



# City of GEORGE IOWA



## *2009* *ZONING* *REGULATIONS* & SUBDIVISION REGULATIONS



*Prepared with Planning Assistance from*  
Northwest Iowa Planning &  
Development Commission  
Spencer, Iowa





# City of GEORGE

# ZONING ORDINANCE

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## **ZONING ORDINANCE OF THE CITY OF GEORGE, IOWA**

AN ORDINANCE to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards and other open spaces; to establish minimum lot areas; to regulate the density of population and the percentage of lot that may be occupied; to require off-street parking; to regulate the location, size, and number of signs; to divide the city into districts for such purposes; to provide for the administration and enforcement of its provisions; to confirm the Board of Adjustment; and to prescribe penalties for the violation of its provisions, all in accordance with Chapter 414, Code of Iowa; and to be known, and cited as "The Zoning Ordinance of the City of George, Iowa".

WHEREAS, the City Council of the City of George, Iowa deems it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewer, schools, parks, and other public improvements; to conserve the value of buildings, and encourage the most appropriate use of land throughout the city, all in accordance with the city's comprehensive land use plan,

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

## **ARTICLE I**

### **Basic Provisions**

#### Article 1: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Jurisdiction
- Section 1.3. Validity and Severability Clause
- Section 1.4. Conflict with Other Laws

#### **1.1. SHORT TITLE.**

This ordinance shall be known and may be cited and referenced as: “The George, Iowa Zoning Ordinance,” to the same effect as if the full title were stated.

#### **1.2. JURISDICTION.**

In accordance with the provisions of Chapter 414, Code of Iowa and amendatory acts thereto, this ordinance is adopted by the City of George, Iowa governing the zoning of all lands within the corporate limits of the city.

#### **1.3. VALIDITY AND SEVERABILITY.**

If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not affect any other provisions of this ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

#### **1.4. CONFLICT WITH OTHER LAWS.**

Where any condition imposed by any provision of this ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this ordinance or by the provision of an ordinance adopted under any other law, or by provision of any statute, the provision which is more restrictive or which imposes a higher standard or requirement shall apply.

This ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this ordinance shall govern.

## **ARTICLE II**

### **Definitions/Use Classifications**

#### **Article 2: Definitions/Use Classifications**

##### **Section 2.1. Definitions**

##### **Section 2.2. Use Classifications**

#### **2.1. DEFINITIONS:**

For the purpose of interpreting this ordinance certain words, terms and expressions are defined.

- Words used in the present tense include the future;
- Singular number includes the plural and the plural includes the singular;
- The word “may” is discretionary and the word “shall” is always mandatory;
- The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
- The words “used” or “occupied” also includes intended, designed or arranged to be used;
- The word “includes” means including but is not limited to.

1. **ACCESSORY USE (OR STRUCTURE):** A structure or use which is subordinate to and serves a principal building or use; is subordinate in area, extent, or purpose to the principal building or use served; contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use and is located on the same zoning lot as the principal building or use.
2. **ADDITION:** Any construction which increases the site coverage, height, length, width, or gross floor area of a structure.
3. **ALLEY:** A public or private thoroughfare not more than twenty feet (20') in width, for the use of vehicles, which affords only a secondary means of access to abutting properties.
4. **ALTERATION:** Any change in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders. The enlargement of the size or height of a building shall be construed to be a structural alteration.
5. **ATTACHED:** Having one or more walls common with a principal building, or joined to a principal building by a covered porch or passageway, the roof of which is a part or extension of a principal building.
6. **BLOCK:** That property abutting on one side of a street, and lying within the two nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.
7. **BUILDABLE AREA:** That portion of a lot or parcel remaining for allowable buildings after required yard setbacks has been provided.
8. **BUILDING:** A structure enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete perimeter of the structure, which is permanently affixed to a lot or lots, and used or intended for shelter, support, or enclosure of persons, animals or property of any kind. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building.

9. **BUILDING, ACCESSORY:** A building which is subordinate in area, extent, or purpose to the primary building on the same lot, not attached thereto and used for purposes customarily incidental to those of the primary building. Private detached garages are considered accessory buildings.
10. **BUILDING, HEIGHT OF:** The vertical distance from the average natural grade at the building line to the highest point of the roof. Where a dwelling is situated on a lot with more than one grade or level, the measurements shall be taken from the main entrance elevation.
11. **BUILDING, PRINCIPAL:** A building in which the primary use of the lot or parcel is conducted.
12. **BUILDING LINE:** The setback distance from the front property line, rear lot line, and side lot lines as provided in the ordinance.
13. **BUILDING WALL:** The wall of the principal building forming a part of the main structure. The foundation walls of enclosed porches or piazzas, steps, walks and retaining wall or similar structures, shall not be considered as building walls under the provisions of this ordinance.
14. **CARPORT:** Space for the housing or storage of vehicles and enclosed on not more than 2 sides by walls, and is attached to and considered a part of the principal building.
15. **CITY:** The City of George, Iowa
16. **COMMISSION (OR PLANNING COMMISSION):** The George Planning & Zoning Commission.
17. **COUNCIL:** The George City Council.
18. **DECK:** An unenclosed structure adjoined to the principal building. Decks higher than twelve (12) inches above the average grade of the ground shall be subject to required setbacks.
19. **DETACHED:** Fully separated from any other building, or joined to another building by structural members not constituting an enclosed or covered space.
20. **DISTRICT:** A part, zone, or geographic area within the city within which certain zoning or development regulations apply.
21. **DRIVEWAY:** A permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.
22. **DWELLING:** Any house or building, or portion thereof designed, used or intended to be occupied for residential purposes, either permanently or transiently, but not including a tent, cabin, trailer, mobile home not converted to real estate.
23. **DWELLING, EXISTING RELOCATED RESIDENTIAL:** A residence which presently exists and is proposed to be relocated upon a lot within a subdivision of George, Iowa.
24. **DWELLING, MULTIPLE FAMILY:** An apartment house or residence designed for or occupied by three (3) or more families living independently of each other, with separate entrances, housekeeping and cooking facilities for each dwelling unit.

25. DWELLING, SINGLE FAMILY: A detached building that is arranged, designed for or occupied as the primary residence of only one (1) family, having no party wall in common with an adjacent house or houses and is surrounded by open space or yards.
26. DWELLING, TWO FAMILY: A building that is arranged, designed for or occupied as the residences of two (2) families living independently of each other with separate entrances, housekeeping and cooking facilities for each.
27. EASEMENT: A grant of one or more of the property rights by a property owner to and/or for use by the public, a corporation, or another person or entity.
28. ENCROACHMENT: Any obstruction or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land.
29. ENGINEER, CITY: A duly qualified individual or firm designated by the George City Council.
30. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by developers, public utilities or governmental agencies of underground or overhead gas, telecommunications, electrical, wastewater or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection with and necessary for the furnishing of adequate service by such public utilities, governmental agencies, and/or for the public health, safety or general welfare, but not including buildings.
31. FAÇADE: The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.
32. FAMILY: A person living alone, or two or more persons related to the second degree of collateral consanguinity by blood, marriage, adoption, guardianship, or otherwise duly authorized custodial relationship as verified by official public records such as drivers licenses, birth or marriage certificates living together as a single dwelling unit and sharing common living, sleeping, cooking, and eating facilities; including not more than one additional unrelated person.
33. FENCE: Any artificially constructed barrier of fencing material or combination of materials as established in Section 12.7, and erected to enclose or screen areas of land.
34. FLOOR AREA: The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages, or space in a basement or cellar that is not living space or used for storage or other incidental uses.
35. FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
36. GARAGE: An accessory building or portion of a building used only for the enclosed parking of or storage of one or more vehicles by the occupants of the premises or the

leasing of space as provided herein, including covered parking space or carport; but in which no business services or industry connected with motor vehicles is carried on other than leasing of space.

- 37. **GRADE:** The lowest horizontal elevation of a finished surface of the ground, paving, or sidewalk at a point where the height is to be measured.
- 38. **HOME OCCUPATION:** An accessory use or occupation conducted entirely within a dwelling unit by the inhabitants thereof, and complies with the home occupation requirements outlined in Section 13.4.
- 39. **HOUSEHOLD:** A family living together in a single dwelling unit, with common access to all living and eating areas and all areas and facilities within the dwelling unit.
- 40. **HOUSING UNIT:** *See* DWELLING
- 41. **INCIDENTAL:** Subordinate and minor in significance and bearing a reasonable relationship with the primary use.
- 42. **JUNK (OR SALVAGE):** All old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
- 43. **JUNK VEHICLE OR JUNK MACHINERY:** Any vehicle, other machines or portions thereof not in running condition and/or not licensed for the current year as provided by law, or any other non-operating vehicle or machinery situated in a front yard of any lot or property and located in open view to the public for a period of more than sixty (60) days which, because of its defective or obsolete condition, or rotted, rusted or loose parts or in any other way constitutes a threat to the public health, welfare or safety. A mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.
- 44. **JUNKYARD (or SALVAGE YARD):** Any open area of any lot or parcel where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles, or other vehicles, or parts thereof. A solid waste transfer station is not considered a junk yard or salvage yard for purposes of this ordinance.
- 45. **KENNEL, PRIVATE:** Any building or land designed or arranged for the care of no more than a combined total of four (4) dogs or and cats belonging to the owner of the principal structure, kept for purposes of show, hunting, or pets.
- 46. **LAND USE:** A description of how land is occupied or utilized.
- 47. **LOADING SPACE:** An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.

48. **LOT:** A parcel of land as established by plat, subdivision, or as otherwise permitted by law, which may be owned, used, developed, or built upon, having its frontage upon one (1) or more streets or an officially approved public place.

49. **LOT AREA:** The net horizontal area bounding by front, side and rear lot lines, providing access to a street and excluding any public or private easement or right of way providing access to another lot not to exclude utility easements.

50. **LOT, CORNER:** A lot fronting on two (2) intersecting streets.

51. **LOT, INTERIOR:** A lot other than a corner lot.

52. **LOT, THROUGH:** An interior lot having frontage on two parallel or approximately parallel streets. Also known as a double frontage lot.

53. **LOT (or BUILDING) COVERAGE:**  
The area of a lot covered by buildings or roofed areas, excluding incidental projecting eaves and gutters, balconies, and similar features; and also excluding ground level paving or decks below twelve inches in height, landscaping, and open recreational facilities.

54. **LOT DEPTH:** The distance from the front lot line to the rear lot line. In the case of a lot of irregular shape, the mean depth shall be the lot depth.

55. **LOT OF RECORD:** A lot of which is part of a legal subdivision of the City of George, Iowa, the plat of which has been recorded in the office of the County Recorder; or a lot or parcel of land, the deed or valid contract of sale of which was recorded in the office of the County Recorder of Lyon County, Iowa prior to the effective date of this ordinance.

