls as approved by the Zoning Administrator on a final development plan or site plan.
 - B. Hedges, shrubs, or evergreen trees of 36 inches in height at planting space appropriately to provide a solid screen within three years after planting.
 - C. Berms of not less than three feet in height that provide a maximum slope of 3:1 for easy maintenance. Such berms may be used in conjunction with plantings to achieve the solid visual screen as described in Section 9.07.02 (3) (A) above.
 - D. All projects except one-unit and two-unit dwellings shall include a detailed drawing on the landscape plan indicating the method of enclosure and screening to be used on trash dumpsters.
 - E. All dumpsters or trash bins shall maintain a solid six feet tall enclosure around each unit. Said enclosure shall be constructed of materials complimentary and suitable to the primary use.
4. Junkyards (salvage yards) shall be screened with an eight-foot-high opaque, solid fence or earth berm to provide visual and aural separation between such uses and adjacent areas.
5. All extractive industries shall be screened by means of plant materials, earth mounding, or solid fencing at least six feet in height to provide visual and aural separation between such uses and adjacent areas.

- 9.07.03 Installation and Maintenance of Screening:

1. Installation: All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures. Landscaped areas shall require protection from vehicular encroachment. Temporary occupancy permits may be issued due to weather related conditions upon approval by the Zoning Administrator.

2. Maintenance: The owner, developer, tenant, or their agent, if any, shall be jointly and separately responsible for the maintenance of all landscaping. All required landscaping shall be maintained in proper condition. When replacement is necessary, all plants and other non-living landscape materials shall be equal in size, density, and appearance to those items requiring replacement.
 3. All required screening and fencing shall be maintained and, whenever necessary, replaced with materials that provide equivalent size, density, and appearance. All landscaping and screening shall be kept free from refuse and debris to present a healthy, neat, and orderly appearance. Lawn grass shall be maintained on all areas not covered by other landscaping, parking, drives, buildings, or similar structures. Existing yards shall be maintained with grass or other approved ground cover.
- 9.07.04 Parking Lot Plan Approval: A final site development plan shall be submitted to the Zoning Administrator with the requisite landscaping and screening required herein for each of the following types of parking lot improvements:
 1. New construction.
 2. Expansion of existing facilities.
 3. Maintenance of existing facilities where an overlay is proposed at which time the landscaping and screening shall be required. Modifications to the required parking lot landscaping and screening may be granted by the Zoning Administrator after review of submitted plans and in consideration of surrounding uses.
 4. No parking lot shall be exempted from these Ordinances; unless previously exempted.

SECTION 9.08 JUNK YARDS OR SALVAGE YARDS

Junk Yards and the salvage of materials may be allowed in identified districts; providing the following minimum conditions are met, additional conditions may be required depending upon the operation and the proposed location:

- 9.08.01 Construction and operation shall comply with the Sloan Municipal Code and any other applicable codes or requirements.
- 9.08.02 Receiving areas for junk or salvage material shall be designed to avoid the depositing of junk or salvage material outside a building or outside screened (solid fence) storage areas.
- 9.08.03 Junk yards and salvage materials shall contain a minimum of two acres and shall not be located within a designated 100-year floodplain area as identified by the Corps of Engineers.

- 9.08.04 Junk or salvage material kept outside a building or buildings shall not be located closer than 500 feet from any designated State or Federal highway. Or locally designated Expressway, Major Arterial, and Other Arterial as per IDOT or subsequent successor agency.
- 9.08.05 Junk material kept outside a building or buildings shall not be in the required front yard.
- 9.08.06 Junk or salvage material kept outside a building or buildings shall be at least 100 feet from the boundaries of the Industrial District and shall be at least 500 feet from any residential district or use.
- 9.08.07 All motor vehicles shall have all fluids drained prior to placement within the facility.

SECTION 9.09 BIOFUELS + DISTILLATION FACILITIES

The following conditions shall be met when locating a biofuels facility within the zoning jurisdiction of Sloan. The standards are intended to protect the health, safety, general welfare, and morals of the residents of Sloan.

- 9.09.01 Access to the facility shall be paved and connect to a hard-surfaced street/road classified as an arterial.
- 9.09.02 If access is onto a county road or city street, the applicant must provide evidence that the paving of such highway, road, or street is sufficient to carry, without damage to the roadway, the weight and size of the loads of grain and liquid and any by-product entering or leaving the facility by truck.
- 9.09.03 If the road or street is not capable of carrying the weight and size of the loads, then the applicant shall be required to make any necessary upgrades to the paving for the pavement to handle the size and weight of the loads.
- 9.09.04 The applicant shall be required to construct and require right-of-way for all turning lanes and signals necessary to handle the increase in truck traffic.
- 9.09.05 The facility, if located adjacent to a railroad line, shall have enough area to provide sidings for loading and unloading raw or unfinished product. The sidings shall be constructed at the applicant's expense.
- 9.09.06 The facility shall not be in an area where winds and other climatic events disperse odor, steam, smoke, and other discharges into the corporate limits of the City of Sloan.
- 9.09.07 The facility shall not be in an area where topography impairs the dispersal of steam, smoke, or other discharges from the facility.
- 9.09.08 Water supply wells for the facility shall not be located within the 20-year time of travel of a municipal well.

- 9.09.09 The facility shall be designed to recycle, in manner compliant with all City and State rules and Ordinances, a minimum of 75 percent (75%) of the water used by the facility including water used for distillation.
- 9.09.10 All fuel storage tanks shall be in a manner that will not allow for contamination of any groundwater or surface water.
- 9.09.11 Total equipment height limited to the requirements of the zoning district.
- 9.09.12 All fuel storage tanks shall be within an impermeable containment system.
- 9.09.13 A site plan review is required.
- 9.09.14 Lighting must be compliant with all applicable Ordinances.
- 9.09.15 Noise produced by the facility must comply with noise ordinances.

SECTION 9.10 SOLAR PANELS

No solar panel shall be constructed within the residential zoning jurisdiction of the City of Sloan unless a Zoning Certification therefore is approved and issued by the Zoning Administrator and is constructed in conformance with the state building codes and the following requirements. For those devices that include electrical, plumbing, and heating constructions, the applicable permits shall also be obtained. Solar panels shall be the following requirements.

- 9.10.01 Lot and Height Requirements: Solar panels shall conform to the required front, side, and rear lot setback requirements except as provided herein:
 1. A solar panel which is attached to an integral part of the principal building may project two feet into the front yard; six feet into the rear yard; and two feet into the side yard.
 2. A solar panel which is freestanding may be located only in the required rear yard, provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than foot to any existing easement as measured from the closest point of the structure, including its foundation and anchorage, nor shall the solar panel be located in the required side yard or front yard.
- 9.10.02 Plot Plan: The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structure on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- 9.10.03 Permit Fees: Permit fees are required. This permit fee shall be paid prior to the issuance of the zoning permit.

- 9.10.04 Preexisting Solar Panels: Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption, pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

SECTION 9.11 SELF-STORAGE UNITS (MINI WAREHOUSES)

- 9.11.01 Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
- 9.11.02 All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
- 9.11.03 No storage may open into the required front yard.
- 9.11.04 The total area covered by buildings shall not exceed 75 percent of the site.
- 9.11.05 The storage of hazardous, toxic, or explosive substances, including, but not limited to, hazardous wastes, industrial solid waste, medical waste, municipal solid waste, septage, or used oil will not be permitted.
- 9.11.06 Site development shall include provisions for stormwater management in accordance with the Ordinances of the City of Sloan.
- 9.11.07 Height limitations shall require a maximum height of 20 feet for any structure in the facility.

SECTION 9.12 AUTOMOBILE REPAIR, EQUIPMENT REPAIR, AND BODY REPAIR

- 9.12.01 Where permitted in commercial districts, all repair activities must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to Auto Repair and Body Repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-ways. Screening is subject to the provisions of Section 9.07 of this Ordinance.
- 9.12.02 Any spray painting must take place within structure designed for that purpose and approved by the Building Official, or their designee.

SECTION 9.13 AUTOMOBILE AND EQUIPMENT RENTAL + SALES

- 9.13.01 All outdoor display areas for rental and sales facilities shall be hard surfaced.
- 9.13.02 Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 50% of the gross floor area of the building.

SECTION 9.14 BED + BREAKFAST HOME

- 9.14.01 A Bed and Breakfast Home shall meet the following requirements:
 1. Comply with all requirements under Chapter 137 of the Iowa Code.
 2. Advertise only as a “Bed and Breakfast Home,” or colloquially as a “Bed and Breakfast.”
 3. Have a working smoke detector in each sleeping room that is checked regularly.
 4. Maintain a working fire extinguisher on each floor that is checked regularly.
 5. Have water tested annually by the local board of health or other approved laboratory, or have the water sourced from a public water supply.
 6. If food is served to the public, including persons who are not overnight guests, the facility must be licensed and inspected as a food service establishment under the 2005 Food Code. A separate self-contained food preparation area is required under this Code.

SECTION 9.15 OUTDOOR STORAGE CONTAINERS

- 9.15.01 Outdoor Storage Containers are subject to the Ordinances outlined for the Accessory Buildings in Section 4.17, except as provided below:
 1. Outdoor storage containers within each district shall be limited to two containers per business when located in the Industrial District.
 2. Containers shall be located to the rear 50 percent of the site.
 - A. Containers shall not be in any required setback or yard area, required landscape area, required driveway, or parking and loading areas.
 - B. Containers shall not encroach upon spaces necessary to satisfy the minimum parking requirement, nor shall they block, impede, or divert traffic in or access to an emergency, snow removal, traffic circulation, and fire lanes.
 - C. Containers shall not be stacked upon one another and shall be located an appropriate distance from all structures, in accordance with the Fire Code.
 3. Storage containers should not be visible from an adjoining property or from a public or private street. If this is not possible, storage containers may be placed on a site if the containers are adequately screened and buffered.
 4. The exterior of the storage containers shall be kept free of rust, holes, dents, or other corrosion and shall be painted or otherwise maintained so that they match the character of adjacent buildings and are always secured.

5. At no time shall an outdoor storage container be used as a place of business or residence, nor shall a container house, store, or contain goods, products, or materials other than those that are accessory and essential to daily on-site use and operation of the principal building or business requesting the special use permit.
6. Exemptions: The temporary use of construction trailers or containers at a building site is exempt from this requirement.

SECTION 9.16 SAND AND GRAVEL, MINERAL, STONE, ROCK, AND SOIL EXTRACTION AND QUARRIES

- 9.16.01 It shall be unlawful for any owner (s) or property to extract, mine, quarry, or remove soil for commercial purposes without the proper permits, except soil donated for use by a municipality, county, or state for public roadway purposes. Exceptions include:
 1. Removals, extractions, and operations that remove less than 100 cubic yards from a given location.
 2. Owners who donate soil to a municipality, county, or state. Further, this section does not apply to sand and gravel quarries, or the commercial removal of soil not used for road purposes.

SECTION 9.17 RECREATIONAL VEHICLE PARKS

- 9.17.01 No Recreational Vehicle Park shall be constructed within the zoning jurisdiction of Sloan unless a Conditional Use permit is approved and issued by the City and is constructed in conformance with the following requirements:
 1. The tract to be used as a recreational vehicle park or campground shall not be less than two acres in area.
 2. The maximum number of recreational vehicles, trailers, or camp sites shall be 15 per acre.
 3. Each recreational vehicle, trailer, and camp site shall be plainly marked.
 4. The minimum dimensions of a recreational vehicle, trailer, or camp site shall be 25 feet wide by 40 feet long.
 5. Each recreational vehicle, trailer, and camp site shall be separated from other recreational vehicles, trailers, or camp sites by at least 15 feet.
 6. All recreational vehicle, trailer, and camp sites shall meet the required setbacks from roads and from the ordinary high-water mark shall be located at least 50 feet from exterior lot lines.
 - A. The exterior lot line setback shall be maintained in open space; except landscaping for the purpose of visual screening from adjacent properties.

- B. Screening at least six feet in height shall be provided between the recreational vehicle park or campground and any adjoining residential area.
7. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, provided:
 - A. No one space shall be designed for direct access to a county road or highway outside the boundaries of the recreational vehicle park or campground.
 - B. All interior access drives shall be at least 20 feet in width.
 8. There shall be two off-street parking spaces per each individual recreational vehicle, trailer, and camp site.
 9. Each pad location shall be equipped with the following:
 - A. Electrical outlet;
 - B. A sanitary sewer connection per IDNR requirements;
 - C. A potable water connection per IDNR requirements.
 10. Storm shelters shall be required and shall meet the following standards:
 - A. Shelter space equivalent to two persons per pad;
 - B. Designed in conformance with “National Performance Criteria for Tornado Shelters” by the Federal Emergency Management Agency (FEMA) and other referenced material by FEMA;
 - C. Shelters shall be sited to provide maximum protect to occupants and so that visitors may reach a shelter within the maximum safe time frame as directed by FEMA.
 11. Other criteria that shall be met include:
 - A. No more than one recreational vehicle or trailer shall be allowed on any individual pad site. In addition to these units, a tent may be erected to serve as an auxiliary shelter but shall not be erected for more than 14 consecutive days.
 - B. These parks are considered a seasonal business site and individual recreational vehicles, or trailers are considered a seasonal dwelling and shall not be occupied for more than four continuous months in a 12-month period. However, a recreational vehicle or trailer may remain on site for the remaining portion of the year in a stored state.
 - C. No porches, lean-tos, or additions shall be constructed onto any of these recreational dwellings. Canvas screen rooms or awnings shall be allowed.

- D. A shelter unit may be located on an individual pad site, provided it is designed only to protect occupants from the elements and does not have a permanent water supply, a sewage system, electricity, or heating and cooking facilities.
 - E. A Fire Safety Plan/Emergency Plan (approved by the local rural fire department) in the event of a man-made or natural disaster must be provided.
- 9.17.02 One permanent dwelling may be constructed within the recreational vehicle park and is to be used by strictly by the park owner and family, or the resident superintendent.

SECTION 9.18 MOBILE FOOD UNITS

- 9.18.01 Mobile Food Units are allowed in specific zoning districts; however, these uses shall be required to abide by the following requirements:
 1. All units shall be located on vacant lots or pad sites except in the Central Business (CB) where on-street parking may be permitted. On-street parking shall only be allowed during times of operation.
 2. All units shall only operate during hours identified on the temporary permit. In no case shall a unit be open for more than one hour after the legal closing time of local bars.
 3. All refuse shall be transported off-street unless an agreement with the property owner is submitted to the City identifying an alternative.
 4. During non-operation hours, these units shall be stored on a vacant lot or in an enclosed structure.

Article 10: Board of Adjustment

SECTION 10.01 ORGANIZATION + MEETINGS

The Board of Adjustment hereafter referred to by the words “Board of Adjustment,” is hereby continued. Such Board of Adjustment shall consist of five members appointed by the City Council. Terms shall be as provided by the Code of Iowa. The Mayor shall have power to remove any member of the Board of Adjustment for cause upon written charges after public hearing.

The meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine. Such chairman, or in their absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its

examinations and other official actions, all of which shall be immediately filed in the City Clerk's office and shall be a public record. The presence of three members shall be necessary to constitute a quorum.

SECTION 10.02 APPEALS

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or committee of the City of Sloan affected by any decision of the Zoning Administrator. Such appeal shall be taken within 20 days of the decision by filing with the Zoning Administrator and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed is taken from.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment, after notice of appeal shall be filed with them, that by reason of the facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed unless by a restraining order. Such restraining order may not be granted by the Board of Adjustment or by a court of record on application. The restraining order must show due cause and the Zoning Administrator shall receive notice.

The Board of Adjustment shall fix a reasonable time for the hearing on the appeal, give public notice and due notice to the parties of interest, and decide the same within a reasonable timeframe. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee according to the Sloan City Clerk's schedule of fees.

SECTION 10.03 POWERS

The Board of Adjustment shall have the following powers:

- 10.03.01 To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
- 10.03.02 To grant a variation from the terms of this Ordinance; provided, however, that all variations granted under this clause shall be in harmony with the intent of this Ordinance and the applicable State Statute Iowa Code Section 414.7.