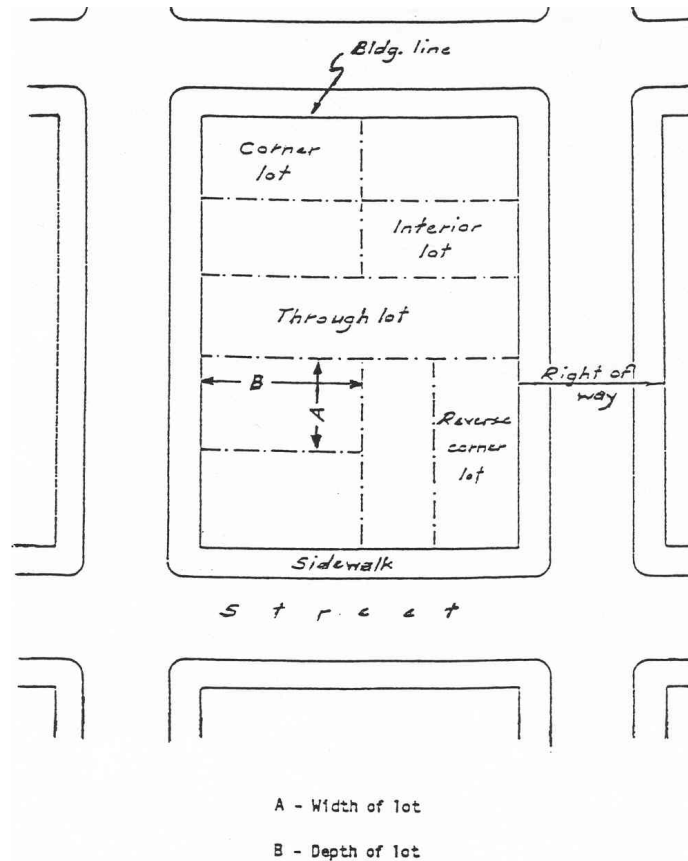
56. **LOT WIDTH:** The distances between the side lot lines. In the case of a lot of irregular shape, the mean width shall be the lot width.

57. **LOT LINES:** The lines bounding a lot.

58. **LOT LINE, FRONT:** In the case of an interior lot abutting on only one street, the "front lot line" is the street line of such lot. In the case of any other lot, the front lot line will be such street line as is located in front of the main entrance to the principal structure.

59. **LOT LINE, REAR:** That boundary line that is opposite and most distant from the front lot line.

60. **LOT LINE, SIDE:** Any boundary lines not a front line or a rear line.



61. **MANUFACTURED HOUSING:** A factory-built structure which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development certifying that it is in compliance with the Federal Manufactured Housing Construction Act of 1974. (*Code of Iowa, Sec. 435.1*)
62. **MOBILE HOME:** Any vehicle without motive power used or so manufactured or constructed as to permit it being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals. (*Code of Iowa, Sec. 435.1*) All mobile homes shall be located within a mobile home park.
63. **MOBILE HOME PARK:** Any site, lot, field or tract of land upon which three (3) or more occupied 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. A mobile or manufactured home park shall not be construed to include mobile or manufactured, buildings, tents, or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. (*Code of Iowa, Sec. 435.1*)
64. **MOBILE HOME OR MANUFACTURED HOUSING CONVERTED TO REAL PROPERTY:** A mobile home or manufactured housing which is located outside a manufactured housing community or a mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases: (*Code of Iowa, Sec. 435.26 & 435.35*)
  - a. **Retailer's Stock:** Mobile homes or manufactured housing on private property as part of a retailer's or manufacturer's stock not used as a place of human habitation.
  - b. **Existing Homes:** A taxable mobile home or manufactured housing which is located outside of a manufactured housing community or mobile home park prior to the effective date of this ordinance shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement until the home is relocated.
65. **MODULAR HOME:** Factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7 *Code of Iowa*, and must display the seal issued by the state building code commissioner. A modular home shall be considered real property. (*Code of Iowa, Sec. 435.1*)
66. **NONCONFORMING USE:** A lawful use of any land, building, or structure, other than a sign, that does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.



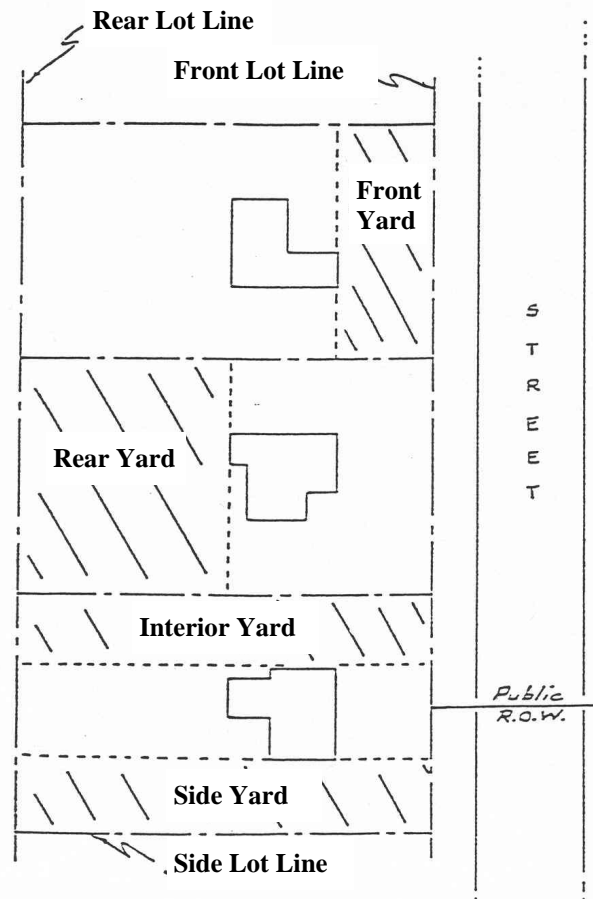
67. **NONCONFORMING STRUCTURE (OR BUILDING):** A structure or building in size, dimensions, or location of which was lawful prior to the adoption or amendment to the zoning ordinance, but which fails to conform to present requirements of the zoning district.
68. **OCCUPANCY (or OCCUPIED):** The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.
69. **OFFICIAL (ZONING) MAP:** An ordinance in map form adopted by the governing body that conclusively shows the location of zoning districts boundaries, proposed streets, public areas, and other data referencing the distinction and separation of zoned land uses.
70. **PARKING AREA:** An area on a lot or within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this ordinance. Parking areas shall include parking lots, garages, and parking structures.
71. **PARKING LOT:** An off-street, ground level open area usually improved for the temporary storage of motor vehicles. *See also:* PARKING AREA.
72. **PARKING SPACE:** An area, enclosed or unenclosed, having dimensions of not less than one hundred eighty square feet (180 sq. ft.), typically measuring 9' x 20' plus necessary maneuvering space for the parking of a motor vehicle, and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. Space required for maneuvering incidental to parking shall not encroach upon any public right of way. Driveways for one and two family structures may be considered as parking spaces.
73. **PERMANENT FOUNDATION (for manufactured housing or mobile homes):** A mobile home or manufactured housing located outside of a manufactured housing community or mobile home park shall be placed on a permanent frost-free foundation which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundations systems of surrounding residential structures.  
(Code of Iowa, Sec. 414.28)
74. **PLANNED UNIT DEVELOPMENT (PUD):** An area of minimum contiguous size specified in this ordinance developed according to plan as a single entity and containing one or more structures or land uses with appurtenant or adjacent common areas.
75. **PORCH, OPEN:** A roofed structure, open or screened on two (2) or more sides, projecting from the front, side or rear wall of the building.
76. **PRINCIPAL PERMITTED USE:** *See* USE: 1. Principal Permitted Use.
77. **PRIVATE PARKING LOT (OR AREA):** A parking area for the exclusive use of the owners, tenants, lessees or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.
78. **PROHIBITED USE:** Any use not permitted by right or by special exception in a zoning district.

79. **PROPERTY:** A lot, parcel, or tract of land together with buildings and structures located thereon.
80. **PUBLIC NOTICE:** A publication of the time and place of any public hearing typically not less than four (4) or not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the city. In the instances of publications amending or adopting changes to this zoning ordinance, the public notice notification period is not less than seven (7) or not more than twenty (20) days prior to the date of said public hearing.
81. **RECREATIONAL VEHICLE:** A vehicle or structure so designed and constructed in such a manner as will permit occupancy thereof as sleeping quarters for one or more persons, or for sporting or recreational purposes. A recreational vehicle is so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, except a device used exclusively upon stationary rails or tracks. Such a vehicle shall be customarily or ordinarily used for, but not limited to, vacationing, recreational purposes, pick-up campers, camping, motor coaches, trucks or buses.
82. **ROOMS, HABITABLE:** A room which provides the required area and window area to provide necessary light and ventilation of occupants, and shall be clean and sanitary at all times.
83. **SALVAGE YARD:** *See* JUNKYARD.
84. **SETBACK:** The required distance between any lot line and the supporting walls or structures of any building or deck more than 12" above grade.
85. **SETBACK LINE:** A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and defining that minimum distance between the building and property line which buildings and structures may not be placed.
86. **SITE DEVELOPMENT REGULATIONS:** The combinations of controls that establish the maximum size of a building and its location on the lot. Components of bulk regulations include: size and height of building; location of exterior walls at all levels with respect to lot lines, streets, or other buildings; building coverage; gross floor area of building in relation to the lot area; open space; and amount of lot area provided per dwelling unit.
87. **SITE PLAN:** A plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses, and the principal site development features including parking, access, and landscaping and screening, proposed for a specific parcel of land.
88. **SPOT ZONING:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan.
89. **STREET:** A thoroughfare that affords the primary means of access to abutting property.
90. **STREET, PUBLIC:** A publicly owned and maintained thoroughfare 20 feet or more in width.

91. **STREET (OR ROAD) LINE:** The dividing line between a lot, tract or parcel of land and a contiguous road, street or alley.
92. **STRUCTURAL ALTERATION:** Any replacement or changes in the type of construction or in the supporting members of a building beyond ordinary repairs and maintenance; such as bearing walls or partitions, columns, beams or girders.
93. **STRUCTURE:** A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.
94. **SUBSTANDARD LOT (OR NONCONFORMING LOT):** A lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the zoning district in which it is located, but which complied or was conforming with applicable requirements when it was placed on record prior to the enactment of this zoning ordinance.
95. **TEMPORARY STRUCTURE:** A structure without any foundation or footings and that is removed when the designated time period, activity, or use has ceased.
96. **USE:** The conduct of an activity or the performance of a function or operation, on a site or in a building or facility.
- a. Principal Use: Any use which is the primary function of a lot or building.
  - b. Permitted Use: Any use permitted as a matter of right or under a special exception when conducted in accord with the regulations established by this ordinance; of which fulfills the primary function of a household, establishment, institution, or other entity.
  - c. Special Exception Use: A use allowable solely on a discretionary and conditional basis subject to a special use permit, and all other regulations established by this ordinance.
97. **UTILITY, PUBLIC:** A utility owned and operated by the City of George, Iowa.
98. **VACANCY:** Any unoccupied land, structure, or part thereof available or suitable for occupancy.
99. **VALUATION:** The estimated cost to replace a building; based on current cost of replacement.
100. **VARIANCE:** The relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions and peculiarity of the property and not the results of actions of the applicant, a literal enforcement of the zoning regulations would result in an unnecessary and undue hardship. A variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
101. **YARD:** An open space on the same lot adjoining a lot line, containing only landscaping and such uses and facilities as may be permitted by this ordinance. In measuring a yard for the purpose of determining the depth of a front yard or rear yard, the least distance between the lot line and the nearest principal building shall be used. In measuring a yard for the

purpose of determining the width of a side yard, the least distance between the lot line and the nearest principal building shall be used. A yard shall be measured exclusive of any dedicated or undedicated right-of-way.

- a. **Front Yard:** An area of yard extending across the full width of a lot and measured between the front lot line and the building wall or other supporting element thereof, other than the projection of typical steps and eaves. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street where the principal building has its main entrance.
- b. **Interior Yard:** Any area of yard, not adjacent to a street, which is determined on the basis of an interior lot line.
- c. **Rear Yard:** An area of yard extending across the full width of a lot and measured between the rear lot line and the building or other supporting element other than steps or unenclosed balconies, but excluding any area located within the street side yard of a corner lot. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.
- d. **Side Yard:** An area of yard extending the depth of a lot from the front yard to the rear yard and measured between the side lot line and the nearest principal building. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.



102. **ZONING:** The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.
103. **ZONING ADMINISTRATOR:** The individual appointed by the City Council of George, Iowa to administer and ensure compliance with the zoning ordinance and issue zoning/building permits.
104. **ZONING/BUILDING PERMIT:** A permit issued in conjunction with and as part of the building permit as overseen and enforced by the zoning administrator as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building; acknowledging the proposed use, building, or structure complies with the provisions of the zoning ordinance or variance.

## **2.2. USE CLASSIFICATIONS.**

The purpose of use classifications is to provide a consistent set of terms encompassing and defining those uses permitted by right or special exception in the zoning districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification. In event of any question as to the appropriate use classification of any existing or proposed use or activity, the zoning officer shall have the authority to determine the classification, subject to the right of appeal pursuant to Section 18.8. In making such determinations, the zoning officer shall consider the characteristics of the use in question, and consider any functional, product, service, or physical requirements common with or similar to uses cited as examples of use classifications.

### **1) General Description of AGRICULTURE/CONSERVATION USE TYPES:**

Agricultural use types include the on-site production of crops by usual agricultural methods.

- a. *Agricultural Animal Husbandry*: The raising of cattle, swine, poultry, horses, sheep, goats or other similar animals for reproductive stock or for slaughter in which such uses are conducted in either confined animal feeding operations or open yards.
- b. *Agricultural Sales and Services*: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, and tree service firms.
- c. *Farm*: An area that is used for the growing of the usual farm products. This definition shall include the production of animal products such as eggs or dairy products, on an agricultural or commercial basis. Typical uses include grazing, pasture, ranching, dairy farming, poultry farming, and the raising of fur bearing animals.
- d. *Crop Production*: The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including incidental packing and processing.
- e. *Horticulture*: The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales.
- f. *Stables*: Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include but not limited to horse ranches, boarding stables or public stables.
- g. *Support Housing*: The occupancy of any living accommodations by one (1) agricultural employee and their family, without regard to duration, which occurs exclusively in association with the performance of agricultural labor, on the same property as the support housing.
- h. *Critical Area*: A critical area is a natural feature in need of preservation from encroaching land uses. Such areas may include sensitive or prime agricultural soils as defined by the Natural Resource Conservation Service, areas of excessive slope, natural marshes, woodlands, and floodplains.

- i. *Floodplain*: The channel and relatively flat area adjoining the channel of a natural stream or river that has historically been or may have the potential to be covered by flood waters.
- j. *Game Refuge/Preserve*: Areas designated for the protection and sustaining of wildlife habitat; in which human activities are very limited and the natural environment is protected.
- k. *Undeveloped or Unimproved Land*: Land in its natural state before development.
- l. *Water Control Structures, Irrigation or Retention Basins*: Those man-made structures which are intended to direct and/or control the water flow, drainage and percolation rate to aid in the prevention of flooding or to direct water away from tillable agricultural land.

**2) General Description of RESIDENTIAL USE TYPES:**

Residential use types include the occupancy of living accommodations on primarily nontransient basis or institutional living arrangements, but excluding those providing forced residence such as asylums and prisons.

- a. *Condominium Residential*: The use of a site for three (3) or more multiple family dwelling units intended for separate ownership, together with common area serving all dwelling units; whereas the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.
- b. *Family Home (as per Chapter 414.22 Iowa Code)*: A community based residential home which is licensed as a residential care facility under Chapter 135C of the *Iowa Code* or as a child foster care facility under Chapter 237 of the *Iowa Code* to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.
- c. *Group Residential*: The residential occupancy of living accommodations by groups of more than five (5) persons not defined as a family on a weekly or longer basis. Typical uses include but not limited to fraternity or sorority houses, dormitories, or residence halls.
- d. *Mobile Home or Manufactured Housing*: The residential occupancy of mobile homes or manufactured housing by families on a weekly or longer basis. Uses only include mobile home parks and manufactured housing subdivisions.
- e. *Multiple Family Residential*: The use of a site for three (3) or more dwelling units within one or more buildings.
- f. *Personal Recreation Facilities*: (as an accessory use to residential uses) Recreational uses and facilities provided as an accessory use on the same lot as the principal use and intended to be used primarily by the occupants of the principal use and their guests. Such facilities may include but not limited to swimming pools, Jacuzzis, tennis courts, trampolines, play equipment, play houses, swings and slides.

- g. *Relocated Residential*: An existing, previously built residential structure, intended for occupancy, which has been moved into the community from a location outside of George, or an existing residential structure which has been relocated from another location from within the City of George to a new residential site. A relocated residential structure does not include the moving of a new manufactured, modular or mobile home into the city. Relocated residential properties shall submit a route plan, photographs of the building to be moved, and a building permit prior to moving a building or structure into George.
- h. *Residential Healthcare Facilities*: Any residential care services, intermediate care facility or skilled nursing home.
  - 1) *Residential Care Services*: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or extended care.
  - 2) *Assisted Living Facility*: Residences for primarily senior or retired persons that provide dwelling units, housekeeping services, meals, personal care, and supervision of self-administered medication. Assisted living facilities may also provide other services such as recreational activities, financial services, and transportation and these facilities are sometimes combined with other types of housing such as congregate apartment housing, senior housing, or residential care services.
  - 3) *Skilled Nursing Facility*: Any institution or facility providing care for a period exceeding twenty-four hours for residency or nursing services, the need for which is certified by a physician to three or more individuals not related to the administrator or owner, who by reason of illness, disease, or physical or mental illness require continuous care and medical services.
- i. *Single Family Residential*: The use of a site for only one (1) single family dwelling unit.
- j. *Townhouse Residential*: The use of a site for three (3) or more dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site.
- k. *Two Family Residential (duplex)*: The use of a site for two (2) dwelling units on a single lot or parcel.

### 3) **General Description of COMMERCIAL USE TYPES:**

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

- a. *Administrative and Business Offices*: Office of private firms or organizations, which are primarily used for the provision of executive, management, or administrative services. Typical uses include but not limited to administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telemarketing, photocopy and reproduction, and offices of public utilities or associations.

- b. *Automotive Rentals*: Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles. Typical uses include but not limited to auto rental agencies, trailer rental agencies, and taxicab parking and dispatching.
- c. *Automotive Repair Services*: Repair of automobiles, noncommercial truck, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include but not limited to new and used car dealerships, motorcycle, boat, trailer, and recreational vehicle dealerships.
- d. *Automotive Sales*: Sales or rental of automobiles, noncommercial truck, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include but not limited to new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.
- e. *Automotive Washing*: Washing and cleaning of automobiles, related light equipment, and trucks. Typical uses include but not limited to auto laundries, car washes, or truck washes. Does not include large truck cleanouts or wash outs.
- f. *Building Maintenance Services*: Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include but not limited to janitorial, landscape maintenance, or window cleaning services.
- g. *Business Support Services*: Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but exclude automotive, construction and farm equipment. Typical uses include but not limited to office equipment supply firms, small business machine repair shops or hotel equipment and supply firms.
- h. *Business or Trade School*: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
- i. *Cocktail Lounge*: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on premises, including taverns, bars, cocktail lounges, and similar uses.
- j. *Commercial Off-Street Parking*: Parking of motor vehicles on a temporary basis within privately owned off-street parking facility, other than accessory to a principal use. Uses include commercial parking lots or parking garages.
- k. *Commercial Recreation*: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:
  - (1) *Indoor Sports and Recreation*: Uses conducted within an enclosed building. Typical uses include but not limited to bowling alleys, billiard parlors, ice and roller skating rinks, video game arcades.
  - (2) *Outdoor Sports and Recreation*: Uses conducted in open or partially enclosed or screened facilities. Typical uses include but not limited to golf courses, swimming pools, tennis courts, and racquetball courts.



- (3) *Indoor Entertainment*: Predominantly spectator uses conducted within an enclosed building. Typical uses include but not limited to motion picture theaters, meeting halls, community or event centers, and dance halls.
- (4) *Outdoor Entertainment*: Predominantly spectator uses conducted in open facilities. Typical uses include but not limited to sports arena, racing facilities, go-kart track, amusement park, driving range, and miniature golf course.
- l. *Communications Services*: Establishments primarily engaged in the provision of broadcasting and information relay services accomplished through the use of electronic and telephonic mechanisms but exclude those classified as Major Utility Facilities. Typical uses include but not limited to telecommunication services; radio, television, cellular and other similar antennas, towers, or structures; and fiber optic lines and transmission facilities.
- m. *Condominium Storage Unit*: A building or series of buildings in which the storage units or floor area is owned independently; and whereas the structure and property is owned by all of the owners on a proportional, undivided basis or by single ownership. These storage units are designed for individually owned indoor storage of RVs, boats, watercrafts, snowmobiles, motorcycles, automobiles, antiques, toys, trailers, record storage or other similar uses. Condominium storage must be designed in a way that each unit maintains a separate entrance.
- n. *Construction Sales and Services*: Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale, from the premises, of materials used in construction of building or other structures other than retail sale of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Services use types. Typical uses include but not limited to building materials stores, tool and equipment rental or sales, or building contractors.
- o. *Consumer Repair Services*: Establishments primarily engaged in repair services to individuals or households rather than firms, but excluding automotive and equipment uses. Typical uses include but not limited to appliance repair, watch/jewelry repair, or musical instrument repair.
- p. *Convenience Store*: An establishment engaged in the retail sale of food and household products, including gasoline. The servicing or storage of vehicles shall be prohibited.
- q. *Convenience Storage*: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include but not limited to mini-warehousing.
- r. *Equipment Repair Services*: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include but not limited to truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling or salvage.
- s. *Equipment Sales*: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes and similar heavy equipment, including incidental storage,

maintenance, and servicing. Typical uses include but not limited to truck dealerships, construction equipment dealerships, and mobile home sales establishments.

- t. *Financial Services*: Establishments primarily engaged in the provision of financial and banking services. Typical uses include but not limited to banks, savings and loan institutions, loan and lending activities, and similar services.
- u. *Food Sales*: Establishment or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include but not limited to grocery stores, delicatessens, meat markets, retail bakeries, and candy shops.
- v. *Funeral Services*: Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include but not limited to funeral homes, crematoriums or mortuaries.
- w. *General Retail Sales*: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include but not limited to department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories.
- x. *Hospital Services*: A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
- y.  *kennel, Commercial*: A commercial establishment in which four (4) or more dogs, cats or domesticated animals at least six months of age are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation. Typical uses include but not limited to boarding kennels, pet motels, or dog training centers.
- z. *Laundry Sales*: Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as Personal Services. Typical uses include but not limited to bulk laundry and cleaning facilities, diaper services, or linen supply services.
- aa. *Liquor Sales*: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include but not limited to liquor stores, bottle shops, or any licensed sales for off-site consumption.
- bb. *Medical Clinics/Offices*: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts licensed for practice by the State of Iowa.