In granting approval or conditional approval of a variance, the Board of Adjustment shall prepare written findings of fact that all the conditions below apply to the application:

1. That granting the variance shall not be contrary to the public interest;
2. That without grant of the variance, and due to special conditions, a literal enforcement of the Ordinance will result in unnecessary hardship. Unnecessary hardship exists when:

- A. The land in question cannot yield a reasonable return if used only for a purpose allowed in the zone;
 - B. The plight of the owners is due to unique circumstances and not to the general conditions of the neighborhood;
 - C. The use to be authorized by the variance will not alter the essential character of the locality;
- 3. The spirit of the Ordinance shall be observed even when the variance is granted;
 - 4. Substantial justice shall be done because of granting the variance.

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 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.

- 10.03.03 To permit the following exceptions to the District regulations set forth in the Ordinance, provided all exceptions shall in their design, construction, and operation adequately safeguard the health, safety, welfare, and morals of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire and safety, and shall not diminish or impair established property values in surrounding areas:
 - 1. To permit erection and use of a building or the use of premises or vary the height, yard, or area regulations in any location for a public service corporation for public utility purposes, or the purposes of public communication, which the Board of Adjustment determines is reasonably necessary for the public convenience or welfare.
 - 2. To permit the extension of a zoning district where the boundary line of a District divides a lot in single ownership as shown of record or by existing contract or purchase at the time of passage of this Ordinance, but in no case shall such extension of the District boundary line exceed 50 feet in any direction.
- 10.03.04 To issue conditional use permits in accordance with Article 6 of this Ordinance and decide such matters as may be required by other sections of this Ordinance.

SECTION 10.04 SUBMITTAL REQUIREMENTS

- 10.04.01 An application filed in accordance with this Article shall include the following:
 1. The specific provision of this Ordinance from which the variance is sought;
 2. The justification for the variance considering the standards set forth in this Article;
 3. How the granting of the request variance relates to the intent and purpose of this Ordinance and land use policies within the Comprehensive Plan or approved land use map; and
 4. Any Site Development Plan to which the proposed variance is related, if applicable.

SECTION 10.05 PROCEDURE

- 10.05.01 Review of an application for a variance shall be conducted by the Board of Adjustment and shall be in accordance with the following:
 1. Application Review: The Board of Adjustment shall review applications at its next meeting following the submission. Upon review of the application, the Board shall either accept the application as complete or return an incomplete application to the applicant with an explanation of the submittal requirements not met.
 2. Public Hearing Required: Prior to disposition of an application for a variance, the Board of Adjustment shall hold a public hearing. Notice of the public hearing shall be by mail, in accordance with City policy and procedure. Posted notice shall also be provided in accordance with City and State Codes.
 3. Review and Disposition
 - A. The Board of Adjustment shall act upon all applications for a variance in accordance with the requirements set forth in the Iowa Code.
 - B. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards to promote the purposes and protect the integrity of this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed in violation of this Ordinance.

SECTION 10.06 DECISIONS OF THE BOARD OF ADJUSTMENT

In exercising the above mentioned powers, the Board of Adjustment may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision, or determinations as it believes proper, and to that end shall have all the powers of the Zoning Administrator. The concurring vote of three of the members of the

Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance; provided, however, that the action of the Board of Adjustment shall not become effective until after the resolution of the Board of Adjustment, setting forth the full reason for its decision and the vote of each member participating therein, has been filed. Such resolution, immediately following the Board of Adjustment's final decision, shall be filed in the office of the Board of Adjustment, and shall be open to public inspection.

Every variation and exception granted or denied by the Board of Adjustment shall be supported by a written testimony or evidence submitted in connection therewith.

Any taxpayer, or any officer, department, board, or commission of the City of Sloan, or any persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Adjustment.

Article 11: Site Plan Review

SECTION 11.01 PURPOSE

The administration, procedures, and provisions in this Article establish the methods for implementing the Site Plan Review process in this Zoning Ordinance. These provisions include procedures for reviewing specific uses within certain zoning districts; site plan and permitting requirements; and processes for approving and modifying site plans.

SECTION 11.02 SITE PLAN REVIEW PROCESS

- **11.02.01 Purpose:** The Site Plan Review procedure provides for the administrative review in addition to plan review required by other sections of the Sloan Municipal Code of Ordinances. Projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods are included in the Site Plan Review process. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding properties.
- **11.02.02 Administration:** For smaller scale projects, the Planning and Zoning Board or their designee shall review, evaluate, and act on all site plans submitted pursuant to this procedure. An applicant may appeal a denial of any application to the appropriate body. For larger scale projects, a Design Review Committee shall review, evaluate, and act on all site plans submitted pursuant to this procedure.

Members of the Design Review Committee will include the Zoning Administrator, Mayor, City Administrator, City Clerk, Public Works Director, Fire Chief, and any other pertinent officials. Members of the Design Review Committee will not be pulled from the Planning and Zoning Board due to their involvement in the final approval process. The scale of projects will be decided by the Zoning Administrator to determine if the Site Plan Review process will be completed by the Planning and Zoning Board or the Design Review Committee. The Design Review Committee will view the Site Plan and make a recommendation for approval or disapproval to the Planning and Zoning Board. The Planning and Zoning Board will then continue with the approval process detailed herein.

- **11.02.03 Uses Requiring Site Plan Review:** The following selected uses shall follow the Site Plan Review procedure prior to the issuance of a building permit unless they are otherwise subject to a Conditional Use Permit procedure for specific zoning districts.
 1. Multi-unit developments with four or more dwelling units
 2. Education facilities
 3. Automotive sales
 4. Any use that includes drive-in services
 5. Any commercial, industrial, office, or civic building providing over 10,000 square feet in the building area
 6. Any industrial use

- **11.02.04 Applicant Requirements:** An application for a Site Plan Review may be required from the applicant or the applicant's authorized agent with the Planning and Zoning Board. The application must be filed, and all plans must be submitted at least 14 days prior to the scheduled meeting of the Planning and Zoning Board at which the application is to be heard. The application shall include the following information:
 1. Application and address of the applicant.
 2. Owner, address, and legal description of the property.
 3. A description of the nature and operating characteristics of the proposed use.
 4. A site plan, drawn to a scale enough to permit adequate review and diminished as necessary, showing the following information:
 - A. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - B. The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.

- C. The location, size, and use of proposed and existing structures on the site.
 - D. The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
 - E. Location of any major site feature, including drainage, and contours at no greater than five foot intervals.
 - F. Any other information that may be required for review by the Planning and Zoning Board.
- **11.02.05 Administrative Action and Appeal:** The Planning and Zoning Board must act upon each complete application at its next scheduled meeting. An applicant may appeal a denial to the appropriate body.
 - **11.02.06 Review and Evaluation:**
 1. The Planning and Zoning Board shall review and approve the site plan based on the criteria established in Table 11.1 and conformance with application regulations in this Zoning Ordinance.
 2. The Planning and Zoning Board, or their designee, shall make the following findings before approval of the site plan:
 - A. The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 11.1.
 - B. Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects.
 - C. The site plan conforms to the Zoning Ordinance.
 - **11.02.07 Modification of the Site Plan:** The Planning and Zoning Board, or their designee, may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation; rearrangement of structure on the site; or other modifications deemed necessary to protect the public health, safety, welfare, morals, community characters, and property values of the larger Sloan community.
 - **11.02.08 Term and Modification of Approval:**

1. A Site Plan Approval shall become void two years after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.
2. The Planning and Zoning Board, or their designee, may approve an application to modify a previously approved site plan if they determine that the modification does not affect findings related to the criteria set forth in Table 11.1.
3. The Planning and Zoning Board, or their designee, may revoke a Site Plan Approval if they determine that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Planning and Zoning Board.

Table 11.1: Criteria for Site Plan Review, Conditional Use Permits, and Variances

Criteria		Applies To:		
		Site Plan Review	Conditional Use Permit	Variance
Land Use Compatibility				
Development Density	Site area per unit or floor area ratio should be like the surrounding uses if not separated by major natural or artificial features.		X	
Height and Scale	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X	X
Setbacks	Development should respect pre-existing setbacks in the surrounding area. Variations should be justified by site or operating characteristics.	X	X	X
Building Coverage	Building coverage should be like surrounding developments, if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X	X
Operating Characteristics				
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street operations.	X	X	
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X	
Operating Hours	Projects with long operating hours must minimize effects on the surrounding streets and less intensive land uses.	X	X	
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X	
Site Development				
Frontage	Project frontage along a street should be	X	X	

	similar width.			
Parking and Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X	
	All structures must be accessible to public safety vehicles.	X	X	
	Developments must have access to adjacent public streets and ways.	X	X	
	Internal circulation should minimize conflicts and congestion at public access points.	X	X	
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of the site with sensitive environmental features or natural drainage ways should be preserved.	X	X	
Building Design				
Building Design	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.		X	
Public Facilities				
Sanitary Waste Disposal	Developments with 500 feet of a public sanitary sewer must connect to the sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X	X	
	Sanitary sewer must have adequate capacity to serve the proposed development.	X	X	
Storm Water Management	Development should handle storm water management adequately to prevent the overloading of public storm sewer management system.	X	X	
	Development should not inhibit the development of other properties.	X	X	
	Development should not increase the probability of erosion, flooding, landslides, or other run-off related effects.	X	X	
Utilities	Project must be served by utilities.	X	X	
	Rural estate subdivisions should be in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	X	X	
Comprehensive Plan				
Comprehensive Plan	Projects should be consistent with the City of Sloan's Comprehensive Development Plan of Future Land Use Map.		X	X

Article 12: Amendments

SECTION 12.01 INITIATION OF CHANGE

The City Council may, from time to time, amend, supplement, change, or modify the number, shape, area, boundaries, zoning districts, or the regulations herein established. Any such amendment may be initiated by resolution of the City Council, or by any motion of the Planning and Zoning Board, or by petition of any property owner addressed to the Planning and Zoning Board. Petitions for change or amendment shall be on forms filed with the Zoning Administrator.

SECTION 12.02 REPORT FROM PLANNING + ZONING BOARD

Before taking any action on any proposed amendment, supplement, or change, the Planning and Zoning Board shall review the application and submit a recommendation to the City Council. Unless the Planning and Zoning Board transmits its report regarding the proposed changes within 60 days after submission of the amendment, the City Council shall be free to proceed to act on said amendment without further awaiting the report of the Planning and Zoning Board.

SECTION 12.03 NOTICE + HEARINGS

Before submitting its recommendation on a proposed amendment to district boundaries to the City Council, the Planning and Zoning Board shall hold at least one public hearing thereon, notice of which will be given to all property owners within 200 feet of the property concerned by placing said notice in the United States mail at least 7 days before date of such hearing. Notice shall be published of said hearing in a newspaper of general circulation, as required by, and in conformance with, Iowa law. The notice shall state the place and time at which proposed amendment to the Ordinances, including maps, may be examined. When the Planning and Zoning Board has completed its recommendations on a proposed amendment, it shall certify the same to the City Council.

The Planning and Zoning Board shall hold a public hearing thereon, before submitting its report to the City Council. Notice of public hearings before the Planning and Zoning Board shall be given by publishing the time, place, and nature of the hearing at least once, not less than four or more than 20 days before the date of the hearing in a newspaper of general circulation in the City. The notice shall contain reference to the place or places and times within the City where the text, maps, plans, ordinances, amendments, or changes may be examined and shall state the location of the district affected by naming the township and section and the boundaries of the district shall be expressed in terms of streets or roads, if possible. In case the proposed amendment, supplement, or change be disapproved by the Planning and Zoning Board, or a protest be presented duly signed by the owners of 20 percent or more of the area included in such proposed change, or of the area immediately adjacent thereto and within 200 feet of the boundaries thereof, such amendment shall not become effective except by the favorable vote of at least $\frac{3}{4}$ of all members of the City Council.

SECTION 12.04 REVISION BY CITY COUNCIL

Following a report from the Planning and Zoning Board, the City Council shall hold a public hearing and may make appropriate changes or corrections in an ordinance or proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice as required in Section 12.03.

SECTION 12.05 RECONSIDERATION, ONE-YEAR LIMITATION

Whenever a petition requesting an amendment, supplement, or change has been denied by the City Council, such petition, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial.

SECTION 12.06 AMENDMENTS

- *12.06.01* General: Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the City Council may on its own action or by petition after recommendation by the Planning and Zoning Board, after the required public hearings may amend, supplement, or change the regulations, district boundaries, or classifications of property now or hereafter established by this Ordinance or amendments thereof.
- *12.06.02* Procedure for Change: Applications for Change: Applications for any change of district boundaries or classifications of property as shown on the Official Zoning Map shall be submitted to the Planning and Zoning Board at their public office upon such forms and shall be accompanied by such data and information as may be prescribe for that purpose by the Planning and Zoning Board so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments of the text or requirements of this Ordinance shall likewise be submitted to the Planning and Zoning Board on forms prescribed by it shall be verified by the person or persons preparing said amendment.
 1. Before submitting its recommendation on a proposed amendment to the City Council, the Planning and Zoning Board at their public hearing thereon, notice of which shall be given to all property owners within 200 feet of the property by placing said notice in the United States mail at least 7 days before the date of such hearing. Notice shall also be published of said hearing in a newspaper of general circulation, as required by, and in conformance with, Iowa law. The notice shall state the place the time at which the proposed amendment to the Ordinance, including text and maps, may be examined. When the Planning and Zoning Board has completed its recommendations on a proposed amendment, it shall certify the same to the City Council.

2. After receiving the certification of said recommendation on the proposed amendment from the Planning and Zoning Board and before the adoption of such amendment, the City Council shall hold a public hearing thereon, and notices thereof shall be published in accord with Iowa law. In addition, notices shall be sent by the United States mail as specified in 12.06.02 (1) above.
3. After receiving certification of the recommendations on the proposed amendment from the Planning and Zoning Board and after holding the public hearing provided for, the City Council shall consider such recommendations and vote on the adoption of the proposed amendment. The proposed amendment shall become effective by a favorable vote of a majority of all the members of the City Council.
4. Any person or persons desiring a change in the zoning classification of a property shall file with the application for the change, a statement giving the names and addresses of the owners of all properties lying within 200 feet of any part of the property proposed to be changed.
5. The failure to notify as provided in sections 12.06.02 (2) and 12.06.02 (3) above shall not invalidate any recommendation of the Planning and Zoning Board, provided such a failure was not intentional, and omission of the name of any property who may, in the opinion of the Planning and Zoning Board be affected by such amendment or change, shall not invalidate any recommendation adopted hereunder; it being the intention of this subsection to provide so far as may be, due notice to the persons substantially interested in the proposed change that an application is pending before the Planning and Zoning Board, proposing to make a change in the Official Zoning Map or the regulations as set forth in this Ordinance.
6. Each application for an amendment, except those initiated by the Planning and Zoning Board, shall be accompanied by a check payable to the City of Sloan or a cash payment. The fee will be paid according to the amount specified by the Sloan City Clerk's Office. Under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.
7. Whenever any petition for an amendment, supplement, or change of the zoning or regulations herein contained or subsequently established shall have been denied by the City Council, then no new petition covering the same property and/or additional property shall be filed with or considered by the City Council until a time period of at least one (1) year has elapsed from the date of the first filing.

Article 13: Comprehensive Plan Relationship

This Ordinance is designed to implement various elements of the Comprehensive Plan or approved Land Use Plan, as required by state statutes. Any amendment to the district ordinances or map shall conform to the Comprehensive Plan or future Land Use Plan as adopted by the governing body.

Article 14: Legal Status Provisions

SECTION 14.01 SEVERABILITY

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

SECTION 14.02 PURPOSE OF HEADINGS

The headings appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any table of contents, and they shall be wholly disregarded by any person, officer, court, or other tribunal in construing the terms and provisions of this Ordinance.

SECTION 14.03 REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions herein, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 14.04 EFFECTIVE DATE

This Ordinance shall take effect and be enforced after its passage and publication according to law.

ADOPTED AND APPROVED by the Governing Body of Sloan, Iowa.