- cc. *Personal Improvement Services*: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of nonprofessional nature. Typical uses include but not limited to photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
- dd. *Personal Services*: Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include but not limited to beauty and barbershops, seamstress, tailor, shoe repair shops, and self-service laundromat or apparel cleaning services.
- ee. *Pet Services*: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include but not limited to pet stores, animal bathing facilities, or pet grooming shops.
- ff. *Professional Office*: Any building or use providing professional or consulting services in the fields of law, architecture, medicine, design, engineering, accounting, and similar occupations considered a profession.
- gg. *Restaurant (Convenience)*: A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on premise consumption. Typical uses include but not limited to soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.
- hh. *Restaurant (General)*: A use engaged in the preparation and retail sales of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty percent (50%) of the gross income. A general restaurant may include live entertainment. Typical uses include but not limited to restaurants, lounges, bar & grills, and other similar establishments with incidental alcoholic service.
- ii. *Retail Specialty Shop*: Various commercial establishments offering sales of goods which fall into a specific category, and any service which may be related to those goods. Typical uses include but not limited to bicycle shop, camera shop, antique shops, bookstores, etc.
- jj. *Service Station*: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.
- kk. *Vehicle Storage*: Long term storage of operating or non-operating vehicles. Typical uses include but not limited to storage of private parking tow-a-ways or impound yards, but exclude dismantling or salvage.
- ll. *Veterinary Services*: Veterinary services for animals. Typical uses include but not limited to pet clinics, dog and cat hospitals, and veterinary hospitals.
- mm. *Visitor Habitation*: Establishments primarily engaged in the provision of lodging on a temporary basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
  - (1) *Campground*: Facilities or an area providing spaces for two (2) or more travel trailers,

recreational vehicles, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public. Typical uses include but not limited to campgrounds or recreational vehicle parks.

- (2) *Hotel-Motel*: A building or group of buildings containing guest rooms primarily intended for temporary occupancy to transient guests for compensation and provides parking for the guests. Other such accessory uses associated with a hotel-motel may include a swimming pool, restaurant, meeting/conference rooms, management office and quarters for the use of operating personnel.
- (3) *Bed & Breakfast Inn*: A private, owner-occupied housing unit, or portion thereof where short term lodging and meals are provided for up to five (5) guests for rent to the general public. The only meal to be provided to guests is breakfast, and it shall only be served to those taking lodging in the facility. Individual units designed as rentals shall contain no cooking facilities.
- (4) *Boarding House*: A building, other than a hotel or motel, where for compensation and by arrangement, meals and lodging are provided for more than three (3) persons not defined as a family.

4) **General Description of INDUSTRIAL USE TYPES:**

Industrial use types include the on-site extraction or production of goods by methods not agricultural, and storage and distribution of products.

- a. *Biotechnology Production and/or Manufacturing*: Facilities, warehouses, and production or assembly plants engaged in the active production, manufacturing, packaging, and distribution of products generally associated with the fields of animal or human biotechnology.
- b. *Custom Manufacturing*: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involves the use of hand tools or mechanical equipment and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include but not limited to ceramic studios, candle making shops or custom jewelry.
- c. *Heavy Industry*: A use engaged in the processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing which involve hazardous or commonly recognized offensive conditions.
- d. *Light Industry*: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- e. *Railroad Facilities*: Including but not limited to rail yards, equipment servicing facilities, loading and unloading facilities and rail terminal facilities.
- f. *Renewable Energy/Renewable Resources Industries*: Those industries or businesses

engaged in the use of products that are sustainable in the environment or in harnessing or capturing renewable resources for energy purposes. Typical uses include but are not limited to biofuels, biomass, wind energy, solar energy, hydro power, and geothermal.

- g. *Research and Production Services*: Establishments primarily engaged in research of an industrial or scientific nature, including animal or human products testing. Typical uses include but are not limited to animal or human research laboratories, research and development firms, or animal or human pharmaceutical research labs.
- h. *Resource Extraction*: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are, but not limited to quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
- i. *Sanitary Landfill*: An area of land designated for the disposal of garbage, refuse, waste, rubbish, and other solid or semisolid materials, of which are buried between layers of earth.
- j. *Scrap and Salvage Services*: Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse. Typical uses include but not limited to scarp or storage yards, junkyards or salvage yards.
- k. *Stockyards*: Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include but not limited to animal stockyards, animal sales or crop or animal auction yards.
- l. *Warehousing and Distribution*: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are warehousing use types:
  - (1) *Limited Warehousing and Distribution*: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include but not limited to wholesale distributors, storage warehouses or moving and storage firms.
  - (2) *General Warehousing and Distribution*: Open-air storage, distribution and handling of materials and equipment. Typical uses include but not limited to grain elevators or open storage yards.

##### 5) **General Description of CIVIC USE TYPES:**

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

- a. *Aviation Facilities*: Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft.
- b. *Cemetery*: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

- c. *Club or Lodge*: A use providing meeting, recreational, or social facilities for private or non-profit associations, primarily for use by members and guests.
- d. *Cultural Services*: A library, museum, art gallery, or other nonprofit use offering display, preservation or exhibition of objects of permanent interest in the arts and sciences.
- e. *Daycare Center*: A facility, or use of a building or portion thereof, for daytime care of seven (7) or more individuals, or as indicated by the State of Iowa. This term may include day care centers for children or adults, and similar uses.
- f. *Detention Facilities*: A publicly operated use providing housing and care for individuals confined by law.
- g. *Government/Public Services*: Offices, administrative, clerical, governmental, or public services that deal directly with the citizen. Typical uses include but not limited to federal, state, county, and city offices, postal facilities, or other public or non-profit organizations directly benefiting the general public.
- h. *Local Utility Services*: Essential services which are necessary to support principal development and involve only minor structures such as lines and poles.
- i. *Major Utility Facilities*: Communication towers, antennas, generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants and similar facilities of public use, and firms having potentially significant impact upon surrounding uses.
- j. *Park and Recreation Services*: Publicly owned and operated parks, playgrounds, open spaces, and swimming pools.
- k. *Pre-Kindergarten, Preschool, or Nursery School*: An establishment enrolling children where tuition or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as an educational facility for children typically under the age of five (5).
- l. *Educational Facilities*: A public, private, or parochial school offering instruction at the elementary, junior and senior high school or collegiate levels.
- m. *Public Assembly*: Publicly owned or operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.
- n. *Religious Assembly*: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, excluding primary or secondary educational facilities.
- o. *Safety Services*: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
- p. *Treatment Services*: A use providing counseling, guidance, recuperative, vocational, or similar services to persons requiring rehabilitation assistance as a result of mental illness alcoholism, detention, drug addiction, or similar condition on a residential or daytime basis.

## ARTICLE III

### Zoning Districts Established

#### Article 3: Zoning Districts Established

- Section 3.1. Zoning Districts Map
- Section 3.2. Interpretation of Regulations
- Section 3.3. Interpretations of Districts Boundaries
- Section 3.4. Road or Public Right-of-Way Vacation
- Section 3.5. Annexed Territory

#### **3.1. ZONING DISTRICTS MAP.**

The city council shall cause to be prepared and approved, an official zoning districts map showing the various districts, which may be changed or corrected from time to time as recommended by the Planning Commission and enacted by the city council.

- 1) *Districts:* For the purpose and intent of this ordinance the City of George, Iowa, is hereby divided into zoning districts or zones as follows:
  - AG     Agricultural District
  - CF     Conservation/Floodplain District
  - R-1    Single Family Residential District
  - R-2    Multiple Family Residential District
  - R-3    Mobile/Manufactured Housing District
  - C-1    Downtown Commercial District
  - C-2    Highway Commercial District
  - GI     General Industrial District
  
- 2) *Boundaries:* The boundaries of zoning districts are indicated and established as the official zoning map of George, Iowa, which, with all notations, designations, references, and other matters shown thereon, shall be as much a part of this zoning ordinance as if fully described and set forth herein. Amendments, supplements, or changes to the boundaries of districts shown on the official zoning map shall be made by an ordinance amending this zoning ordinance. The amending ordinance shall refer to the official zoning map and shall set out the identification of the area affected by legal description, and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the city clerk. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it. The official zoning map, together with amending ordinances, shall be the final authority as to the current zoning status of land areas, buildings, and other structures in the city.
  
- 3) *Official Map:* The official zoning map shall be on file and available for public review in the George city office. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use or the nature of number of changes and additions, the city council may, by resolution, adopt a new official zoning map which shall supersede the prior zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior zoning map, but no such corrections shall have the effect of amending the original official zoning ordinance or subsequent amendments.

**3.2. INTERPRETATION OF REGULATIONS.**

In interpretation and application, the provisions of this ordinance shall be considered minimum requirements. Where this ordinance imposes a greater restriction than imposed by other provisions of law, other rules, regulations, or ordinances, the provisions of this ordinance shall govern.

**3.3. INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists as to a district's boundaries as shown on the official zoning map, the following rules shall apply.

- 1) Boundaries indicated as approximately following the center lines of streets, highways, alleys or other public right-of-ways shall be construed 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 section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
- 4) Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- 5) Boundaries indicated as approximately following the shoreline or center line of streams, rivers, canals, lakes or other bodies of water shall be construed as following such lines;
- 6) Boundaries indicated as parallel to or extensions of features indicated in subsections 1-5 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- 7) 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 subsection 1-6 above, the Board of Adjustment shall interpret the district boundaries.

**3.4. ROAD OR PUBLIC RIGHT-OF-WAY VACATION.**

Whenever any road, street, or other public right-of-way is vacated by the official action of the city council, the zoning district(s) adjoining each side of such road or public right-of-way shall automatically extend to the center of such vacation and all area included in such vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

**3.5. ANNEXED TERRITORY.**

Any lands being annexed into the City of George shall, by default, be immediately zoned (AG) Agricultural. If the existing or proposed land use of the property is such that it necessitates a zoning change, the Planning and Zoning Commission shall make a recommendation of a change of zoning classification to the city council.



## ARTICLE IV

### AG - Agriculture District

#### Article 4: Agriculture District

- Section 4.1. Intent
- Section 4.2. Principal Permitted Uses
- Section 4.3. Special Exception Uses
- Section 4.4. Permitted Accessory Uses
- Section 4.5. Site Development Regulations
- Section 4.6. Off Street Parking Requirements
- Section 4.7. Sign Regulations
- Section 4.8. Zoning/building Permits Required

#### **4.1. INTENT.**

The intent of the Agricultural District is to preserve land best suited for agriculture uses, including and especially prime agricultural soils, from encroachment of incompatible uses; and to preserve land suited to eventual development pending proper timing for economical and practical provisions of streets, utilities and other community facilities which may be provided to ensure the orderly and beneficial conversion of these lands to nonagricultural use.

#### **4.2. PRINCIPAL PERMITTED USES.**

Within the (AG) Agricultural District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

<b>Agriculture/Conservation Uses</b>	<b>Residential Uses</b>	<b>Civic Uses</b>
Crop Production Critical Area Farm Horticulture Support Housing Undeveloped or Unimproved Land Water Control, Irrigation or Retention Basins	Single Family Residential - when it is only the owner or renter of a farm or associated with agricultural purposes	Cemetery Local Utility Services Government/Public Services

#### **4.3. SPECIAL EXCEPTION USES.**

Certain uses may be permitted in the (AG) Agricultural District subject to provisions of Articles XXI and XXII of this ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Agriculture/Conservation Uses</b>	<b>Residential Uses</b>	<b>Civic Uses</b>
Agricultural Animal Husbandry Agricultural Sales and Services Stables Support Housing (Agricultural)	Relocated Residential - When it is the owner or renter of a farm or associated with agricultural purposes Single Family Residential	Major Utility Facilities Park and Recreation Services Safety Services
		<b>Commercial Uses</b>
		Communication Services Kennel, Commercial

#### **4.4. PERMITTED ACCESSORY USES.**

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garage or carport
3. Barns and other agricultural related buildings
4. Radio, television, satellite dish, and other similar receiving antennas (*for residential purposes*)
5. Personal Recreation Facilities
6. Personal utility sheds or garden buildings not used for commercial purposes
7. Roadside stands for the sale of agricultural products or other products
8. Private kennels
9. Home occupations
9. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 13.3.
10. Accessory uses of land or structures customarily incidental and subordinate to the permitted uses and structures

#### **4.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (AG) Agricultural District, and subject to modifications contained in the Supplemental District Regulations.

Lot Area -	1 acre - minimum lot area
Lot Width -	100 feet - minimum lot width
Residential Density -	Only one (1) principal residential dwelling per lot, and only one (1) agricultural support housing per lot.

Height -	35 feet maximum height for dwellings and non-agricultural buildings or structures. No height limitation for agricultural uses, except that no structure shall extend into approach zones, clear zones or restricted air space as required by airports.
Front Yard -	50 feet - minimum required setback
Side Yard -	25 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback
Street Side Yard -	50 feet - minimum required setback

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements. All residential dwelling units must be constructed in compliance with the Minimum Requirements for Residential Structures outlined in Section 13.6.

**4.6. OFF STREET PARKING REQUIREMENTS.**

Off-street parking and loading requirements shall be required for activities in the (AG) Agricultural District in accordance with the provisions of Article XV of this ordinance.

**4.7. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (AG) Agricultural District in accordance with the provisions of Article XVI of the ordinance.

**4.8. ZONING/BUILDING PERMITS REQUIRED.**

Zoning/building permits shall be required in accordance with the provisions of Section 18.3 of this ordinance.

## ARTICLE V

### CF – Conservation/Floodplain District

#### Article 5: Conservation/Floodplain District

- Section 5.1. Intent
- Section 5.2. Legislative Authority
- Section 5.3. Principal Permitted Uses
- Section 5.4. Special Exception Uses
- Section 5.5. Permitted Accessory Uses
- Section 5.6. Site Development Regulations
- Section 5.7. Definitions
- Section 5.8. Development Requirements
- Section 5.9. Structure Requirements
- Section 5.10. Subdivision Requirements
- Section 5.11. Factory Built Homes
- Section 5.12. Utility and Infrastructure Systems
- Section 5.13. Liability Disclaimer
- Section 5.14. Zoning/building permits Required

#### **5.1 INTENT.**

The intent of this district is to provide for water quality and conservation, protection of wildlife habitat, protect erosion control, protect natural drainage ways and to generally provide for ecologically sound land use of environmentally sensitive areas that can be considered critical areas, or otherwise best suited as buffers between land uses and not suitable for structural developments. This district is also intended to protect floodways and floodplains from encroachment to protect future losses to property by prohibiting construction in floodways, and control construction in floodplains. Any development within designated floodplains shall be allowed only in compliance with the George Municipal Code.

It is the purpose of this ordinance to protect and preserve the rights, privileges and property of the city's residents by minimizing flood losses with provisions designed to:

1. Restrict or prohibit land uses or construction which is 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, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvements;
3. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard;
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program (NFIP).

#### **5.2. LEGISLATIVE AUTHORITY.**

The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to "...exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the city or its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents..."

**5.3. PRINCIPAL PERMITTED USES.**

Within the (CF) Conservation/Floodplain District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

<b>Conservation Uses</b>	<b>Agriculture Uses</b>	<b>Civic Uses</b>
Critical Area Floodplain Undeveloped/Unimproved Land Game Refuge/Preserve Water Control Structures Irrigation or Retention Basins	Crop production	Local Utility Services

**5.4. SPECIAL EXCEPTION USES.**

Certain uses may be permitted in the (CF) Conservation/Floodplain District subject to provisions of Articles XXI and XXII of this ordinance and with specific conditions and requirements subject to the approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Agriculture Uses</b>	<b>Commercial Uses</b>	<b>Civic Uses</b>
Farm Horticulture	Communication Services	Government/Public Services Major Utility Facilities Park and Recreation Services

**5.5. PERMITTED ACCESSORY USES.**

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. The following accessory uses and structures shall be permitted:

1. Essential Services.
2. Agricultural or recreational buildings or structures which will not adversely affect the area and the value would not be impaired by being flooded, exclusive of dwelling units.
3. Parking lots.
4. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 13.3.
5. Accessory uses and structures customarily incidental and subordinate to the permitted uses, as approved by the zoning administrator.

**5.6. SITE DEVELOPMENT REGULATIONS.**

The following minimum requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (CF) Conservation/ Floodplain District; subject to modifications contained in the Supplemental District Regulations.

Lot Area -	1 acre - minimum lot area Unless the district follows a floodway, floodplain, river or other natural corridor, then no minimum lot area is required.
Lot Width -	None - minimum lot width
Height -	35 feet - maximum height on buildings and structures, except no height limitations on agricultural buildings.
Front Yard -	50 feet - minimum required setback
Side Yard -	25 feet - minimum required setback
Rear Yard -	50 feet - minimum required setback
Street Side Yard -	50 feet - minimum required setback
Building Coverage -	10 percent of the lot area – maximum coverage
Impervious Coverage -	25 percent of the lot area – maximum coverage
Green Open Space -	75 percent of the lot area – minimum coverage

No minimum requirements for local utility facilities and essential services.

**5.7. DEFINITIONS.**

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

**Basement.** Means any enclosed area of a building which has its floor or lowest level below ground level (sub-grade) on all sides.

**Development.** Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations.

**Factory-built Home.** Means any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this ordinance, factory-built homes including mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.

**Flood.** Means a temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from any source.

**Flood-proofing.** Means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry

of water. Structural components shall have the capacity of resisting hydrostatic and hydrodynamic loads.

**Floodway.** Means the channel of a river or stream and those portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flow to the floodway area will not result in substantially higher flood levels and flow velocities.

**One Hundred Year Flood.** Means a flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred years.

**Special Flood Hazard Area.** Means the land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A-on the Flood Insurance Rate Map (FIRM map).

**Substantial Improvement.** Means any improvement to a structure which satisfies either of the following criteria: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- a. Before the improvement or repair is started, or
- b. If the structure has been damaged and is being restored, before damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. Any addition which increases the original floor area of a building by twenty-five percent (25%) or more. All additions constructed shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent.

#### **5.8. DEVELOPMENT REQUIREMENTS.**

All development within the (CF) Conservation/Floodplain District shall be in compliance with the City of George Municipal Code and shall:

1. Be consistent with the need to minimize flood damage;
2. Use construction methods and practices that will minimize flood damage;
3. Use construction materials and utility equipment that are resistant to flood damage;
4. Obtain all other necessary permits from federal, state and local government agencies including approval when required from the Iowa Department of Natural Resources.
5. Any new construction taking place within any designated State Flood Hazard Area (SFHA) shall be constructed in accordance with Title 44, Code of Federal Regulations identified in Section 60.3(b) of the NFIP regulations.

#### **5.9. STRUCTURE REQUIREMENTS.**

1. New or substantially improved residential structures shall have the first floor (to include basement) elevated a minimum of one foot (1') above the one-hundred year flood level.
2. New or substantially improved non-residential structures shall have the first floor (including basement) elevated a minimum of one foot (1') above the one-hundred year flood level, or

together with attendant utility and sanitary systems, be flood-proofed to such a level. When flood-proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood-proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one-hundred-year flood; and that the structure below the one-hundred-year flood level is watertight with walls substantially impermeable to the passage of water.

3. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
4. Fully enclosed areas below the lowest floor (not including basement) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or new and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located to prevent water from entering or accumulating within the components during flooding conditions.

#### **5.10. SUBDIVISION REQUIREMENTS.**

Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damage and shall provide adequate drainage to reduce exposure to flood hazards.

#### **5.11. FACTORY BUILT HOMES.**

Factory-built homes, including mobile or manufactured housing placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Factory-built homes shall be elevated on permanent foundation such that the lowest floor of the structure is a minimum of one foot (1') above the one-hundred year flood level.

#### **5.12. UTILITY AND INFRASTRUCTURE SYSTEMS.**

1. All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of floodwaters into the system as well as the discharge of effluent into the floodwaters.
2. On-site waste disposal systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
3. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters in the system.
4. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the systems and the risk associated with such flood damage or impaired systems.

#### **5.13. LIABILITY DISCLAIMER.**

The standards required by this Article are considered reasonable for regulatory purposes. These regulations do not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City of



George, Iowa or any officer or employee thereof for any flood damages that result from reliance on this Article or any administration decision lawfully made there under.

**5.14. ZONING/BUILDING PERMITS REQUIRED.**

Zoning/building permits shall be required in accordance with the provisions of Section 18.3 of this ordinance.

## ARTICLE VI

### R-1 – Single Family Residential District

#### Section 6: Single Family Residential District

- Section 6.1. Intent
- Section 6.2. Principal Permitted Uses
- Section 6.3. Special Exception Uses
- Section 6.4. Permitted Accessory Uses
- Section 6.5. Site Development Regulations
- Section 6.6. Off Street Parking Requirements
- Section 6.7. Sign Regulations
- Section 6.8. Zoning/building Permits Required

#### **6.1. INTENT.**

The intent of the Single Family Residential District is to promote and encourage suitable environments for low density residential development until such time as it may be in the public interest to provide development opportunities for a limited number of public, civic and recreational facilities.

#### **6.2. PRINCIPAL PERMITTED USES.**

Within the (R-1) Single Family Residential District, unless otherwise provided, no building or land shall be used for other than one of the following principal permitted uses:

<b>Residential Uses</b>	<b>Civic Uses</b>	<b>Agriculture/Conservation Uses</b>
Single Family Residential Two Family Residential (duplex) Family Home	Government/Public Services Local Utility Services Park and Recreation Services Religious Assembly	Crop production Horticulture Critical Area Floodplain Undeveloped/Unimproved Land Water Control Structures Irrigation or Retention Basins

#### **6.3. SPECIAL EXCEPTION USES.**

Certain uses may be permitted in the (R-1) Single Family Residential District subject to provisions of Articles XXI and XXII of this ordinance and with specific conditions and requirements subject to the approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Residential Uses</b>	<b>Civic Uses</b>	<b>Commercial Uses</b>
Relocated Residential Residential Healthcare Facilities <ul style="list-style-type: none"> <li>- Residential Care Services</li> <li>- Assisted Living Facility</li> <li>- Skilled Nursing Facility</li> </ul> Residential Planned Unit Development	Cultural Services Daycare Center Pre-Kindergarten, Preschool or Nursery School Educational Facilities Public Assembly Safety Services	Bed & Breakfast Inn

#### **6.4. PERMITTED ACCESSORY USES.**

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use.