This _____ day of _____, 2021

(Seal)

ATTEST: _____

City Clerk

Mayor

APPENDIX A: Use Matrix





Appendix A: Use Matrix

Uses	Agricultural (A-1)	Single-Unit Residential (R-1)	Multi-Unit Residential (R-3)	Mobile Home Residential (RMH)	Central Business (CB)	General Business (GB)	Industrial (I)	Planned Unit Development (PUD)	Additional Regulations
Agricultural Use Types									
Animal Production	P	-	-	-	-	-	-	-	
Crop Production	P	-	-	-	-	-	-	-	
Farm	P	-	-	-	-	-	-	-	
Farm Dwelling, Principal	P	-	-	-	-	-	-	-	
Feed Lot	P	-	-	-	-	-	-	-	
Forests and Forestry	P	-	-	-	-	-	-	-	
Horticulture	P	-	-	-	-	-	c	DP	
Livestock Sales	P	-	-	-	-	-	-	-	
Home Garden	P	P	P	P	-	-	-	DP	
Community Garden	P	P	P	P	P	P	-	DP	
Market or Community Supported Agriculture	P	-	-	-	-	-	C	-	
Product Storage and Drying Facilities	P	-	-	-	-	-	P	-	
Poultry Farms	P	-	-	-	-	-	-	-	
Urban Farm	P	P	C	-	-	-	-	-	
Urban Animal Husbandry	P	-	-	-	-	-	-	-	
Civic Use Types									
Administration	P	P	P	P	P	P	P	P	
Campground	P	-	-	-	-	P	-	DP	
Cemetery	P	C	-	-	-	-	-	-	
Clubs and Community Centers	-	P	P	-	-	P	-	DP	
Convalescent Facilities	-	-	P	-	-	P	-	DP	
Day Care Facilities (Limited)	P	P	P	C	P	P	-	DP	
Day Care Facilities (General)	P	P	P	-	P	P	-	DP	
Detention Facilities	-	-	-	-	-	-	C	-	
Emergency Residential Facilities	P	P	P	P	-	-	-	-	
Group Care Facility	-	-	P	P	-	-	-	DP	
Health Care Facility	-	-	P	-	-	P	-	DP	
Hospitals	P	-	-	-	P	P	P	P	
Maintenance Facilities	P	-	-	-	-	P	P	-	
Parks and Recreational Facilities	P	P	P	P	P	P	P	P	
Public Facilities	-	-	-	-	P	P	-	P	
Primary Educational Facilities	P	P	P	P	C	P	-	P	
Public Assembly	-	-	-	-	-	C	C	-	
Religious Assembly	P	P	P	-	P	P	P	P	
Safety Services	-	P	P	P	P	P	P	P	
Secondary Educational Facilities	P	P	P	-	C	P	-	P	
Utilities	C	C	C	C	C	C	P	P	



Appendix A: Use Matrix

Uses	Agricultural (A-1)	Single-Unit Residential (R-1)	Multi-Unit Residential (R-3)	Mobile Home Residential (RMH)	Central Business (CB)	General Business (GB)	Industrial (I)	Planned Unit Development (PUD)	Additional Regulations
Commercial Use Types									
Adult Oriented Businesses	-	-	-	-	-	-	C	-	Found in Appendix C: Definitions "Adult Oriented Uses"
Agricultural Sales and Service Facilities	P	-	-	-	-	P	P	DP	
Automobile Washing Facilities	-	-	-	-	-	P	P	DP	
Automotive Rental and Sales	-	-	-	-	-	P	P	DP	See Section 9.13
Auto Services	-	-	-	-	-	P	P	DP	See Section 9.12
Body Repair	-	-	-	-	-	C	P	DP	See Section 9.12
Bed and Breakfast	C	C	C	-	-	-	-	DP	See Section 9.14
Brew Pub	-	-	-	-	P	P	-	DP	
Brewery, Distillery, Winery	-	-	-	-	C	P	P	DP	
Barber Shop/Hair Salon	-	-	-	-	P	P	-	DP	
Cocktail Lounge	-	-	-	-	P	P	-	DP	
Commercial Recreation	C	-	-	-	P	P	-	DP	
Communication Services	-	-	-	-	P	P	-	DP	
Construction Sales and Services	-	-	-	-	-	P	P	DP	
Crematorium	-	-	-	-	C	P	-	DP	
Equipment Rental and Sales	-	-	-	-	P	P	-	DP	
Equipment Repair Services	-	-	-	-	P	P	P	DP	
Food Sales	-	-	-	-	P	P	-	DP	
Funeral Services	-	C	P	-	-	P	-	DP	
Gaming Facilities	-	-	-	-	-	C	C	DP	
Golf Course, Public or Private	P	-	-	-	-	P	C	DP	
Kennels	P	-	-	-	P	P	-	DP	
Kennels, Breeding	P	-	-	-	-	P	-	DP	
Laundry Services	-	-	-	-	P	P	-	DP	
Liquor Sales (Retail Establishment)	-	-	-	-	P	P	-	DP	
Lodging	-	-	-	-	C	P	-	DP	
Mobile Food Units	T	-	T	-	T	T	T	DP	See Section 9.18
Recreational Vehicle (RV) Park	C	-	-	-	-	-	C	DP	See Section 9.17
Research Services	-	-	-	-	-	P	P	DP	
Restaurants	-	-	-	-	P	P	-	DP	
Retail Services, General	-	-	-	-	P	P	-	DP	
Self-Storage Units	-	-	-	-	-	P	P	DP	See Section 9.11
Stables and/or Riding Academies	P	-	-	-	-	-	-	DP	
Surplus Sales	-	-	-	-	C	P	P	DP	
Trade Services	-	-	-	-	-	C	P	DP	
Vehicle Storage (Short Term)	-	-	-	-	-	C	P	DP	
Veterinary Services	P	-	-	-	P	P	-	DP	



Appendix A: Use Matrix

Uses	Agricultural (A-1)	Single-Unit Residential (R-1)	Multi-Unit Residential (R-3)	Mobile Home Residential (RMH)	Central Business (CB)	General Business (GB)	Industrial (I)	Planned Unit Development (PUD)	Additional Regulations
Industrial Use Types									
Construction Yards	C	-	-	-	-	-	P	DP	
Manufacturing	-	-	-	-	-	-	P	DP	
Light Industry	-	-	-	-	-	C	P	DP	See Section 9.06
General Industry	-	-	-	-	-	C	P	DP	See Section 9.06
Heavy Industry	-	-	-	-	-	-	P	DP	See Section 9.06
Biofuel Distillation Facilities	-	-	-	-	-	-	P	C	See Section 9.09
Recycling Collection or Processing	-	-	-	-	-	-	P	C	
Resource Extraction	C	-	-	-	-	-	P	DP	See Section 9.16
Salvage Services	-	-	-	-	-	-	P	DP	See Section 9.08
Junk Yards	-	-	-	-	-	-	P	-	See Section 9.08
Vehicle Storage (Long Term)	-	-	-	-	-	-	P	-	
Warehousing	-	-	-	-	-	-	P	DP	
Miscellaneous Use Types									
Alternative Energy Production Devices (Large-Scale/ Commercial)	P	-	-	-	-	-	C	DP	
Amateur Radio Tower	P	P	P	P	-	P	P	-	
Tower or Transmitting Station	-	-	-	-	-	C	C	-	See Section 9.04
Construction Batch Plant	-	-	-	-	-	-	C	-	See Section 4.25.01(8)
Landfill (Non-Putrescible Solid Waste Disposal)	P	-	-	-	-	-	P	-	
Landfill (Putrescible and Non-Putrescible Solid Waste Disposal)	P	-	-	-	-	-	P	-	
Solar Energy System	P	P	P	P	P	P	P	DP	See Section 9.10
Wind Energy Conservation System	C	-	-	-	-	-	P	DP	
Office Use Types									
Financial Services	-	-	-	-	P	P	-	DP	
General Offices	-	-	-	-	P	P	-	DP	
Medical Offices	-	-	-	-	P	P	-	DP	
Transportation Use Types									
Aviation Facilities	P	-	-	-	-	C	P	DP	
Railroad Facilities	-	-	-	-	-	P	P	DP	
Truck Terminal	-	-	-	-	-	P	P	DP	

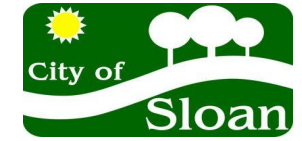


Appendix A: Use Matrix

Uses	Agricultural (A-1)	Single-Unit Residential (R-1)	Multi-Unit Residential (R-3)	Mobile Home Residential (RMH)	Central Business (CB)	General Business (GB)	Industrial (I)	Planned Unit Development (PUD)	Additional Regulations
Residential Use Types									
Commercial Residential	-	-	-	-	P	P	-	DP	
Downtown Residential	-	-	-	-	P	-	-	-	
Manufactured Home	-	-	C	P	-	-	-	C	Found in Appendix C: Definitions "Dwelling, Manufactured Home"
Mobile Home Park	-	-	-	P	-	-	-	DP	
Multiple Unit Residential	-	-	P	-	-	-	-	DP	Found in Appendix C: Definitions "Dwelling, Multiple Unit"
Prefabricated Home	-	P	P	P	-	-	-	DP	
Rural Residential	P	-	-	-	-	-	-	-	
Single-Unit Residential (Detached)	P	P	P	-	-	-	-	DP	Found in Appendix C: Definitions "Single Unit Residential, Detached"
Two-Unit Residential	-	P	P	-	-	-	-	DP	Found in Appendix C: Definitions "Dwelling, Two Unit"
Townhouse Residential	-	P	P	-	-	-	-	DP	Found in Appendix C: Definitions "Dwelling, Townhouse"
Accessory Use Types									
Barns	P	-	-	-	-	-	-	-	
Bins, Grain Storage or Other Agricultural	P	-	-	-	-	-	P	-	
Decks, Gazebos, Patios (elevated or on-grade)	P	P	P	P	P	P	P	DP	
Freestanding Canopy	P	P	-	-	P	P	P	P	
Fuel Storage	P	-	-	-	-	C	P	-	
Fuel Tanks and Dispensing Equipment	P	-	-	-	-	P	P	-	
Garages, Private	P	P	P	P	P	P	P	DP	
Carports	P	P	P	P	-	-	-	DP	
Greenhouses, Non-Commercial	P	P	P	P	-	-	-	DP	
Home Occupations	P	P	P	-	-	-	-	DP	See Sections 9.01 through 9.03
Home Based Businesses	P	P	P	-	-	-	-	DP	See Sections 9.01 through 9.03
Home Based Occupation/Business for Limited Gun and Ammunition Sales	C	C	C	-	-	-	-	C	See Sections 9.01 through 9.03
Portable On-Demand Storage Containers	T	T	T	T	T	T	T	T	Section 9.15
Porch, Unenclosed	P	P	P	P	P	P	P	P	
Silos	P	-	-	-	-	-	P	DP	
Storage Sheds	P	P	P	P	P	P	P	P	
Swimming Pools, Private	P	P	P	-	-	P	-	DP	

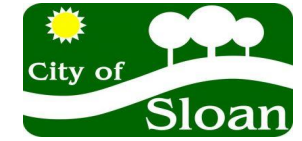
APPENDIX B: Zoning District Bulk Regulations





Agricultural District (A-1) District								
Use	Lot Area	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		Maximum Building Height (feet)	Maximum Number of Stories
Residential Uses	1 acre	100	20	50	1.0 and 1.5 stories	30 total, 10 one side	35	3
					2.0 and 3.0 stories	35 total, 15 one side		
Other Permitted Uses	No minimum	100	20	50	1.0 and 1.5 stories	30 total, 10 one side	35	3
					2.0 and 3.0 stories	35 total, 15 one side		
Religious + Educational Uses	No minimum	100	50	50	50 total, 20 one side		35	3
Conditional Uses	No minimum	100	20	50	1.0 and 1.5 stories	30 total, 10 one side	35	3
					2.0 and 3.0 stories	35 total, 15 one side		
Accessory Uses	No minimum	-	20	10	10 total		20	1

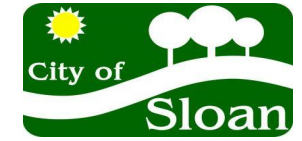
Low Density Residential (R-1) District								
Use	Lot Area (square feet)	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Minimum Side Yard (feet)		Maximum Building Height (feet)	Maximum Number of Stories
One Unit Residential Uses	8,400	70	20	35	1.0 and 1.5 stories	15 total, 5 one side	35	3
					2.0 and 3.0 stories	20 total, 8 one side		
Duplex Residential Uses	10,000	80	20	35	1.0 and 1.5 stories	15 total, 5 one side	35	3
					2.0 and 3.0 stories	20 total, 8 one side		
Triplex Residential Uses	11,600	90	20	35	1.0 and 1.5 stories	15 total, 5 one side	35	3
					2.0 and 3.0 stories	20 total, 8 one side		
Other Permitted Uses	8,400	70	20	35	1.0 and 1.5 stories	15 total, 5 one side	35	3
					2.0 and 3.0 stories	20 total, 8 one side		
Religious + Educational Uses	10,000	80	20	35	35 total		35	3
Conditional Uses	8,400	70	20	35	1.0 and 1.5 stories	15 total, 5 one side	35	3
					2.0 and 3.0 stories	20 total, 8 one side		
Accessory Uses	8,400	-	20	5	5 total		20	1



Medium Density Residential (R-3) District								
Use	Lot Area (square feet)	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Minimum Side Yard (feet)		Maximum Building Height (feet)	Maximum Number of Stories
One Unit Residential Uses	8,400	70	20	35	1.0 and 1.5 stories	15 total, 5 one side	35*	No Limitation
					2.0 and 2.5 stories	17 total, 8 one side		
					3.0 stories or more	25 total, 10 one side		
Duplex + Triplex Residential Uses	10,000	90	20	35	1.0 and 1.5 stories	15 total, 5 one side	35*	No Limitation
					2.0 and 2.5 stories	17 total, 8 one side		
					3.0 stories or more	25 total, 10 one side		
Other Multi-Unit Residential Uses	12,000	90	20	35	1.0 and 1.5 stories	15 total, 5 one side	35*	No Limitation
					2.0 and 2.5 stories	17 total, 8 one side		
					3.0 stories or more	25 total, 10 one side		
Other Permitted Uses	12,000	90	20	35	1.0 and 1.5 stories	15 total, 5 one side	35*	No Limitation
					2.0 and 2.5 stories	17 total, 8 one side		
					3.0 stories or more	25 total, 10 one side		
Religious + Educational Uses	10,000	90	20	35	35 total		35*	No Limitation
Conditional Uses	8,400	70	20	35	1.0 and 1.5 stories	15 total, 5 one side	35*	No Limitation
					2.0 and 2.5 stories	17 total, 8 one side		
					3.0 stories or more	25 total, 10 one side		
Accessory Uses	8,400	-	20	5	5 total		20	1

*For a principal building height over 35 feet, one foot of building height may be added for every one foot of the building that is set back beyond the required front, side, and rear yards

Mobile Home Residential (RMH) District								
Use	Mobile Home Development	Minimum Lot Space	Minimum Lot Width	Front Yard	Rear Yard	Minimum Side Yard	Clearance Between Mobile Homes	Maximum Building Height
Mobile Home Dwelling	2 acres	3,000 square feet	40 ft.	20 ft., 50 ft. if abutting a "R" District or Public Street	10 ft.	5 ft., 25 ft. on corner lots	20 ft.	30 ft.
Accessory Uses	-	-	-	-	10 ft.	5 ft.	-	10 ft.



Central Business (CB) District							
Use	Lot Area (square feet)	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Minimum Side Yard (feet)	Maximum Building Height (feet)	Maximum Number of Stories
Permitted Uses, Residential Uses	Same as R-3 District	Same as R-3 District	Same as R-3 District	No minimum, 25 when adjacent to "R" District	No minimum, 10 when adjacent to "R" District	45	3 stories
Permitted Uses, Other Uses	No minimum	No minimum	No minimum	No minimum, 25 when adjacent to "R" District	No minimum, 10 when adjacent to "R" District	45	3 stories
Conditional Uses	No minimum	No minimum	No minimum	No minimum, 25 when adjacent to "R" District	No minimum, 25 when adjacent to "R" District	45	3 stories
Accessory Uses	-	-	-	-	-	20	-

General Business (GB) District							
Use	Lot Area (square feet)	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Minimum Side Yard (feet)	Maximum Building Height (feet)	Maximum Number of Stories
Permitted Uses	No minimum	No minimum	25	30	No minimum, 10 when adjacent to "R" District	45	3 stories
Conditional Uses	No minimum	No minimum	25	30	No minimum, 10 when adjacent to "R" District	45	3 stories
Accessory Uses	-	-	-	5	No minimum, 10 when adjacent to "R" District	20	-

Industrial (I) District							
Use	Lot Area (square feet)	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Minimum Side Yard (feet)	Maximum Building Height (feet)	Maximum Number of Stories
Permitted Uses	No minimum	No minimum	30	40, no min. if adjacent to railroad ROW	No minimum, 25 when adjacent to "R" District	No minimum	No minimum
Conditional Uses	No minimum	No minimum	30	40, no min. if adjacent to railroad ROW	No minimum, 25 when adjacent to "R" District	No minimum	No minimum
Accessory Uses	-	-	-	10, no min. if adjacent to railroad ROW	No minimum, 25 when adjacent to "R" District	-	-

APPENDIX C: Zoning Ordinance Definitions



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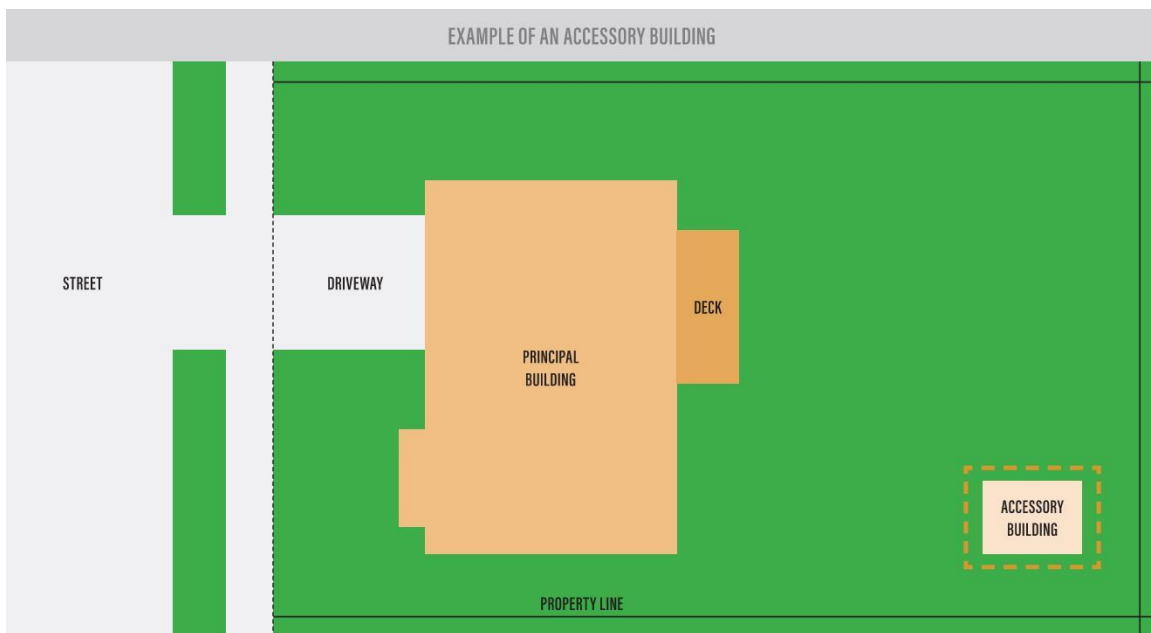


ABANDONMENT shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

ABUT shall mean to border on, be contiguous with or have common property or district lines, including property separated by a public street or alley.

ACCESS or ACCESS WAY shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this Ordinance.

ACCESSORY BUILDING or STRUCTURE shall mean a detached subordinate building or structure located on the same lot with the principal building or structure, the use of which is incidental and accessory to that or the principal structure. Customary accessory buildings and structures include farm buildings, garages, carports, and storage sheds, but not portable storage containers.



ACCESSORY USE shall mean a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building.

ACREAGE shall mean any tract or parcel of land, used for single-family residential purposes, that does not qualify as a farm or farmstead.

ADJACENT see “Abut.”

ADULT ENTERTAINMENT USES shall mean any use, including, but not limited to, adult movie theaters, adult mini-movie theaters, adult motion picture arcades, adult novelty businesses, and adult cabarets, which is conducted exclusively for the patronage of adults from which minors are excluded by law or by the owners, or which offer patrons services or entertainment characterized by an emphasis on the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities. Adult entertainment uses do not include uses offering goods displaying or describing specified anatomical areas or specified sexual activities for sale or rent for use off the premises where such transactions constitute less than ten (10) percent of the gross sales of the businesses and the physical display of such occupies less than five (5) percent of the display area, up to a maximum of five-thousand (5,000) square feet.

AGRICULTURE shall mean land suitable for use in farming and which is or will be operated as a farm, including the raising, harvesting, and selling crops; feeding, breeding, management, and sale of, or the production of, livestock, poultry, fur-bearing animals or honeybees; dairying and the sale of dairy products; or any other agricultural or horticultural use.

AGRICULTURAL SALES AND SERVICES shall mean an establishment or place of business engaged in sales from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods, or in the provision of agriculturally related services with incidental storage on lots other than where the service rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

ALLEY shall mean a public or private thoroughfare, not more than twenty-four (24) feet in width, which affords only a secondary means of access to property abutting thereon.

ALTERATION shall mean any change, addition, or modification to the construction or occupancy of an existing structure.

AMENDMENT shall mean a change in the wording, context, or substance of the Ordinance, or an addition, deletion or change in the district boundaries or classifications upon the Official Zoning Map. More on the amendment process can be found in Article 12.

ANTENNA shall mean any attached or external system of wires, poles, rods, reflecting disks, or similar devices used for the transmission or reception of electromagnetic waves. Also, see Satellite Dish Antenna and Tower.

APARTMENT shall mean a room or a suite of rooms within an apartment building or multiple unit dwelling arranged, intended or designed as a place of residence for a single household unit or a group of individuals living together as a single household unit, including bathroom and kitchen facilities.

APARTMENT COMPLEX shall mean a building or buildings containing apartments used as a place of residence for more than four dwelling units.

APPLICANT shall mean the owner or duly designated representative of land proposed to be subdivided, or for which a special use permit, conditional use permit, temporary use permit, zoning amendment, variance,

appeal, building permit, or certificate of occupancy and other similar administrative permits has been requested. Consent shall be required from the legal owner or their legal representative in writing except for building permits.

ATTACHED shall mean a foundation, wall, or roof of a building or structure which is connected to and supported by the foundation, wall, or roof, of another building or structure.

AUTO SERVICES shall mean the repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. It shall also mean replacement of assemblies, tune-up of automobiles, engine overhaul, or similar type work.

AUTOMOTIVE RENTAL AND SALES shall mean sale, rental, or incidental storage for maintenance and servicing of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships; and the open area to display automobiles for sales and service.

AWNING shall mean a roof-like cover, often constructed of fabric, plastic, vinyl, metal, or glass designed and intended for protection from the elements or as a decorative embellishment, and which projects from a wall of a structure.

B

BASE FLOOD shall mean the flood, from whatever source, having a one percent change of being equaled or exceeded in any given year, otherwise referred to as the 100-year flood.

BASE FLOOD ELEVATION shall mean that elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a one percent or greater change of flooding in any given year.

BASE ZONING DISTRICT shall mean a district established by this Ordinance that prescribes basic Ordinances governing land use and site development standards.

BASEMENT shall mean the substructure or foundation of a building; the lowest story of a building, usually below ground level.

BED AND BREAKFAST shall mean a private home or residence where the host resides and provides lodging and meals for overnight guests. It is exempt from licensing and inspection as a food establishment as a hotel.

BERM shall mean a raised or contoured form of earth to provide screening, stormwater management or to improve the aesthetic character.

BEST INTERESTS OF COMMUNITY shall mean interests of the community at large and not the interest of the immediate neighborhood.

BLOCK shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, non-platted land, City or County boundaries, or adjoining property lines.

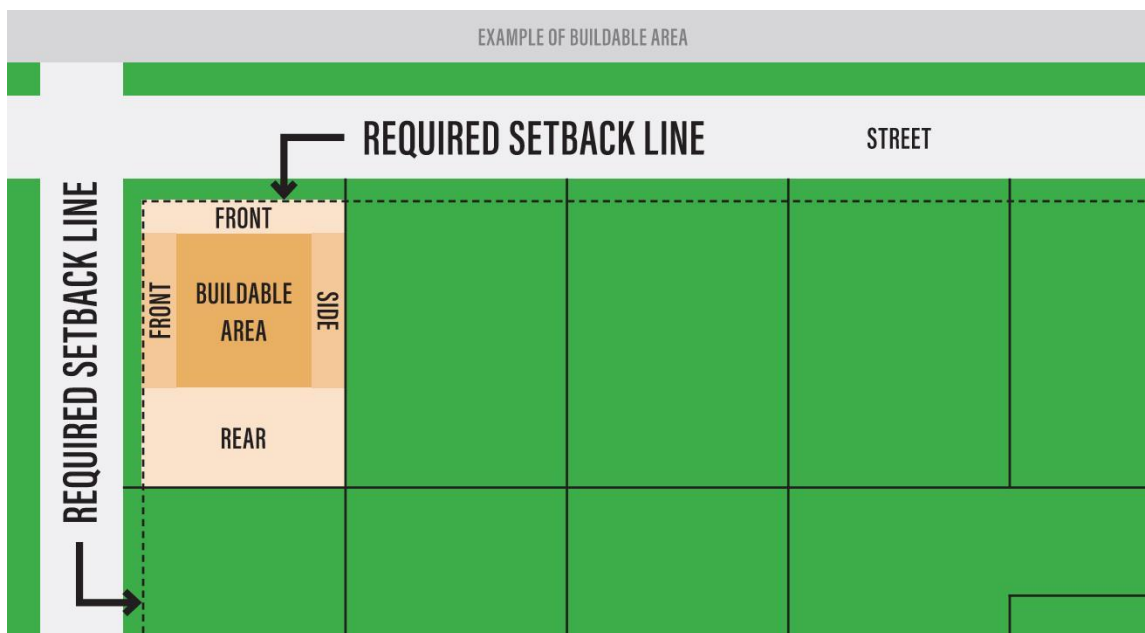
BLOCK FRONTAGE shall mean that section of a block fronting on the street right-of-way line between two intersecting streets or another block boundary.

BOARD OF ADJUSTMENT shall mean that "Board" that has been created by the City and which has authority under Iowa Code to hear and determine appeals from, interpretations of, variances, and grant Conditional or Special Use permits.

BUFFER shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. Also, see Screening.

BUFFER ZONE shall mean an area of land that separates two zoning districts and/or land uses that acts to soften or mitigate the impacts of one use on the other.

BUILDABLE AREA shall mean that part of zoning lot not included within the required setback yards or subject to other restrictions herein required.



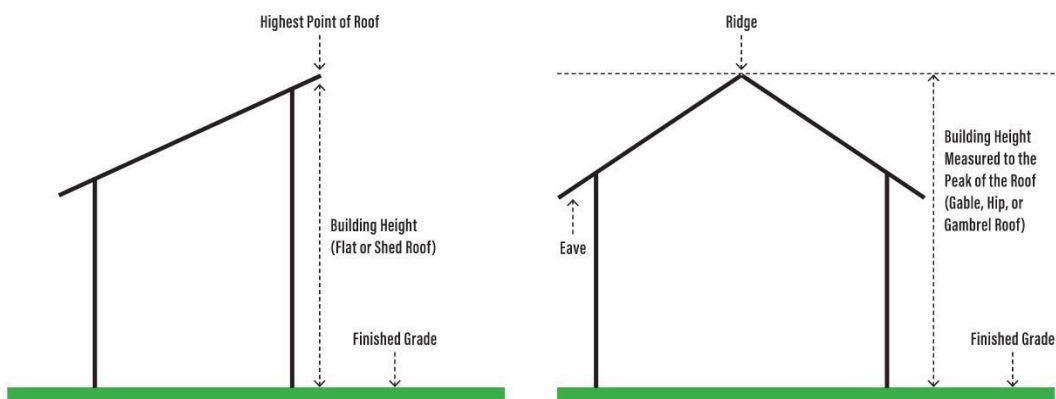
BUILDING shall mean any structure having a roof or partial roof supported by columns, posts, or walls for the enclosure of persons, animals, equipment, or chattels of any kind.

BUILDING AREA shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

BUILDING CODE shall mean the various adopted codes of the City of Sloan that regulate the building, electrical, mechanical, plumbing, and other codes adopted by the City that pertain to building construction.

BUILDING ENVELOPE shall mean the three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.

EXAMPLE OF A BUILDING ENVELOPE



BUILDING HEIGHT shall mean the distance measured from the mean elevation of the grade of the front face of the building to the highest point on the roof or parapet of the building.

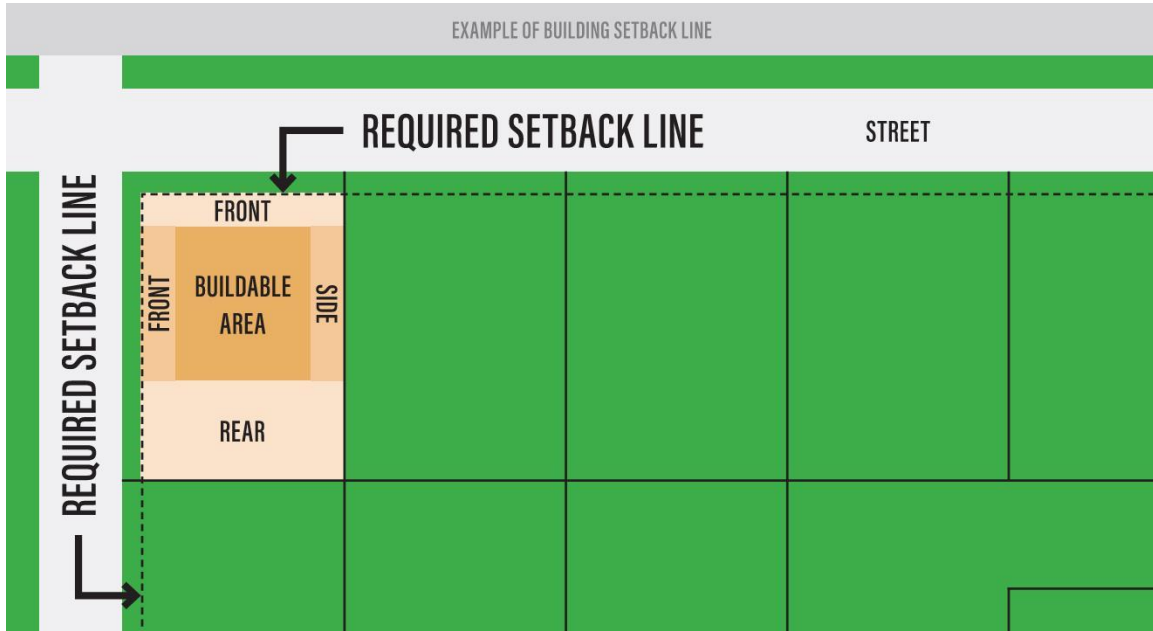
BUILDING INSPECTOR shall mean the official appointed by the administration or the City Council and charged with the responsibility of enforcing this title.

BUILDING LINE shall mean the outer boundary of a building established by the location of its exterior walls.

BUILDING PERMIT shall mean a document issued under the authority of the Building Inspections/Code Enforcement Department, which authorizes the construction or modification of a structure on a property.

BUILDING, PRINCIPAL shall mean the building on a zoning lot in which the principal use of the lot is conducted.

BUILDING SETBACK LINE shall mean the required zoning distance between a building and the lot line.



BULK REGULATIONS shall mean an indication of size and setback of buildings and their location with respect to one another including lot area, lot frontage, lot coverage, required front yard, required side yard, required rear yard, and building height.

BUSINESS shall mean activities that include the exchange or manufacture of goods or services on a site.

C

CAMPGROUND shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles for which the primary purpose is recreational; additionally, campgrounds shall have open areas that are natural in character.

CARPORT shall mean a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purposes of this chapter, a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements.

CELLAR shall mean a building space less than one-half of its height below the average adjoining grade lines.

CEMETERY shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium's, crematoriums, and mausoleums.

CERTIFICATE OF OCCUPANCY shall mean a permit issued by the building inspector indicating the use of the building or land in question is in conformity with this title or that there has been a legal variance therefrom as provided by this title.

CITY shall mean the City of Sloan, Iowa.

CITY ATTORNEY shall mean the City Attorney of the City of Sloan or their authorized deputy, agent, or representative.

CITY CLERK shall mean the City Clerk of the City of Sloan as appointed by the City Council.