The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports.
3. Personal recreational facilities for use by residents
4. Patios, cabanas, porches, gazebos, and incidental or portable household storage buildings
5. Personal greenhouses, not operated for commercial purposes
6. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
7. Solar collectors
8. Home occupations
9. Private kennel
10. Temporary buildings for uses incidental to construction, in which the buildings shall be removed upon completion or abandonment, and in compliance with Section 13.3.
11. Other customary accessory uses and structures determined by the zoning administrator to be incidental and subordinate to principal permitted and special exception uses and structures.

#### **6.5. SITE DEVELOPMENT REGULATIONS.**

The following minimum requirements shall be provided for light and open space around permitted and special exception uses in the (R-1) Single Family Residential District and subject to modifications contained in the Supplemental District Regulations.

Lot Area -	Single Family dwelling	8,000 sq. ft. - minimum lot area
	Two Family dwelling	12,000 sq. ft. - minimum lot area
Lot Width -	75 feet - minimum lot width, except at entry points off cul-de-sacs.	
Residential Density -	Not more than one (1) dwelling unit per lot, except for two-family residential.	

Front Yard -	25 feet - minimum required setback
Side Yard -	7 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback
Street Side Yard -	25 feet – minimum required setback
Height -	35 feet - maximum height

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the Minimum Requirements for Residential Structures regulations outlined in Section 13.6. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa

**6.6. OFF STREET PARKING REQUIREMENTS.**

Off-street parking requirements shall be required for activities in the (R-1) Single Family Residential District in accordance with the provisions of Article XV of this ordinance.

**6.7. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (R-1) Single Family Residential District in accordance with the provisions of Article XVI of this ordinance.

**6.8. ZONING/BUILDING PERMITS REQUIRED.**

Zoning/building permits shall be required in accordance with the provisions of Section 18.3 of this ordinance.

## ARTICLE VII

### R-2 - Multiple Family Residential District

#### Section 7: Multiple Family Residential District

- Section 7.1. Intent
- Section 7.2. Principal Permitted Uses
- Section 7.3. Special Exception Uses
- Section 7.4. Permitted Accessory Uses
- Section 7.5. Site Development Regulations
- Section 7.6. Off-Street Parking Requirements
- Section 7.7. Sign Regulations
- Section 7.8. Zoning/building Permits Required

#### **7.1. INTENT.**

The intent of the Multiple Family Residential District is to provide for various types of multi-family residential dwellings and group developments at a high density. This district also allows for the provision of low intensity civic and commercial uses that compliment and are compatible in character and density with the multiple family residential environment.

#### **7.2. PRINCIPAL PERMITTED USES.**

Within the (R-2) Multiple Family Residential District, unless otherwise provided, no building or land shall be used for other than one of the following principal permitted uses:

<b>Residential Uses</b>	<b>Civic Uses</b>	<b>Commercial Uses</b>
Condominium Residential Family Home Multiple Family Residential Residential Care Services Assisted Living Facility Skilled Nursing Facility Single Family Residential Townhouse Residential Two Family Residential	Daycare Center Governmental/Public Services Local Utility Services Park and Recreation Services Religious Assembly	Bed & Breakfast Inn

#### **7.3. SPECIAL EXCEPTION USES.**

Certain uses may be permitted in the (R-2) Multiple Family Residential District subject to provisions of Articles XXI and XXII of this ordinance and with specific conditions and requirements subject to the approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Residential Uses</b>	<b>Civic Uses</b>	<b>Commercial Uses</b>
Group Residential Relocated Residential Residential Planned Unit Development	Pre-Kindergarten, Preschool or Nursery School Educational Facilities Safety Services	Boarding House Communication Services Outdoor Sports & Recreation Funeral Services

**7.4. PERMITTED ACCESSORY USES.**

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports
3. Private parking lots
4. Personal recreational facilities for use by residents
5. Patios, cabanas, porches, gazebos, and incidental household storage buildings
6. Personal greenhouses, not operated for commercial purposes
7. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
8. Solar collectors or personal wind generating devices when used for residential purposes
9. Home occupations
10. Kennel, private
11. Temporary buildings for uses incidental to construction, in which the buildings shall be removed upon completion or abandonment, and in compliance with Section 13.3.
12. Other customary accessory uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate to principal permitted and special exception uses.

**7.5. SITE DEVELOPMENT REGULATIONS.**

The following minimum requirements shall be provided for light and open space around permitted and special exception uses in the (R-2) Multiple Family Residential District and subject to modifications contained in the Supplemental District Regulations.

Lot Area -	12,000 sq. ft. - minimum lot area + 2,000 sq. ft. for each additional dwelling unit in excess of two (2) dwelling units
Lot Width -	120 feet - minimum lot width, except at entry points off cul-de-sacs.
Front Yard -	25 feet - minimum required setback
Side Yard -	12 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback
Street Side Yard -	25 feet - minimum required setback
Height -	35 feet - maximum height
Ground Coverage -	70% - maximum ground coverage Including all buildings, accessory buildings and ground level paving

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the Minimum Requirements for Residential Structures regulations outlined in Section 13.6 manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa

**7.6. OFF STREET PARKING REQUIREMENTS.**

Off-street parking and loading requirements shall be required for activities in the (R-2) Multiple Family Residential District in accordance with the provisions of Article XV of this ordinance.

**7.7. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (R-2) Multiple Family Residential District in accordance with the provisions of Article XVI of the ordinance.

**7.8. ZONING/BUILDING PERMITS REQUIRED.**

Zoning/building permits shall be required in accordance with the provisions of Section 18.3 of this ordinance.

## ARTICLE VIII

### R-3 – Mobile/Manufactured Housing District

#### Section 8: Mobile/Manufactured Housing District

- Section 8.1. Intent
- Section 8.2. Principal Permitted Uses
- Section 8.3. Special Exception Uses
- Section 8.4. Permitted Accessory Uses
- Section 8.5. Site Development Regulations
- Section 8.6. Mobile/Manufactured Housing Park Requirements
- Section 8.7. Zoning/building Permits Required

#### **8.1. INTENT.**

The intent of the Mobile/Manufactured Housing District is to regulate the location and placement of mobile homes and mobile home parks or manufactured housing subdivisions within the City of George, and to provide for residential areas now developed as mobile or manufactured housing parks which by reason of their design and location are compatible with surrounding residential areas and areas of the city where similar development seems likely to occur.

#### **8.2. PRINCIPAL PERMITTED USES.**

Unless otherwise provided in this article, no buildings or land within the (R-3) Mobile/Manufactured Housing District shall be used for other than the following principal permitted uses:

<b>Residential Uses</b>	<b>Civic Uses</b>
Mobile Home or Manufactured Housing - Located only in an approved mobile or manufactured housing park.	Government/Public Services Local Utility Services Park and Recreation Services

#### **8.3. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the (R-3) Mobile/Manufactured Housing District subject to provisions of Articles XXI and XXII of this ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Residential Uses</b>	<b>Civic Uses</b>	<b>Commercial Uses</b>
Relocated Residential Single Family Residential	Daycare Center Educational Facilities Pre-Kindergarten, Preschool or Nursery School Religious Assembly	Communication Services



**8.4. PERMITTED ACCESSORY USES.**

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports
3. Private parking lots
4. Personal recreational facilities for use by residents
5. Patios, cabanas, porches, gazebos, and incidental household storage buildings
6. Personal greenhouses, not operated for commercial purposes
7. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
8. Solar collectors or personal wind generating devices when used for residential purposes
9. Home occupations
10. Kennel, private
11. Temporary buildings for uses incidental to construction, in which the buildings shall be removed upon completion or abandonment, and in compliance with Section 13.3.
12. Other customary accessory uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate to principal permitted and special exception uses.

**8.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the (R-3) Mobile/Manufactured Housing District, and subject to modifications contained in the Supplemental District Regulations.

**Mobile or Manufactured Home Lot Requirements:**

Lot Area -	4,000 square feet - minimum lot area
Lot Width:	40 feet – minimum lot width
Front Yard:	15 feet - minimum required front yard
Side Yard:	7 feet - minimum required side yard, unless the side yard borders the perimeter of the park in which case no side yard is required
Rear Yard:	20 feet - minimum required rear yard, unless the rear yard borders the perimeter of the park in which case no rear yard is required
Street Side Yard:	15 feet - minimum required setback
Maximum Height:	35 feet
Residential Density:	Not more than one (1) dwelling unit per mobile home lot

**Mobile or Manufactured Park Requirements:**

Park Area:	Two (2) acres – minimum park area
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Park Width:	300 feet - minimum park width
Park Boundary:	25 feet – minimum setback for mobile homes from the park boundary
Maximum Height:	35 feet unless otherwise provided

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Furthermore, mobile home lots and parks shall be developed in conformance with the following Mobile/Manufactured Housing Park Requirements outlined in Section 8.6 below.

#### **8.6. MOBILE/MANUFACTURED HOUSING PARK REQUIREMENTS.**

Each mobile or manufactured housing park shall be developed subject to the following requirements:

1. *Development Plan:* The following information shall be shown on the development plan or submitted in writing with it:
  - a. The name of the proposed mobile or manufactured home park;
  - b. Names, addresses and telephone numbers of the developer or representative;
  - c. Location of the mobile or manufactured home park, giving the subdivision and lot numbers;
  - d. Location map showing the proposed development in relation to surrounding properties;
  - e. Present land use and existing zoning of the proposed development and adjacent properties;
  - f. Interior streets, street names, right-of-way and roadway widths;
  - g. All lot lines and open spaces with dimensions shown;
  - h. Location, dimensions, capacity, and design for a storm shelter, if such is proposed.
2. *Maintenance of Streets and Infrastructure:* If said mobile or manufactured home park development plan contains no dedication to the city of streets or utilities, or should it be contemplated that the facilities of the city shall not be used for maintenance of streets, sidewalks, and water and sewer lines, garbage collection, or other related functions, then the owner of such mobile or manufactured home park shall be required to provide these services to residents within the park in a timely and manner.
3. *Permitted accessory uses and requirements thereof:*
  - a. Accessory buildings or structures under park management shall be used only for park residents' use only. No accessory building or structure shall exceed twenty-five feet (25') in height; and shall meet the site development regulations and other applicable ordinances;
  - b. Accessory structures may be no closer than 5 feet to any lot line;
  - c. A mobile home may be displayed and offered for sale, provided that the mobile home is situated on a permanent pad within the mobile home park;
  - d. One (1) identification sign shall be approved in conjunction with the development plan. In any case shall such sign be no larger than sixty (60) square feet in surface area, shall not have any moving parts, or stand higher than ten (10) feet from the ground to top of the sign.