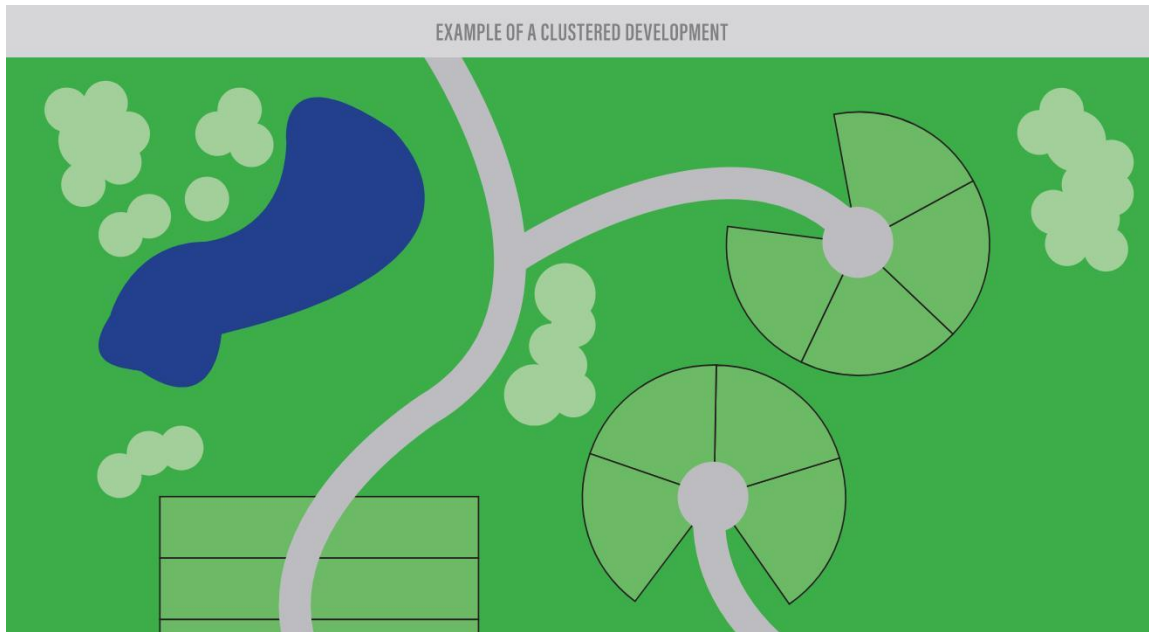
CITY COUNCIL shall mean the City Council of Sloan, Iowa.

CITY ENGINEER shall mean the City Engineer as hired or appointed by the Mayor and City Council or their authorized deputy, agent, or representative.

CITY LIMITS shall mean the established corporate boundary of the City of Sloan.

CLUB shall mean an association of persons, for the promotion of some nonprofit object, who are bona fide members paying annual dues, which owns, hires or leases a building, or portion thereof, the use of such premises normally being restricted to members and their guests. It is permissible to prepare and serve food and meals to members and their guests on such premises, providing adequate dining space and kitchen facilities are available and are properly operated.

CLUSTERED DEVELOPMENT shall mean a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.



CODE shall mean the Municipal Code of the City of Sloan, Iowa.

COMMERCIAL RECREATION shall mean a bowling alley, cart track, jump center, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, theater, firearms range, boat rental, amusement rides, campgrounds, and similar uses.

COMMERCIAL RESIDENTIAL shall mean a type of mixed-use development that incorporates both commercial and residential uses in the same building. An example of a commercial residential development would be a commercial storefront on the ground floor with apartment units in the upper stories.

COMMERCIAL USE shall mean the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

COMMON AREA OR PROPERTY shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the Owners of the individual building sites in a Planned Unit Development or condominium development.

COMMUNITY CENTER shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

COMMUNITY GARDEN shall mean a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

COMPATIBLE USE shall mean the degree to which two or more different land use types are able to exist together in proximity, with no one use having significant negative effects on any other use.

COMPREHENSIVE PLAN shall mean the Comprehensive Development Plan or Comprehensive Land Use Plan of Sloan, Iowa as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare.

CONDITIONAL USE shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics, would not be detrimental to the public health, safety, and general welfare which is permitted upon findings of the Board.

CONDITIONAL USE PERMIT shall mean a permit issued by the Board of Adjustment that authorizes the recipient to make conditional use of property in accordance with the provisions of Article 6 and any additional conditions placed on the property by said permit.

CONDOMINIUM shall mean a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.

CONFLICTING LAND USE shall mean the use of property which transfers over neighboring property lines causing negative economic or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, and water vapor, or consists of mismatched land uses, density, height, mass, or layout of adjacent uses, or results in a loss of privacy.

CONSERVATION shall mean the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.

CONSERVATION AREA shall mean an environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in the case of an overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

CONSERVATION EASEMENT shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

CONSTRUCTION BATCH PLANT shall mean a temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

CONSTRUCTION YARDS shall mean establishments and housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractors' yards.

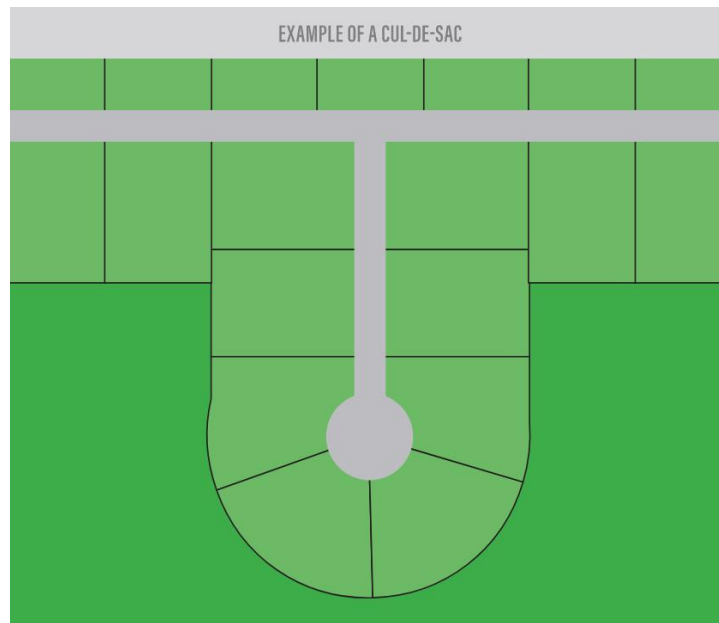
CONVALESCENT HOMES shall mean an establishment providing full-time housing and care for the aged or physically infirm, and not involving surgery, obstetrical services, or other major medical services more commonly provided in hospitals or clinics. Such establishments may involve usual convalescent or chronic care including bedside nursing care, administration of medicines or special diets, application of bandages or dressings, and similar procedures. Such establishments may also include transitional living facilities.

CORPORATE LIMITS shall mean all land, structures and open space that has been annexed into the City's jurisdiction. This does not include the extraterritorial jurisdiction of the City.

COUNTY ASSESSOR shall mean county assessor of Woodbury County or their authorized representative.

CREMATORIUM shall mean a location containing properly installed, certified apparatus intended for use in the act of cremation.

CUL-DE-SAC shall mean a short public way, which has only one outlet for vehicular traffic and terminates in a vehicular turn-around.



CURB shall mean a stone, asphalt, or concrete boundary marking the edge of a roadway or paved area.

D

DAYCARE FACILITIES shall mean the care, supervision, and guidance of a child by a person other than a child's parent, guardian, or custodian for periods of less than twenty-four hours per day per child on a regular basis, but does not include, supervision, and guidance of a child pursuant to Chapter 237A of the Iowa Code. Daycare facilities (general) shall mean a facility providing childcare for seven or more children.

DECK shall mean a flat, floored, roofless structure. Roofless does not include a roll-out awning or a canopy provided that all the vertical sides, other than the residential structure, are open.

DENSITY shall mean the number of dwelling units per gross acre of land.

DEVELOPMENT shall mean any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required

DEVELOPMENT REVIEW shall mean the review, by the City, of subdivision plats, site plans, rezoning requests, or permit review.

DISTRICT or ZONE shall mean any zoning district created for the purpose of regulating specific uses within a defined area.

DOWNZONING shall mean a change in zoning classification of land to a less intensive or more restrictive district, such as from commercial district to residential district or from a multi-unit residential district to a single-unit residential district.

DRIVEWAY shall mean any vehicular access to an off-street parking or loading facility.

DUPLEX see Dwelling, Two Unit.

DWELLING shall mean a building or portion thereof, designed or used exclusively for residential occupancy, including a manufactured home as defined in state law, but not including travel trailers, recreational vehicles, mobile homes, hotels, motels, motor lodges, boarding and lodging housing, tourist courts, or tourist homes.

DWELLING, MANUFACTURED HOME shall mean a factory-built structure built under the authority of 42 U.S.C. §5403, that is required by federal law to display a seal required by HUD and was constructed on or after June 15, 1976. If a manufactured home is placed in manufactured home community or a mobile home park, the home must be titled and is subject to the manufactured or mobile home square foot tax. If a manufactured home is placed outside a manufactured home community or a mobile home park, the home must be titled and is to be assessed and taxed as real estate.

DWELLING, MULTIPLE UNIT shall mean a building or buildings designed and used for occupancy by three or more household units, all living independently of each other, and having separate kitchen and toilet facilities for each dwelling unit.

DWELLING, SEASONAL shall mean a dwelling designed and used as a temporary residence and occupied less than six months in each year.

DWELLING, SEMI-DETACHED shall mean a residence which is erected on a separate lot and is joined to another such residence on one (1) side only by a wall located on the lot line and which has a yard on the remaining sides.

DWELLING, SINGLE UNIT shall mean a building having accommodations for or occupied exclusively by one household unit which meet all the following standards:

- A. The home shall have no less than 640 square feet of floor area, above grade, for single story construction;
- B. The home shall have no less than a 20-foot exterior width; and
- C. The home shall have a permanent foundation, defined as a continuous perimeter base on which the building rests, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed at a depth required by the City Building Code.

DWELLING, SINGLE UNIT ATTACHED see Dwelling, Townhouse.

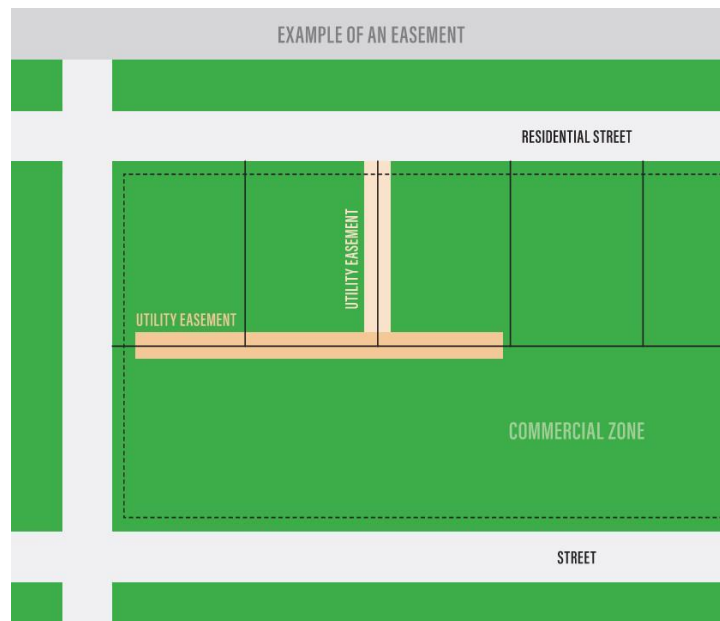
DWELLING, TOWNHOUSE shall mean a one-unit dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical wall(s).

DWELLING, TWO UNIT shall mean a building designed or used exclusively for the occupancy of two household units living independently of each other and having separate kitchen and toilet facilities for each household.

DWELLING, UNIT shall mean a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

E

EASEMENT shall mean an authorization by a property owner for the use by another, and for a specified purpose, of a designated part of their property.



EFFECTIVE DATE shall mean the date that this chapter shall have been adopted, amended, or the date land areas became subject to the Ordinances contained in this chapter because of such adoption or amendment.

EMERGENCY RESIDENTIAL FACILITIES shall mean a residential facility which provides room and board for a temporary (30 days or less) period, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

ENCROACHMENT shall mean an advancement or intrusion beyond the lines or limits as designated and established by the City Code.

ENLARGEMENT shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

EQUIPMENT RENTAL AND SALES shall mean the sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.

EQUIPMENT REPAIR SERVICES shall mean the repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

ESSENTIAL SERVICES shall mean the erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply, or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.

EXISTING AND LAWFUL shall mean the use of a building, structure, or land in actual existence, operation, and use, as compared to the use being proposed, contemplated, applied for, or in the process of being constructed or remodeled. In addition, the use must have been permitted, authorized, or allowed by law or any other applicable regulation prior to the enactment of a zoning regulation when first adopted or permitted, authorized, or allowed by the previous zoning regulation prior to the adoption of an amendment to that zoning regulation.

EXPANSION shall mean the enlargement of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

EXTRATERRITORIAL JURISDICTION shall mean the area beyond the corporate limits, in which the City has been granted the powers by the state to exercise subdivision review and is exercising such powers.

F

FARMING shall mean the raising of field crops and livestock, horticulture, forestry, animal husbandry, and similar agricultural activities. See Animal Production and Crop Production in use matrix.

FEDERAL shall mean the federal government of the United States of America.

FEED LOT shall mean any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hog, or sheep. A commercial feed lot, as described, in which the livestock on feed are not part of a normal agricultural operation.

FENCE shall mean a structure or hedge serving as an enclosure, barrier, or boundary above ground.

FENCE, INVISIBLE shall mean an electronic pet containment system that includes the burying of wire and the use of transmitters for complete enclosure of a yard or creating sectional areas within a yard.

FINANCIAL SERVICES shall mean the provision of financial and banking services to consumers or clients with walk-in and drive-in services.

FLOOD shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the flow of inland or tidal waters, or 2) the unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPLAIN shall mean any land area susceptible to being inundated by water from any source as determined by the Flood Insurance Rate Map (FIRM) map.

FLOODWAY shall mean the channel of a watercourse and adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FLOOR AREA shall mean the square feet of floor space within the outside line of the walls, including the total of all space on all floors of the building. Floor area shall not include porches, garages, or spaces in a basement, cellar, or attic.

FOUNDATION shall mean that part of a building or wall, wholly or partly below grade, that constitutes a structural base for such building or wall.

FREESTANDING CANOPY shall mean a permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.

FRONTAGE shall mean that portion of a parcel of property or block that abuts a dedicated public street or highway.

FRONTAGE ROAD shall mean a street adjacent to a freeway expressway, or arterial street separated therefrom by a dividing strip and providing access to abutting properties.

FUNERAL HOME OR MORTUARY shall mean a building used for the storage, preparation, and display of the deceased and for the performance of rituals and ceremonies connected therewith before burial or cremation. Crematoriums are permitted as an accessory use to a funeral home or mortuary.

G

GARAGE, PRIVATE shall mean a detached or attached accessory building for the storage of private passenger vehicles or recreational equipment with a capacity of not more than three single stalls per dwelling unit and where no repair facilities are maintained.

GENERAL INDUSTRY shall mean the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and any storage facilities operated in conjunction with an industrial use or for a fee, including storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise.

GENERAL OFFICES shall mean the use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.

GREENHOUSE shall mean a building or premises used for growing plants, preparation of floral arrangements, and cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes, for non-commercial purposes.

GRADE shall mean the mean elevation of the ground measured along the wall of a building or a lot line, or the top of a street curb or official grade of a street curb not yet constructed, or an official grade of an alley surface, as appropriate to the context in which the term is used.

GRADING shall mean changing the natural or existing topography of land.

GROSS FLOOR AREA shall mean the total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. The definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

H

HALF-STORY shall mean a story under a sloped roof which has the intersection of the roof line and exterior wall face not more than three feet above the floor of such story.

HARD SURFACED shall mean any surface used for movement of vehicular and/or pedestrian traffic that is designed and paved with either asphalt, concrete, permeable pavement, or pavers to City standards, but shall not include surfacing materials such as crushed rock, gravel, or surface sealants.

HAZARDOUS WASTE shall mean the waste products of industrial or chemical processes including, but not limited to, used, surplus, or contaminated fertilizer, herbicide, petroleum products, or other comparable waste material.

HEAVY INDUSTRY shall include the use, processing, or storage of hazardous, explosive, flammable, radioactive, or potentially hazardous materials.

HEIGHT, MAXIMUM shall mean the total height of any structure including any signage or other attachments to a structure.

HOME BASED BUSINESS/OCCUPATION, GENERAL shall mean a business, occupation, or profession carried on within a residential dwelling by the resident thereof.

HOMEOWNERS ASSOCIATION shall mean a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.

HOUSEHOLD PET shall mean an animal that is customarily kept for personal use or enjoyment within the home, including but not to be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents. A household pet does not include livestock.

IMPERMEABLE SURFACE shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as compacted sand, rock, gravel, or clay, and conventionally surfaced streets, roofs, sidewalks, parking lots, and driveways.

IMPROVEMENT shall mean any change to land necessary to prepare it for building sites, including, but not limited to, grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers, drainage ways, and other public works and appurtenances.

INCIDENTAL USE shall mean a use, which is subordinate to the main use of a premise.

INDUSTRIAL PARK shall mean a large tract of land that has been planned, developed, and operated as an integrated facility for multiple industrial facilities and uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

INDUSTRIAL USE shall mean the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and any storage facilities operated in conjunction with an industrial use or for a fee, including storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise.

INFILL DEVELOPMENT shall mean the construction of a building or structure on a vacant parcel located in a predominantly built up area.

INFILL SITE shall mean any vacant lot, parcel, or tract of land within developed areas of the City and where water, sewer, streets, schools, and fire protection have already been constructed or are provided in a predominantly built up area.

INFRASTRUCTURE shall mean facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

INTENSIFICATION OF USE shall mean any change, alteration, extension, expansion, or enlargement of a use or use of structure in combination where the off-street parking requirements of this Code would be calculated at a higher ratio and/or would require that additional off-street parking spaces be provided.

IRREGULAR TRACT shall mean a parcel of land that has not been subdivided through adopted plat procedures, but nonetheless has been assigned a number for identification purposes.

J

JUNK YARD shall mean any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts, and equipment resulting from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted.

K

KENNEL shall mean a use on any lot or premises in which dogs, cats, or any other household pets, at least four months of age are boarded or trained for a fee.

KENNEL, BREEDING shall mean a use on any lot or premises in which dogs, cats, or any other household pets, at least four months of age, are raised, boarded, bred, or trained for a fee.

L

LANDSCAPE shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

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

- A. Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site, or common development.
 - B. Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.
-

LAUNDRY SERVICES shall mean an establishment that provides washing, drying, and/or ironing facilities for customers on the premises.

LIGHT INDUSTRY shall include establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. Light industrial establishments do not have major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include, but are not limited to, commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabric, electronic, manufacturing, print shops, and publishing houses.

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

LIVESTOCK shall mean animals associated with agricultural operation, commonly kept, or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, ducks, chickens, and turkeys.

LIVE/WORKSPACE shall mean buildings or spaces within buildings that combine residential living space with an integrated workspace for use by one or more residents.

LOADING AREA/SPACE shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

LODGING shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "lodging" includes but is not limited to motel, inn, automobile court, motor inn, motor lodge, motor court, and motor hotel.

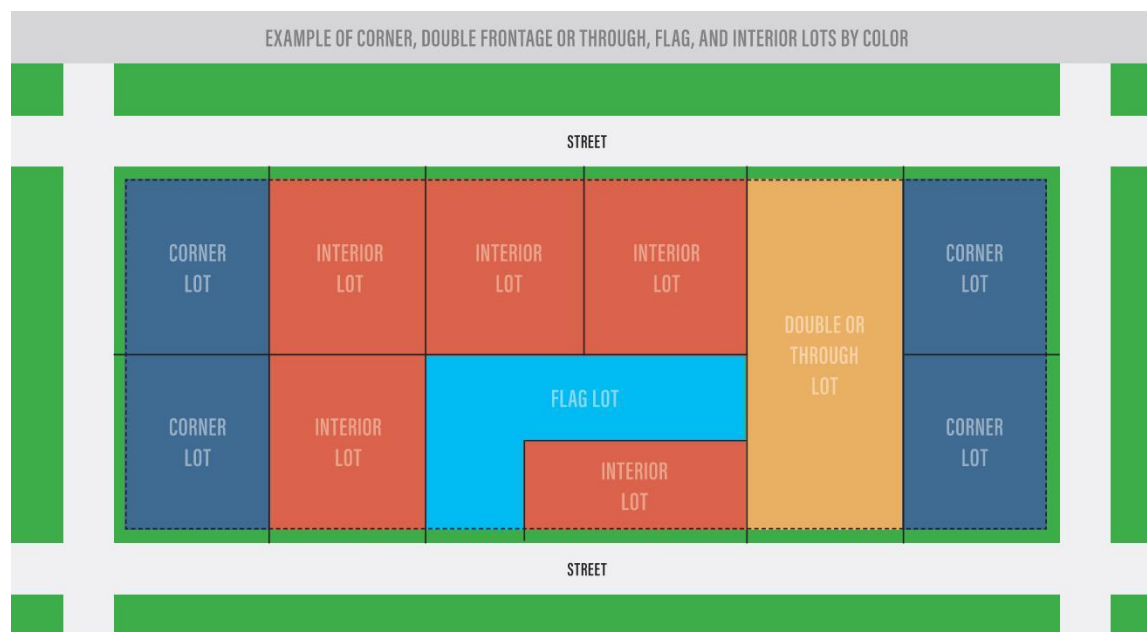
LOT shall mean a distinct parcel, tract or portion of a subdivision, the location, dimensions, and boundaries of which are determined by a plat.

LOT, CORNER shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot."

LOT, DOUBLE FRONTAGE or THROUGH shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

LOT, FLAG shall mean an interior lot, the majority of which has frontage and access provided by means of a narrow corridor.

LOT, INTERIOR shall mean a lot other than a corner lot.



LOT AREA shall mean the total horizontal area included within the boundaries of the lot lines of a lot.

LOT COVERAGE shall mean that portion of a lot covered by principal and accessory uses and/or buildings expressed as a percentage of the lot area.

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT FRONTAGE shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

LOT LINE shall mean the property line serving as the boundary for a lot.

LOT LINE, FRONT shall mean the property line abutting a street.

LOT LINE, REAR shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

LOT LINE, SIDE shall mean any lot line not a front lot line or a rear lot line.

LOT OF RECORD shall mean a lot which is part of a subdivision recorded in the office of the county recorder, or lot or parcel described by metes and bounds, the description to which has been so recorded.

LOT WIDTH shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

LOT, ZERO LOT LINE shall mean a common lot line where a wall of a structure may be constructed.

LOT, ZONING shall mean a zoning lot that is a parcel of land sized to meet the minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lots shall have frontage on an improved public street, or on the 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 and portions of lots of record, or 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 the Ordinance.

M

MANUFACTURED HOME see Dwelling, Manufactured Home.

MANUFACTURING shall mean the mechanical or chemical transformation of materials or substances into new products. Manufacturing uses are usually described as plants, factories, or mills, and characteristically use power driven machines and materials handling equipment. Assembling component parts of manufactured products is also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

MASTER FEE SCHEDULE shall mean a fee schedule maintained by the City of Sloan and passed and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, and Subdivision activities.

MEDICAL OFFICES shall mean a business establishment, or portion thereof, furnishing medical, surgical or other service to individuals, including the offices of physicians, dentists, and other health practitioners, accessory medical and dental labs, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.

MISCELLANEOUS STRUCTURES shall mean structures, other than buildings, visible from public ways. Examples are memorials, staging, antennas, water tanks and towers, sheds, shelters, fences, walls, kennels, and transformers.

MIXED USE shall mean properties where various uses, such as office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

MIXED USE BUILDING shall mean a building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.

MIXED USE DEVELOPMENT shall mean a single development that incorporates complementary land use types into a single development.

MOBILE HOME see Dwelling, Mobile Home.

MOBILE HOME PARK shall mean a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term “mobile home park” shall not be construed to include manufactured or 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.

MORATORIUM shall mean a temporary halting of specific development activities for a specific timeframe.

MULTIPLE UNIT RESIDENTIAL shall mean a building or buildings designed and used for occupancy by three or more household units, all living independently of each other, and having separate kitchen and toilet facilities for each unit.

N

NONCONFORMING BUILDING shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

NONCONFORMING LOT shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area of dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the Woodbury County Recorder, which does not abut a public road or public road right-of-way.

NONCONFORMING USE shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulation.

O

OFFICIAL ZONING DISTRICT MAP shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Sloan City Council.

OFF STREET PARKING AREA shall mean all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

OPEN SPACE shall mean that part of a lot or parcel not devoted to buildings, structures, parking or loading areas, driveways or any principal or accessory use.

OPEN SPACE, COMMON shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots, or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

OPEN SPACE, USABLE shall mean an area of land or water or combination of land and water which may include complimentary structures and improvements within the site, excluding space devoted to parking, designed and intended for common use and enjoyment.

OVERLAY DISTRICT shall mean a district in which additional requirements are imposed upon a use, in conjunction with the underlying zoning district. The original zoning district designation does not change.

OWNER shall mean an individual, firm, partnership, or corporation having adequate proprietary interest to improve or develop a parcel or tract of land.

P

PARCEL shall mean a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

PARK shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKS AND RECREATIONAL FACILITIES shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKING, OFF STREET shall mean all hard-surfaced areas other than public rights-of-way for the purpose of parking vehicles.

PARKING, ON STREET shall mean the space designated for parking a vehicle within the paved portion of the street right-of-way.

PARKING LOT shall mean an area consisting of one or more parking spaces for motor vehicles together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for motor vehicles.

PARKING LOT, PRIVATE shall mean an area, other than a street, used for the parking of automotive vehicles and restricted from public use.

PARKING LOT, PUBLIC shall mean an area, other than a private parking area or street used for the parking of vehicles capable and available for public use.

PARKING, SHARED shall mean a public or private parking area used jointly by two or more uses.

PARKING SPACE, AUTOMOBILE shall mean an area, other than a street or alley, reserved for the parking of an automobile.

PAVED shall mean permanently surfaced with poured concrete or asphalt.

PERMANENT FOUNDATION shall mean a base constructed from either poured concrete or laid masonry block and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

PERMEABLE PAVEMENT shall mean a hard-surfaced pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. For purposes of this Code, this does not include gravel, cinders, crushed rock, or seal coat.

PERMANENT STORAGE shall mean the long-term storage on-site within an accessory building or structure.

PERMITTED USE shall mean any land use allowed without condition within a zoning district.

PERMANENTLY ATTACHED shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure to relocate it to another site.

PERSON shall mean an individual, corporation, Limited Liability Company (LLC), government or governmental subdivision or agency, estate, trust, partnership or association, or any other legal entity.

PLANNED UNIT DEVELOPMENT (PUD) shall mean a planning process and district for the purpose of providing for a unique and flexible arrangement of residential, business, or industrial uses in accordance with an approved conceptual plan.

PLANNING AND ZONING BOARD shall mean the Planning and Zoning Board of Sloan, Iowa.

PLAT shall mean a map showing the location, boundaries, and legal description of individual properties.

POLICY shall mean a statement or document of the City, such as the Comprehensive Plan or Code of Ordinances that forms the basis for enacting legislation or making decisions.

PORCH, UNENCLOSED shall mean a roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.

PREFABRICATED HOME shall mean a specialized type of dwelling that is manufactured off-site in advance in standardized sections and then reassembled on-site. Prefabricated homes will be allowed in the City of Sloan if they are built to City Building Code standards and are placed on a permanent foundation

PREMISES shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or land within a prescribed area.

PRIMARY OR SECONDARY EDUCATIONAL FACILITY shall mean public and non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by state law.

PRINCIPAL STRUCTURE shall mean the main building or structure on a lot, within which the main or primary use of the lot or premises is located. Within a residential district, the dwelling is the primary structure.

PRINCIPAL USE shall mean the main use of land or structure, as distinguished from an accessory use.

PROHIBITED USE shall mean any use of land, other than nonconforming, which is not listed as a permitted use, conditional use or accessory use within a zoning district.

PROMOTIONAL DEVICE shall mean any sign intended to be displayed, either with or without a frame, with or without characters, letter, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, feather signs, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered as a promotional device.

PROPERTY LINE shall mean the legal, platted boundary of a lot or parcel of land.

PUBLIC ASSEMBLY shall mean a specified activity or area that either through actual public ownership or through dedication of easements allows the public access and use.

PUBLIC FACILITY shall mean any building, location, or structure, owned by a public entity such as a library, fire station, school, park, and other similar facilities and uses.

PUBLIC USE shall mean a specified activity or area that either through actual public ownership or through dedication of easements allows the public access and use.

PUBLIC UTILITY shall mean all or part of a waterworks, gasworks, sanitary sewage system, storm water drainage system, electric light and power plant and system, heating plant, cable community or television system, telephone or telecommunications systems or services offered separately or combined with any system or service specified herein or authorized by other state law, any of which may be owned by a City, including all land, easements, rights of way, fixtures, equipment, accessories, improvements, appurtenances, and other property necessary or useful for the operation of the utility.

PUBLIC UTILITY EASEMENT shall mean a portion of a lot or block in which the City and all public utilities enfranchised by the City have a rite of passage and/or a right to install and maintain pipes, wires, poles, conduits and other equipment necessary to carry out public or quasi-public services.

PUBLIC WAY shall mean any sidewalk, street, alley, highway, easement, or other public thoroughfare.

Q

QUASI PUBLIC USE shall mean a use conducted by, or a facility or structure owned or operated by, a nonprofit, religious, or charitable institution that provides educational, cultural, recreational, religious, or other similar types of public services.

R

RAILROAD shall mean the land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

RAILROAD FACILITIES shall mean the land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

RECYCLING COLLECTION/PROCESSING shall mean indoor and outdoor facilities for obtaining useful materials or energy from solid waste or recycled materials. Materials can be reused for their original purpose, packaged and shipped elsewhere, reprocessed for a different purpose or converted into energy, not to include a biofuels plant or a salvage yard.

REDEVELOPMENT shall mean the act of rehabilitation or demolition of existing buildings and/or land area irrespective of whether a change occurs in land use.

RELIGIOUS ASSEMBLY shall mean a use by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place of worship, retreat site, or religious camp.

RENEWABLE ENERGY shall mean energy sources including wind, solar power, biomass, and hydropower, that can be regenerated and that is much less polluting than fossil fuels.

RENEWABLE RESOURCE shall mean a natural resource that is able to regenerate, either by itself or with human assistance, over a short to moderate period, including food crops and trees.

RESIDENCE shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more households.

RESTAURANT shall mean a public eating establishment operated for profit at which the primary function is the preparation and serving of food primarily to persons seated within the building. Includes both drive-in and carryout facilities.

RETAIL SERVICES, GENERAL shall mean establishments less than 60,000 square feet engaged in selling or renting goods or merchandise to the public for personal or household consumption and/or services in conjunction or separate to the sale of such goods. Retail sales/service establishments shall not include eating and drinking places, uses defined as adult entertainment, vehicle sales or service, or wholesome, processing or manufacturing operations with an accessory retail outlet on the premises.

RETENTION BASIN shall mean a facility for the temporary storage of stormwater with a permanent water surface.

REZONING shall mean an amendment to or change in the Zoning Ordinance either to the text or map or both.

REZONING, PIECEMEAL shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

RIGHT-OF-WAY shall mean an area or strip of land, either public or private, on which an irrevocable rite of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles, utilities, and/or pedestrians.

ROAD, PRIVATE shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. Also, see Right-of-Way and Street.

ROAD, PUBLIC shall mean all public rights-of-way reserved or dedicated for street or road traffic. Also, see Right-of-Way and Street.

S

SATELLITE DISH ANTENNA shall mean a parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone, and used to transmit and/or receive radio and electromagnetic waves.

SALVAGE SERVICES shall mean places of business engaged in the storage, sale, dismantling, or other processing of used or waste materials which are not intended for reuse in their original forms.

SCALE shall mean proportional relationship of the size of parts to one another.

SCREENING shall mean a structure or planting that conceals from public view from area behind such structure or planting.

SELF-STORAGE UNITS shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

SEPARATE OWNERSHIP shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

SETBACK shall mean the minimum distance, as prescribed by this Ordinance, measured from the edge of the eave or other similar building component located closest to the lot line.

SETBACK, FRONT YARD see Yard, Front.