- e. No more than one (1) entry and/or one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval. In no case shall the sign be larger than four (4) square feet, have no moving parts, or stand higher than five feet (5') from the ground to the top of the sign

4. *Required development standards:*

- a. The boundaries of each mobile or manufactured home lot shall be clearly marked on the ground by permanent markers driven into the ground with the top of said markers flush with the finish grade.
- b. Each mobile or manufactured home site shall be provided with a stand consistent with customary industry standards. Alternative pad and support mechanisms may be approved by the Planning Commission upon request if accompanied by sketches or other documentation.
- c. Each mobile home shall be anchored to the ground as provided in 661 IAC Chapter 16.626(103A).
- d. Storage of goods and articles underneath any mobile or manufactured home is prohibited;
- e. Exposed ground surfaces in a mobile or manufactured home park shall be covered with stone screening or other vegetative cover capable of preventing soil erosion and objectionable dust.
- f. A greenbelt, at least twenty five feet (25') in width, shall be located along all boundaries of the mobile or manufactured home park, except where crossed by driveways.
- g. Each mobile or manufactured home site shall have front, side and rear yards, and a double front yard setback will be required on corner lots;
- h. Open patios shall be disregarded in determining yard widths. Enclosed all weather patios and carports shall be included in determining yard widths;
- i. If a temporary foundation or permanent pier or post foundation is provided, uniform skirting of each mobile home base shall be required, within thirty (30) days after initial placement; and such skirting shall be of noncorrosive metal or aluminum or material of equal strength and attached to the mobile home so as to prevent entry of rodents and insects;
- j. Mobile or manufactured homes shall not be connected to water, sewer, or electrical services unless the housing unit complies with the local, county and state standards and requirements. Compliance shall be determined by the zoning administrator;
- k. Any fuel storage shall be in accordance with applicable Federal, State & local regulations.
- l. One (1) parking space shall be provided for each mobile or manufactured home site. There shall be additional parking for storage of recreational type vehicles and visitor parking.
- m. All parks shall be furnished with lighting units spaced and equipped with approved fixtures, placed at mounting heights that will provide the following average maintained levels of illumination for safe movement of pedestrians and vehicles at night.
- n. Adequate provisions shall be made to handle surface and storm drainage water as determined by the city's engineer.

- o. All street widths in mobile/manufactured home parks, whether private streets or dedicated to the city shall comply with the city's subdivision regulations in regards to street standards, paving and street widths.
- p. A written emergency plan submitted to the city and posted on site to advise all of the park residents of safety measures.

All mobile home parks shall conform to the above requirements in addition to all current city specifications and standards.

**8.7. ZONING/BUILDING PERMITS REQUIRED.**

Zoning/building permits shall be required in accordance with the provisions of Section 18.3 of this ordinance.

## ARTICLE IX

### C-1 – Downtown Commercial District

#### Section 9: Downtown Commercial District

- Section 9.1. Intent
- Section 9.2. Principal Permitted Uses
- Section 9.3. Special Exception Uses
- Section 9.4. Permitted Accessory Uses
- Section 9.5. Site Development Regulations
- Section 9.6. Off-Street Parking Requirements
- Section 9.7. Sign Regulations
- Section 9.8. Zoning/building permits Required

#### **9.1. INTENT.**

The intent of the Downtown Commercial District is to provide for an area consisting of a variety of retail stores and related activities and services to serve the general shopping needs of the community and to permit those uses that will strengthen the center of trade, commerce, services, governmental and cultural activities in downtown George.

#### **9.2. PRINCIPAL PERMITTED USES.**

Within the (C-1) Downtown Commercial District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

<b>Commercial Uses</b>		<b>Civic Uses</b>
Administrative/Business Offices	Indoor Entertainment	Club or Lodge Cultural Services Detention Facilities Government/Public Services Local Utility Services Park and Recreation Services Educational Facilities Public Assembly Religious Assembly Safety Services
Automotive Repair or Rental	Laundry Sales	
Building Maintenance Services	Medical Clinics/Offices	
Business Support Services	Personal Improvement Services	
Commercial Off-Street Parking	Personal Services	
Construction Sales & Service	Pet Services	
Consumer Repair Services	Professional Offices	
Convenience Store	Restaurant (Convenience)	
Financial Services	Restaurant (General)	
Food Sales	Retail Specialty Shop	
Funeral Services	Service Station	
General Retail Sales	Visitor Habitation	
Hospital Services	- Hotel/Motel	
Indoor Sports & Recreation	- Bed & Breakfast Inn	
	- Boarding House	
		<b>Residential Uses</b>
		Single or Multiple Family Residential <i>(only upper floors and/or above commercial uses)</i>

**9.3. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the (C-1) Downtown Commercial district subject to provisions of Articles XXI and XXII of this ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Commercial Uses</b>	<b>Civic Uses</b>	<b>Industrial Uses</b>
Cocktail Lounge Communication Services Condominium Storage Unit Convenience Storage Equipment Repair Services Equipment Sales Kennel, Commercial Liquor Sales Outdoor Sport & Recreation Vehicle Storage Veterinary Services	Daycare Center Major Utility Facilities Pre-Kindergarten, Preschool or Nursery School Treatment Services	Custom Manufacturing Limited Warehousing and Distribution

**9.4. PERMITTED ACCESSORY USES.**

The following accessory uses and structures shall be permitted:

1. Essential Services
2. Private garages or carports
3. Water retention ponds and stormwater basins.
4. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
  - a. Operated primarily for convenience of employees, clients or customers of the principal use.
  - b. Occupies less than 10 percent of the total floor area of the principal use.
  - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
5. Temporary buildings for uses incidental to construction in which the buildings shall be removed upon completion or abandonment of construction work, and in compliance with Section 13.3.
6. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or special exceptions, as permitted in Section 13.2.
7. Other necessary and customary uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use, and nature.

**9.5. SITE DEVELOPMENT REGULATIONS.**

The following minimum requirements shall be provided for light and open space around permitted and special exception uses and structures in the (C-1) Downtown Commercial District, and subject to modifications contained in the Supplemental District Regulations.

Minimum Lot Area -	No minimum required
Minimum Lot Width -	No minimum required
Maximum Height -	35 feet
Front Yard -	No minimum required
Side Yard -	No minimum, except 5 feet minimum setback if a side yard is provided or abutting a residential district
Rear Yard -	No minimum, except 25 feet minimum setback if a rear yard is provided or abutting a residential district
Street Side Yard Setback -	No minimum required

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

**9.6. OFF STREET PARKING REQUIREMENTS.**

Off-street parking and loading requirements shall be required for activities in the (C-1) Downtown Commercial District in accordance with the provisions of Article XV of this ordinance.

**9.7. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (C-1) Downtown Commercial District in accordance with the provisions of Article XVI of the ordinance.

**9.8. ZONING/BUILDING PERMITS REQUIRED.**

Zoning/building permits shall be required in accordance with the provisions of Section 18.3 of this ordinance.

## ARTICLE X

### C-2 – Highway Commercial District

#### Section 10: Highway Commercial District

- Section 10.1. Intent
- Section 10.2. Principal Permitted Uses
- Section 10.3. Special Exception Uses
- Section 10.4. Permitted Accessory Uses
- Section 10.5. Site Development Regulations
- Section 10.6. Off-Street Parking Requirements
- Section 10.7. Sign Regulations
- Section 10.8. Zoning/building Permits Required

#### **10.1. INTENT.**

The intent of the Highway Commercial District is to establish the location of areas predominately for service, retail, and other non-residential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to a major trafficway. Site development regulations are intended to ensure larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares. This district is not intended for residential uses.

#### **10.2. PRINCIPAL PERMITTED USES.**

Within the (C-2) Highway Commercial District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

<b>Commercial Uses</b>		<b>Civic Uses</b>
Automotive Rental	Indoor Sports & Recreation	Club or Lodge Cultural Services Government/Public Services Local Utility Services Park and Recreation Services Public Assembly Religious Assembly Safety Services
Automotive Repair Services	Indoor Entertainment	
Automotive Sales	Laundry Sales	
Automotive Washing	Medical Clinics/Offices	
Building Maintenance Services	Outdoor Sports & Recreation	
Business Support Services	Personal Improvement Services	
Business or Trade School	Personal Services	
Commercial Off-Street Parking	Pet Services	
Condominium Storage Unit	Professional Offices	
Construction Sales & Service	Restaurant (Convenience)	
Consumer Repair Services	Restaurant (General)	<b>Agricultural Uses</b>  Crop Production Horticulture
Convenience Store	Retail Specialty Shop	
Convenience Storage	Service Station	
Financial Services	Visitor Habitation	
Food Sales	- Campground	
Funeral Services	- Hotel/Motel	
General Retail Sales	- Bed & Breakfast Inn	
Hospital Services	- Boarding House	



**10.3. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the (C-2) Highway Commercial district subject to provisions of Articles XXI and XXII of this ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Commercial Uses</b>	<b>Civic Uses</b>	<b>Industrial Uses</b>
Cocktail Lounge Communication Services Equipment Repair Services Equipment Sales Kennel, Commercial Liquor Sales Outdoor Entertainment Vehicle Storage Veterinary Services Commercial Planned Unit Development	Daycare Center Education Facilities Major Utility Facilities Pre-Kindergarten, Preschool or Nursery School Treatment Services	Custom Manufacturing Limited Warehousing and Distribution Research and Production Services

**10.4. PERMITTED ACCESSORY USES.**

The following accessory uses and structures shall be permitted:

1. Essential Services
2. Private garages or carports
3. Water retention ponds and stormwater basins.
4. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
  - a. Operated primarily for the convenience of employees, clients, or customers of the principal use.
  - b. Occupies less than 10 percent of the total floor area of the principal use.
  - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
5. Temporary buildings for uses incidental to construction in which the buildings shall be removed upon completion or abandonment of construction work, and in compliance with Section 13.3.
6. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or special exceptions, as permitted in Section 13.2.
7. Other necessary and customary uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use, and nature.

**10.5. SITE DEVELOPMENT REGULATIONS.**

The following minimum requirements shall be provided for light and open space around

permitted and special exception uses and structures in the (C-2) Highway Commercial District, and subject to modifications contained in the Supplemental District Regulations.

Minimum Lot Area -	10,000 square feet
Minimum Lot Width -	100 feet
Maximum Height -	35 feet
Front Yard -	35 feet - minimum required setback
Side Yard -	10 feet – minimum required setback Unless, if adjacent to a residential district, the side yard shall be 20 feet.
Rear Yard -	25 feet – minimum required setback Unless, if adjacent to as residential district, the rear yard shall be 35 feet.
Street Side Yard Setback -	35 feet - minimum required setback

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

#### **10.6. OFF STREET PARKING REQUIREMENTS.**

Off-street parking and loading requirements shall be required for activities in the (C-2) Highway Commercial District in accordance with the provisions of Article XV of this ordinance.

#### **10.7. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (C-2) Highway Commercial District in accordance with the provisions of Article XVI of the ordinance.

#### **10.8. ZONING/BUILDING PERMITS REQUIRED.**

Zoning/building permits shall be required in accordance with the provisions of Section 18.3 of this ordinance.