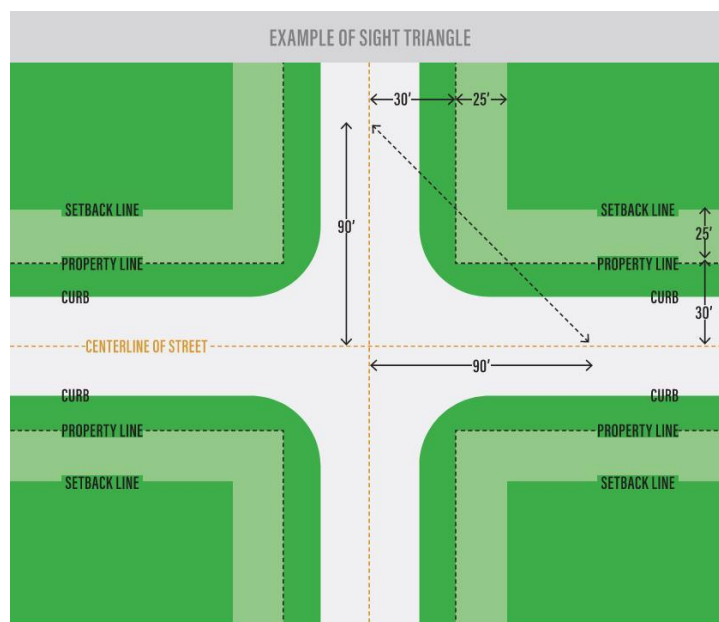
SETBACK, REAR YARD see Yard, Rear.

SETBACK, SIDE YARD see Yard, Side.

SEWER SYSTEM shall mean a pipeline or conduits, pumping stations and force main, and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal and treatment.

SHRUB shall mean a multi-stemmed woody plant other than a tree.

SIGHT TRIANGLE is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and half feet and five feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of the intersection of the centerline of the streets along the centerline of the streets.



SIGN shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest.

SIGNIFICANT HISTORIC SITE shall mean any archaeological site, standing structure, or other property that meets the criteria for eligibility to National Register of Historic Places or is listed in the state's Register of Historic Sites, or is determined to be an unplatted cemetery. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Iowa State Archaeologist or the Director of the Iowa Historical Society. All unplatted cemeteries are automatically considered to be "significant historic sites."

SIMILAR USE shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics, or other similarities.

SIMPLE DIVISION shall mean any division of land in which no new streets, public or private, are proposed, which does not require the construction of any public improvements, and which creates fewer than three lots.

SINGLE-UNIT RESIDENTIAL, DETACHED shall mean a building having accommodations for or occupied exclusively by one household unit which meet all the following standards:

- A. The home shall have no less than 640 square feet of floor area, above grade, for single story construction;
- B. The home shall have no less than a 20-foot exterior width; and
- C. The home shall have a permanent foundation, defined as a continuous perimeter base on which the building rests, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed at a depth required by the City Building Code.

SITE shall mean the parcel of land to be developed or built upon. A site may encompass a single lot; a portion of a lot; or a group of lots developed as a common development under the special and overlay districts provisions of this Ordinance.

SITE PLAN shall mean a plan, prepared to scale, showing the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

SLOPE shall mean the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

SPOT ZONING shall mean the zoning of a small land area for a use which differs measurably from the zoned land use surrounding this area. Land may not merely be so zoned in the interest of an individual or small group but must be in the public interest.

STABLE AND/OR RIDING ACADEMIES shall mean the buildings, pens, and pasture areas used for the boarding and feeding of horses or equine animals not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

STATE shall mean the State of Iowa.

STORAGE shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract of premises for more than 30 days.

STORM DRAIN shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.

STORMWATER DETENTION see Chapter 157 of the City Code.

STORMWATER MANAGEMENT see Chapter 157 of the City Code.

STORMWATER RUNOFF see Chapter 157 of the City Code.

STORY shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

STREET shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except as excluded in this Ordinance.

STREETSCAPE shall mean the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.

STRUCTURE shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

STRUCTURE, TEMPORARY shall mean building or structure erected for one-time temporary use, lacking a permanent foundation, connections to water and sewer, and generally having open walls, distinct from a permanent structure which must meet adopted building codes.

STRUCTURAL ALTERATION shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joints, roof rafters, roof diaphragms, foundations, piles, and retaining walls or similar components.

SUBDIVISION shall mean a tract of land divided into three or more lots.

SUBDIVISION PLAT shall mean a graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique.

SWIMMING POOL, PRIVATE shall mean a pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.

T

TEMPORARY USE shall mean impermanent uses of an occasional nature. Temporary uses involve the use of permanent structures and portable signs. Uses of a seasonal nature that recur periodically on a regular basis on the same site and reoccupy the same permanent structure shall not be considered temporary uses.

TOWER shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. Also, see Antenna.

TOWNHOUSE see Dwelling, Townhouse.

TRACT shall mean a lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

TREE COVER shall mean an area directly beneath the crown and within the dripline of the tree.

TWO-UNIT RESIDENTIAL shall mean a building designed or used exclusively for the occupancy of two households living independently of each other and having separate kitchen and toilet facilities for each household.

U

UPPER STORY HOUSING shall be defined as one or more dwelling units located above the first floor where allowed within a commercial district.

UPZONING shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from a residential district to commercial district or from a single-unit residential district to a multi-unit residential district.

USABLE OPEN SPACE shall mean a required ground area or terrace area on a lot which is graded, developed, landscaped, equipped, and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot.

- A. The areas should be grassed and landscaped or covered only for a recreational purpose.
 - B. Roofs, driveways, and parking areas shall not constitute "usable open space".
-

USE shall mean the purpose or activity for which land or buildings are designed, arranged, or intended or the purpose for which land or buildings are occupied or maintained.

USE, BEST shall mean the recommended use or uses of land confined in an adopted comprehensive plan. This use represents the best use of public facilities and promotes the health, safety, moral, and general welfare of the community.

USE, HIGHEST shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

UTILITY EASEMENT see Easement.

UTILITY SERVICE shall mean any device, including wire, pipe, or conduits, that carry gas, water, electricity, oil, wastewater, or communications into a building or development.

UTILITIES shall mean all or part of the following systems or services: waterworks, sanitary sewage, gasworks, stormwater water drainage, electric light and power plant, heating, cable or television, telecommunications or broadband, or any other systems or services offered separately or combined with any of the others specified herein or otherwise authorized by state law. Any of these systems or services may be owned by a City, including all land, easements, rights of way, fixtures, equipment, improvements, appurtenances, and property as useful for the operation of the utility.

V

VALUE shall mean the estimated cost to replace a structure in-kind based on current replacement costs.

VARIANCE shall mean a relief or variation from the strict application of the bulk regulations or permitted uses to a specific piece of property which may be granted by the Variance Board/Board of Adjustment, according to the provisions of this Ordinance.

VEGETATION shall mean plants, including but not limited to, trees, grasses, shrubs, and vines.

VEHICLE shall mean a piece of equipment designed and used to transport people or materials on land or water. Vehicles include, but are not limited to, automobiles, trucks, bicycles, motorcycles, snowmobiles, boats, trailers, campers, wagons, etc.

VETERINARY SERVICES shall mean services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals for livestock and large animals.

VISUAL OBSTRUCTION shall mean any fence hedge, tree, shrub, wall, or structure that exceeds two feet in height, measured from the crown of intersecting or intercepting streets, alleys, or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of five feet.

W

WAREHOUSING shall mean a building that is used for storing goods to be sold or distributed later.

WETLAND shall mean an area of land that is inundated or saturated by surface or ground water at a frequency and duration that supports a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as a hydrophytic vegetation.

WIRELESS COMMUNICATION TOWER shall mean a structure for the transmission or broadcast of cellular, radio, television, radar, or microwaves which exceeded the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered wireless communication towers.

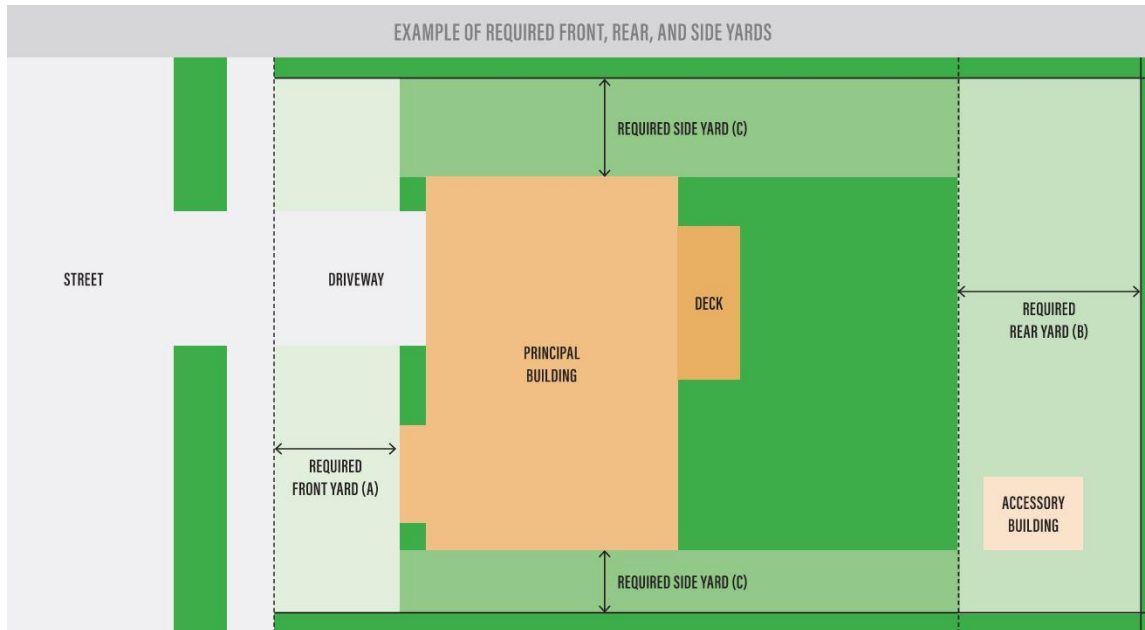
Y

YARD shall mean any open space that is unoccupied and unobstructed on the same lot with a building or dwelling group. Obstructions permitted by this Ordinance, including building projections or accessory buildings or structures are allowed in this open space.

YARD, REQUIRED FRONT shall mean an open space between the front yard setback line and the front lot line and the front lot line or highway setback line, and extending the full width of the lot.

YARD, REQUIRED REAR shall mean an open space between the rear yard setback line and the rear lot line, extending the full width of the lot.

YARD, REQUIRED SIDE shall mean an open space extending from the front yard, or from the front lot line where no front yard is required by this Ordinance, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.



Z

ZERO LOT LINE see Lot, Zero Lot Line.

ZONING ADMINISTRATOR shall mean the person or person authorized and empowered by the City to administer and enforce the requirements of this chapter who also serves as the chair of the Planning and Zoning Board.

ZONING DISTRICT see District.

ZONING DISTRICT, CHANGE OF shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zoning map of the City

APPENDIX D:
Iowa Department of Transportation (IDOT) Sign Regulations



**Guide to
Iowa
Outdoor
Advertising
Sign
Regulations**



January 2002

INTRODUCTION

This guide will acquaint you with Iowa laws regulating outdoor advertising signs along the state's primary highways. It defines various types of outdoor signs and presents the general prohibitions and sign controls which apply to them.

The general prohibitions and sign controls discussed in this guide apply to signs along all primary highways, including signs located:

- In cities, if they are visible from the primary highway and located within 660 feet of the highway right of way.
- In rural areas, if they are visible from the highway, regardless of their distance from the highway right of way.

The sign controls in this guide do not apply to:

- Signs on city streets and county roads which are not visible from the primary highway system.
- Signs on interstate and freeway highways, with exception of private directional signing. (Controls for these highways are more restrictive and must be discussed on a case-by-case basis.)

In this guide you will also find information about outdoor advertising permits, and where to obtain application forms and additional information concerning these permits.



**Iowa Department
of Transportation**

GENERAL PROHIBITIONS

These general prohibition apply to all types of signs discussed in this brochure.

1. No sign may encroach on or hang over the highway right of way.
2. No sign may be lighted so it impairs the vision of any motor vehicle driver.
3. No sign may obstruct the view of any highway or railroad to the extent it makes it dangerous to use the highway.
4. No sign may imitate or resemble an official traffic control sign, signal or device.
5. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

SIGN CONTROLS

The following sections define the common types of signs and discuss the specific sign controls which apply to each type.

POLITICAL SIGNS

Political signs are signs erected to solicit votes or support for, or in opposition to any candidate or any political party under whose designation any candidate is seeking nomination or election. Political signs may also contain messages concerning any public question on the ballot in an election held under the laws of the state.

Although Section 306C.22 of the Iowa Code regulates the size and time duration on political signs, these regulations can no longer be enforced. Distinctions will no longer be made between these types of signs and on-premise signs expressing an opinion or personal belief. The signs may be erected on private property at any time and of any size, provided that the property owner consents to the erection of the sign, and the sign conforms to the general prohibition listed above.

Special Event Signs

Chapter 306C of the Iowa Code defines a special event sign as a “temporary advertising device, not larger than 32 square feet in area, erected for the purpose of notifying the public of noncommercial community events including but not limited to fairs, centennials, festivals, and celebrations open to the general public and sponsored or approved by a city, county or school district.”

1. Special event signs may be erected on private property, with the owner’s consent, no more than 60 days prior to the date of the special event.
2. Special event signs must be removed no later than 24 hours after the end of the event.
3. As a general rule, special event signs are prohibited within 660 feet of an interstate highway.
4. Approval by the Iowa Department of Transportation is not required to erect a special event sign that meets the General Prohibitions and the criteria listed above.

Municipal, County and School District Recognition Signs

Signs that welcome approaching travelers to a community, county or school district or display a similar public spirited message.

In addition to the GENERAL PROHIBITIONS (page 1) municipal, county and school district recognition signs must conform to the following controls:

1. **Approval:** The Iowa Department of Transportation’s approval of the sign’s message and proposed location is required prior to erecting the sign.

A special application form must be filed with the department along with a letter of approval from the city, county or school. No fees are required.

2. **Location:** The sign must be located within the zoning or territorial jurisdiction of the political subdivision. Municipal recognition signs must be within two miles of the city’s corporate limits.

3. **Message:** The sign's message may identify the political subdivision, its boundaries, facilities, public services and attractions of a non-commercial nature. (Any advertising is prohibited.)
4. **Sponsors:** A recognition sign may identify up to two sponsors per sign, provided the message area devoted to the sponsor does not exceed eight square feet per sponsor, is limited only to the identification of the sponsor, and does not contain any advertising or product logos.
5. **Common Structure:** Municipal recognition and church or service club signs may be erected on a common structure, providing each category of signing conforms to established criteria.

Church and Service Club Signs

Church and service club signs display a message relating to the facilities' locations, services or meetings.

In addition to the GENERAL PROHIBITION (page 1), church and service club signs must conform to the following controls:

1. **Approval:** The Iowa Department of Transportation's approval of the sign's message and proposed location is required **prior** to the sign being erected.
2. **Size:** Individual signs are limited to a maximum of 8 square feet of display area.
3. **Message:** The sign's message is restricted to the name of the church or club, its location, hours of services or meetings, and an appropriate emblem. (Any advertising is prohibited.)

Logo Signs

Specific information service signing (logo) may be available along interstates and freeway primary highways for qualifying gas, food, lodging, camping, and tourist attractions. For information, you may refer to a separate publication, *Logo Business Signs*.

Off-right of Way Private Directional Signs

Directional sign permits are required for directional signs. Off-right of way directional signs (located on private property along interstate, freeway primary and primary highways) are intended to inform motorists of public and privately owned natural phenomena, historic, cultural, scientific, educational and religious sites, and areas of natural scenic beauty or which are naturally suited for outdoor recreation that are nationally or regionally known.

Interstate Highways

To qualify for a private directional sign visible from an interstate highway, an individual activity, area or attraction must have an annual visitor count of 15,000 or more.

Freeway primary and Primary Highways

To qualify for a private directional sign visible from primary and freeway primary highways, an individual activity, area or attraction must:

- a. Have an annual visitor count of 10,000 or more; or
- b. Be on the federal historic register and have an annual visitor count of 5,000 or more; or
- c. Have an annual visitor count of 2,500 or more, of which at least 25% of the visitors must reside outside the county in which the activity, attraction or area is located.

In addition to the GENERAL PROHIBITIONS (page 1), off-right of way directional signs must conform to the following controls:

1. **Permit:** An approved permit must be obtained from the Iowa Department of Transportation **prior** to erecting the sign.
2. **Location:** Interstate highway private directional signs must be located within 75 air miles of the activity, area or attraction. Primary highway private directional signs must be located within 50 air miles of the activity, attraction or area.

No private directional sign may be located in any publicly owned rest area, park land or scenic area. No sign may be located within the adjacent area on either side of the highway within 2,000 feet of such facilities.

No sign may be located adjacent to the highway on either side within 2,000 feet of an interchange along any interstate or freeway primary highway (measured along the freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.)

3. **Size:** Signs shall not exceed 150 square feet, including border and trim, nor be more than 20 feet in height or length.
4. **Number:** Not more than three directional signs pertaining to the same activity, area or attraction and facing the same direction of travel may be erected along any one interstate, freeway primary or primary highway.
5. **Spacing:** Directional signs facing the same direction of travel shall be spaced a minimum of one mile apart.
6. **Message:** Messages on signs shall be limited to the identification of the activity, area or attraction, and directional information useful to the traveler in locating it. This may include mileage, route numbers or exit numbers. The message shall also include current and sufficient information to inform the motorist of the hours, days, and months of operation.
7. **Lights:** In general, flashing, intermittent or moving lights are prohibited.
8. **Special requirements:** In addition to the requirements already listed, the following must be provided with directional signing permit applications:
 - a. Proof of required visitor count and visitor addresses, as necessary.
 - b. Information concerning when the activity, area or attraction is open to the public.
 - c. Written assurance the attraction, activity or area complies with all applicable laws concerning public accommodations without regard to race, religion, color, sex or national origin.

Qualifying activities, sites and areas may submit a private directional sign permit application to the Iowa Department of Transportation's Office of Traffic and Safety, 800 Lincoln Way, Ames, Iowa 50010. The applications are available upon request from the above office. Upon receipt and following review by the Department of Transportation, each application is evaluated by the Tourist Signing Committee and either approved or denied. Initial fees of \$100 per sign are to be submitted with the application. Renewal fees of \$15 per sign due on or before June 30 are then billed to the sign owner annually. (Consult 761 IAC 120 for specific requirements.)

Tourist Oriented Directional Signs (TODS)

Tourist oriented directional signs (official signs located on the right of way of nonfreeway primary highways) are intended to provide the motorist with specific information about activities or sites of significant interest to the traveling public.

General Requirements: An activity or site must meet the following:

1. The activity or site shall comply with all applicable laws concerning public accommodations without regard to race, religion, color, age, sex or national origin.
2. Is open to the general public during regular and reasonable hours; not by appointment, reservation or membership only.
3. Is not conducted in a building principally used as a residence unless a separate, convenient, well-marked entrance is provided.
4. Is located in a rural area or within the corporate limits of a city with a population of 1,500 or less.
5. The activity, site or any on-premise sign advertising the activity cannot be located adjacent to or be visible from the primary highway. However, an activity or site may be eligible for signing if the activity, site or its on premise sign is not readily recognizable to a motorist who is within 300 feet of the access, driveway or intersection leading to the activity or site.

6. Tourist oriented directional signs may be placed within the maximum travel distance on a higher classified highway to direct motorists onto a lower classified highway, or on a greater traveled highway to direct motorists onto a lesser traveled highway.
7. A seasonal activity or site shall be required to have closed panels or masking on the TODS when they are closed for a period of time or if their hours of operation decrease below the minimum requirements.

Special Requirements: In addition to the general requirements, the following must also be met to qualify for tourist oriented directional signing:

1. **Motorist Service:** An activity or site that provides a motorist service such as gas, food, lodging or passenger vehicle service or repair must:
 - a. Be open a minimum of eight hours a day, six days a week.
 - b. Be open 12 months a year or during the normal seasonal period.
 - c. Be located within five miles of the primary highway.
2. **Tourist Attraction:** An activity or site that is of significant interest to tourists as historic, cultural, scientific, or religious, or a site of natural scenic beauty, or an area naturally suited for outdoor recreation must:
 - a. Be open a minimum of 40 hours a week, five days a week.
 - b. Be open a minimum of three consecutive months each year.
 - c. Be located within five miles of the primary highway, or within 10 miles if open a minimum of eight hours a day, seven days a week.

- 3. Agricultural Activity:** An activity or site of significant interest to the tourist must:
- a. Be open an minimum of 40 hours a week, five days a week.
 - b. Be open 12 months a year or during the normal seasonal period.
 - c. Be located within 10 miles of the primary highway. (Many agricultural activities may be required to provide guided tours, have a tourist brochure and include the word “tours” on their signs.)
- 4. Other Commercial Activities:** A commercial activity or site of significant interest to tourists must:
- a. Be open 40 hours a week, five days a week.
 - b. Be open 12 months a year or during the normal seasonal period (minimum four consecutive weeks.)
 - c. Be located within five miles of the primary highway.

Authorized representatives of qualifying activities, sites and areas may submit a tourist oriented directional signing application to the address listed at the back of this guide.

Following review by the Iowa Department of Transportation, each application is evaluated by the Tourist Signing Committee and either approved or denied.

The cost of the two (2) official signs is \$700, which covers the administrative fees, design, fabrication and installation of the signs. An annual renewal fee, due on or before June 30 each year, is \$50 for each sign. If needed, official trailblazing signs shall be required along county roads or city streets to guide motorists to the activity once they have left the primary route. The signs are fabricated by the Department of Transportation, at a cost of \$26 each. Installation costs are established by and are paid to the appropriate city or county office. Closed panel or masking fees will be \$40 per sign per year. All fees are subject to change to cover the actual costs of maintaining the program.

TODS are considered official signs and remain the property of the Iowa Department of Transportation. (Consult 761 IAC 119 for specific requirements.)

On-premise Signs

On-premise signs advertise the principal product sold or activity conducted on the property where the sign is located. They may concern the sale or lease of the property on which the sign is located. “For Sale” or “For Lease” signs displaying the legend “Sold” or “Leased” are not legal on-premise signs.

The GENERAL PROHIBITIONS (page 1) apply to on-premise signs.

Permit: Signs may require local city or county permit or approval. However, they do not require state permit or approval if they conform to the following criteria:

1. **Location:** Signs must be located on the same property as the advertised activity.

NOTE: Signs cannot be located on narrow strips of land that cannot be put to any reasonable use directly related to the advertised activity other than signing.

2. **Message:** Messages on signs are limited to advertising only those products sold or activities conducted at the sign site.

When a sign consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity, or if it brings rental income to the property owner, it shall be considered outdoor advertising and not an on-premise sign.

Note:

Outdoor advertising permits are required for off-premise signs and restricted on-premise signs along interstate highways.

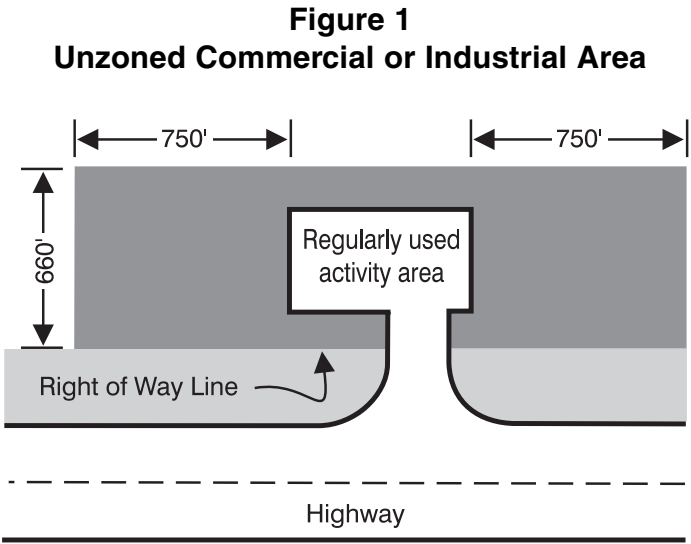
Off-premise Signs

Off-premise signs display general advertising about products or services available at locations other than at the sign site.

In addition to the GENERAL PROHIBITIONS (page1), the following controls apply to off-premise signs:

- 1. Permit:** A permit must be obtained from the Iowa Department of Transportation **prior** to erecting the sign.
- 2. Zoning Restrictions:** In cities and counties where local zoning has been established, new signs may be erected only in areas zoned commercial or industrial.

In unzoned cities and counties, new signs may be erected only in areas classified as “unzoned commercial or industrial.” These are areas occupied by one or more commercial or industrial activities and the area surrounding them on the same side of the highway within the limits shown in Figure 1.

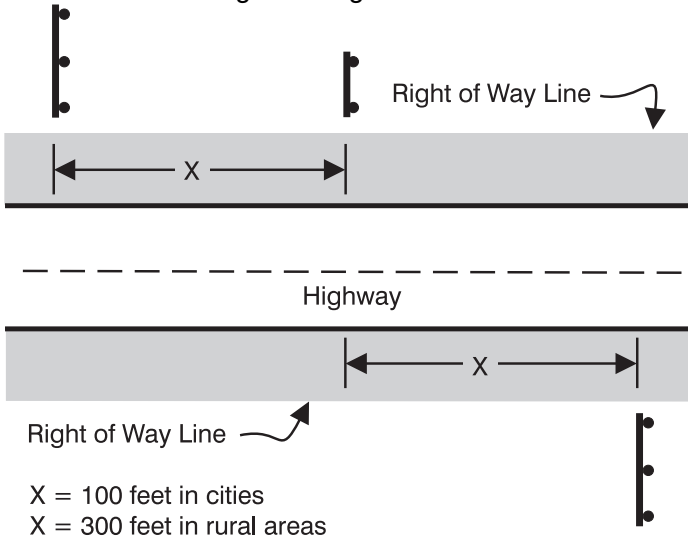


- 3. Size:** The display area of a single face sign is limited to a maximum of 1,200 square feet.

For signs facing more than one direction, the display areas are limited to a maximum of 750 square feet per direction.
- 4. Lights:** In general, flashing, intermittent or moving lights are prohibited.
- 5. Spacing:** In cities, a new sign must be a minimum of 100 feet from any other off-premise sign facing the same direction, regardless of which side of the highway the sign is located. (See Figure 2.)

Figure 2 Sign Spacing

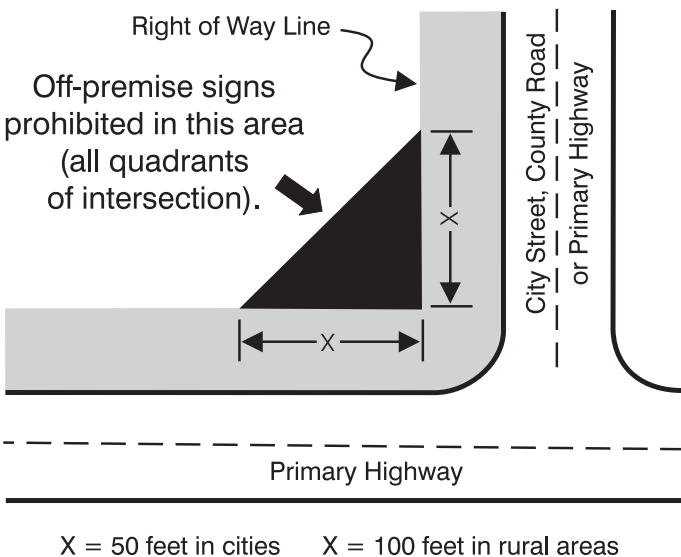
All measurements are along the center line of the highway between signs facing the same direction.



In rural areas, a new sign must be a minimum of 300 feet from any other off-premise sign facing the same direction, regardless of which side of the highway the sign is located. (See Figure 2.)

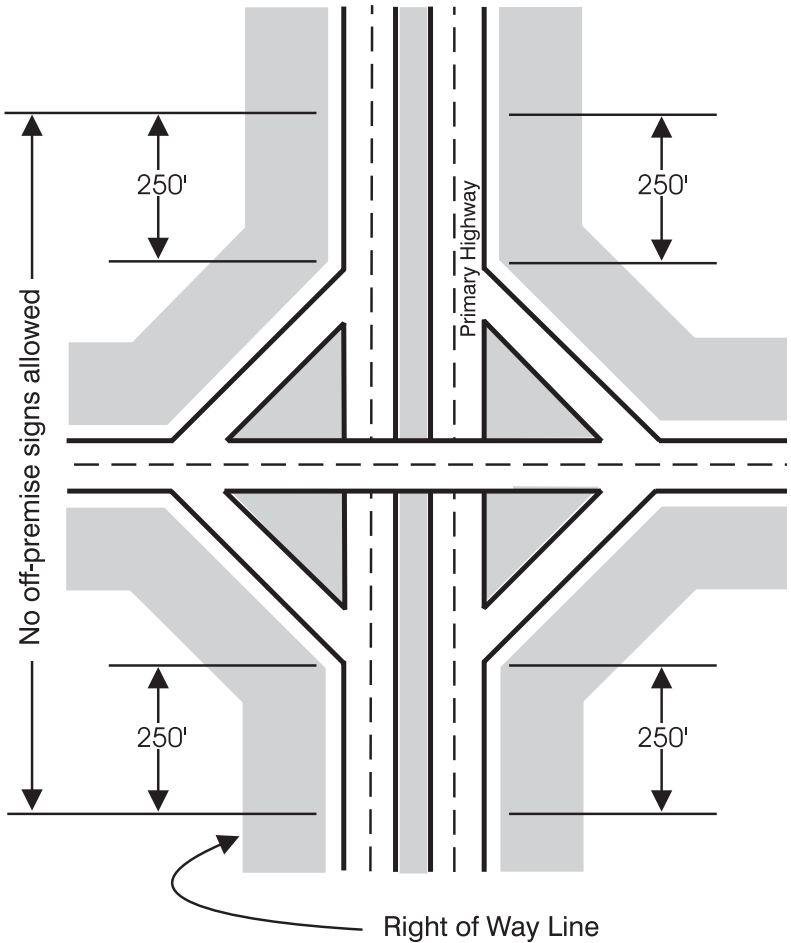
6. **Placement:** At the intersection of a primary highway and a city street, alley, county road or another primary highway, off-premise signs are prohibited in an area at the corner of private property to maintain adequate sight distance for motorist safety. (See Figure 3.)

Figure 3 Sight Distance at Intersections (Daylight Area)



Off-premise signs cannot be located within an interchange area. The first eligible locations are 250 feet beyond the nearest widening used for acceleration or deceleration of traffic to and from the main traveled way. (See Figure 4.)

Figure 4
Off-premise Signs
Within an Interchange Area



If two interchanges are close in proximity to one another in such a way that a continuous on/off ramp does not allow traffic to join the main traveled way between them, the entire area between the interchanges is exempt from off-premise signs.

The following information will help you complete the permit application correctly.

1. A permit is required for each direction a sign is facing. However, only one permit is required for a back-to-back sign advertising the same business or service on each face, and no larger than 8 feet in width or height and 32 feet in square area.
2. Permit fees are set by statute as follows:

The initial fee (non-refundable), payable at the time of application, is \$100.

The annual renewal fee, due on or before June 30 each year, is based on size of the face and is as follows:

SIZE (sq.ft.)	FEE
1-375	\$15
376-999	\$25
Over 1,000	\$50

3. The following items must accompany each permit application:
 - a. A check for the fee or fees due, made payable to the Iowa Department of Transportation.
 - b. A copy of the sign owner's site lease with the landowner. (In the case of a verbal lease, a statement of the terms of the lease signed by the sign owner will be accepted.)
4. In cities or counties **where zoning has been established**, the respective zoning official must complete the portion of the permit application titled "Zoning Information." (Local sign regulations and zoning information may normally be obtained at city halls or county courthouses.)

In cities or counties **where zoning has not been established**, the qualifying activity must be identified in the appropriate space on the permit application. (See page 10)

5. The permit application will ask you to do the following:
 - a. Use the milepost nearest the sign as a reference point for the sign location. (In areas where mileposts are not in place, locate from a major intersection.)

Measure the distance from the nearest milepost to the sign, and record the distance as indicated on the application.

- b. Identify highways and intersecting city streets or county roads on the sign location map. Indicate the distance from the sign to the pavement. (Measure from the back of the curb or nearest edge of pavement, not from the road shoulder.)

NOTE: You will help us process your permit more quickly if you reference your sign site to identifiable landmarks.

For specific requirements consult 306C, Code of Iowa, and 716 IAC 117.

WHERE TO OBTAIN APPLICATION FORMS AND INFORMATION

**Advertising Management
Office of Traffic and Safety**
Iowa Department of Transportation
Ames, IA 50010
515-239-1296

or
www.IowaRoadSigns.com