## ARTICLE XI

### GI – General Industrial District

#### Article 11: General Industrial District

- Section 11.1. Intent
- Section 11.2. Principal Permitted Uses
- Section 11.3. Special Exception Uses
- Section 11.4. Permitted Accessory Uses
- Section 11.5. Site Development Bulk Regulations
- Section 11.6. Off-Street Parking Requirements
- Section 11.7. Sign Regulations
- Section 11.8. Zoning/building Permits Required

#### **11.1. INTENT.**

The intent of the General Industrial District is to provide for a variety of industrial uses that have high standards of performance and can locate near certain residential and business uses. The district regulations are designed to permit certain manufacturing or industrial operations which on the basis of physical and operational characteristics, will not be detrimental to the surrounding area or community by reasons of noise, dust, smoke, odor, traffic or other similar factors. In the best interest of the city, certain industrial uses in this district shall be subject to conditional approval to insure that proper safeguards are taken to protect the interests of neighboring properties. No residential uses are permitted in this district.

#### **11.2. PRINCIPAL PERMITTED USES.**

Only the following principal uses and structures shall be permitted by right in the (GI) General Industrial District, except those which by reason of odor, dust, fumes, smoke, noise or obnoxious characteristics would be injurious to the public health, safety, and general welfare of the city.

Commercial Uses	Industrial Uses
Administrative and Business Offices Agricultural Sales and Services Automotive Repair or Rental Services Automotive Washing Communication Services Convenience Storage Convenience Store Equipment Sales Equipment Repair Services Kennel, Commercial Maintenance and Service Facilities Professional Office Service Station Vehicle Storage Yards Veterinary Services	Biotechnology Production and/or Manufacturing Custom Manufacturing Light Industry Railroad Facilities Research and Production Services Limited Warehousing and Distribution General Warehousing and Distribution
	Civic Uses
	Club or Lodge Government/Public Services Local Utility Services Park and Recreation Services Safety Services

**11.3. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the (GI) General Industrial District subject to provisions of Articles XXI and XXII of this ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Industrial Uses</b>	<b>Civic Uses</b>
Heavy Industry Renewable Energy/Renewable Resources Industry Resource Extraction Sanitary Landfill Scrap and Salvage Service Stockyards	Major Utility Services
	<b>Commercial Uses</b>
	Adult Entertainment Uses <i>(only in conformance with the requirements of Section 13.7)</i>

Limited commercial/retail uses may be permitted by special exception use within the (GI) General Industrial District when intended to serve the needs of a business' tenants/employees only. Such special exception commercial/retail uses would include: eatery, café, health club, convenience store, bakery shop, gift shop, post office substation, photo studio, barbershop/stylist, or other appropriate use as determined by the Board of Adjustment.

**11.4. PERMITTED ACCESSORY USES.**

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Temporary buildings for uses incidental to construction, in which the buildings shall be removed upon completion or abandonment of the work, and in compliance with Section 13.3.
3. Any commercial or industrial commercial use type or any other industrial use type that is not a permitted use in the same district, and complies with all the following criteria:
  - a. Operated primarily for the convenience of employees, clients, or customers of principal uses.
  - b. Any accessory building may not be larger than twenty-five percent (25%) of the principal building's square feet.
  - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
4. Accessory buildings, structures and uses normally incidental and subordinate to the permitted uses or special exceptions, as permitted in Section 13.2.
5. Other necessary and customary uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use, and nature.

**11.5. SITE DEVELOPMENT REGULATIONS.**

The following minimum requirements shall be provided for light and open space around permitted and special exception uses and structures in the (GI) General Industrial District, and subject to modifications contained in the Supplemental District Regulations.

Minimum Lot Area -	20,000 square feet
Minimum Lot Width -	100 feet
Maximum Height -	None, except 35 feet if property abuts a residential property.
Front Yard -	50 feet - minimum required setback
Side Yard -	15 feet – minimum required setback If adjacent to a residential property, the side yard shall be 50 feet.
Rear Yard -	25 feet – minimum required setback If adjacent to as residential property, the rear yard shall be 50 feet.
Street Side Yard -	50 feet - minimum required setback
Buffer Requirements -	All principal buildings and all accessory buildings or structures shall be located at least fifty feet (50') from any residential district boundary, except where adjoining a railroad right-of-way or street right-of-way.

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

**11.6. OFF STREET PARKING REQUIREMENTS.**

Off-street parking and loading requirements shall be required for activities in the (GI) General Industrial District in accordance with the provisions of Article XV of this ordinance.

**11.7. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (GI) General Industrial District in accordance with the provisions of Article XVI of the ordinance.

**11.8. ZONING/BUILDING PERMITS REQUIRED.**

Zoning/building permits shall be required in accordance with the provisions of Section 18.3 of this ordinance.

# GEORGE, IOWA

## “QUICK REFERENCE GUIDE”

### ZONING DISTRICT SITE DEVELOPMENT REGULATIONS

Zoning District	Maximum Height	Minimum Lot Area	Minimum Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Required Street Side Yard
<b>AG Agriculture</b>	35 ft. (none for ag uses)	1 acre	100 ft.	50 ft.	25 ft.	50 ft.	50 ft.
<b>CF Conservation/ Floodplain</b>	35 ft. (none for ag uses)	1 acre	None	50 ft.	25 ft.	50 ft.	50 ft.
<b>R-1 Single Family Residential</b>	35 ft.	8,000 SF 12,000 TF	75 ft.	25 ft.	7 ft.	25 ft.	25 ft.
<b>R-2 Multiple Family Residential</b>	35 ft.	12,000 sq.ft. + 2,000 for each MF	120 ft.	25 ft.	12 ft.	25 ft.	25 ft.
<b>R-3 Mobile/Manufactured Residential</b>	35 ft.	4,000 sq.ft Mobile home site	40 ft.	15 ft.	7 ft.	20 ft.	15 ft.
<b>C-1 Downtown Commercial</b>	35 ft.	None	None	None	None 5 ft if next to res.	None 25 ft. if next to res.	None
<b>C-2 Highway Commercial</b>	35 ft.	10,000 sq.ft.	100 ft.	35 ft.	10 ft.	25 ft.	35 ft.
<b>GI General Industrial</b>	None 35 ft. if next to res.	20,000 sq.ft.	100 ft.	50 ft.	15 ft. 50 ft. if next to res.	25 ft. 50 ft. if next to res.	50 ft.

Note: SF = Single Family Residential; TF = Two Family Residential; MF = Multiple Family

## ARTICLE XII

### Supplemental District Regulations

#### Article 12: Supplemental District Regulations

- Section 12.1. Intent
- Section 12.2. Lot of Record
- Section 12.3. One Principal Residential Dwelling per Lot
- Section 12.4. Multiple Principal Structures per Lot
- Section 12.5. Yard Regulations
- Section 12.6. Steps, Decks and Patios
- Section 12.7. Fences and Hedges
- Section 12.8. Buildings to Have Access
- Section 12.9. Use of Public Right-of-Way
- Section 12.10. Block Frontage Continuity
- Section 12.11. Height Requirements

#### **12.1. INTENT.**

The regulations set forth in this Article qualify, supplement or modify the area, yard and height regulations set forth elsewhere in this ordinance.

#### **12.2. LOT OF RECORD.**

Any lot of record at the time of passage of this ordinance having less area or width than herein required may be used for a single family dwelling where such uses are permitted as provided in this ordinance subject to the required setbacks and further provisions of Article XVII, Nonconformities.

A lot of record at the time of passage of this ordinance having a lot width of less than eight feet (75') may have the required side yard reduced by ten percent (10%) of the lot width, provided, however, that no side yard shall be less than five feet (5').

A lot of record at the time of passage of this ordinance having a lot depth of less than one hundred feet (100') may have the required rear yard reduced by ten percent (10%) of the depth of the lot, provided, however that no rear yard shall be less than twenty feet (20').

#### **12.3. ONE PRINCIPAL RESIDENTIAL DWELLING PER LOT.**

Hereafter, every residential building erected, altered or moved shall be located on a lot of record as defined herein, and except in the case of an approved multiple dwelling development, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot.

#### **12.4. MULTIPLE PRINCIPAL STRUCTURES PER LOT.**

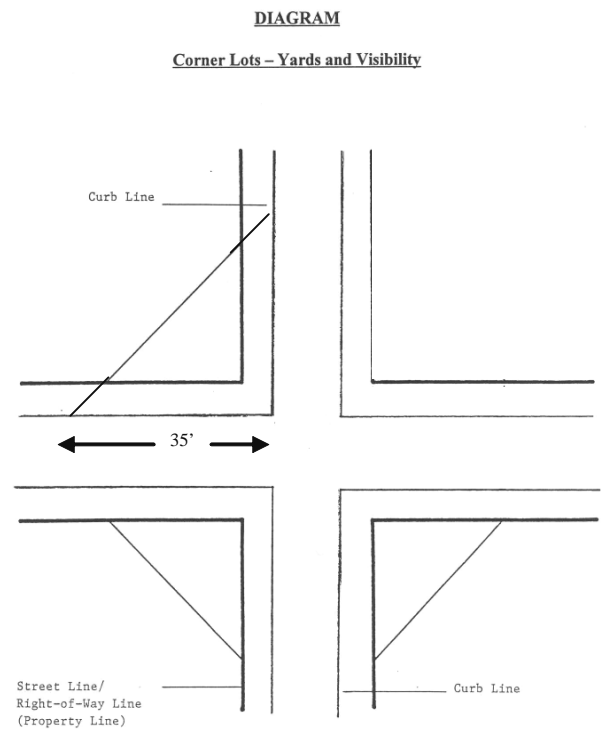
Except in the AG, R-1, and R-3 districts, more than one principal structure, not intended to be a single family residential structure, may be erected on a lot subject to the following conditions.

1. No principal building shall be located closer than twenty-five feet (25') in relation to another principal building on the same lot, so as to cause danger from fire;
2. All principal buildings on the lot shall be served by access ways suitable for police, fire, and emergency vehicles.

3. All principal buildings on the same lot shall be accessible via pedestrian walkways connected to each principal building as well as required parking and emergency access for the premises.

### **12.5. YARD REGULATIONS.**

1. *Projecting Overhang or Structure.* The ordinary horizontal projection from buildings including eaves, sills, fascia, cornices, or other similar architectural features, except for gutters, may not project or extend more than three (3) feet into a required yard. This provision does not include uncovered patios, uncovered carports, or other concrete slab structures.
2. *Yard Encroachments.* Air conditioning compressor(s), L.P. tanks, heat pumps, or other such similar devices may not encroach into the required side yard. Carports, bay windows, cantilevered projections, chimneys and structures may not project into any required yard.
3. *Through Lots.* Buildings on through lots, extending from street to street shall provide the required front yard on both streets.
4. *Corner Lots.* For buildings on corner lots with frontage on two (2) or more public streets, each yard abutting a public street shall be the same as the required front yard on such street and no accessory building shall project beyond the required front yard on either street.
5. *Line of Site Visibility (at Intersections).* On a corner lot in any district, except within the (C-1) Downtown Commercial district, no fence, wall, hedge, tree or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the centerline grade of the intersecting streets shall be erected, placed or maintained within a triangular area formed by connecting two points in a straight line. Each point is thirty five (35) feet from the corner of the intersecting streets. (see diagram)



### **12.6. STEPS, DECKS AND PATIOS.**

1. Steps providing access to the ground level of any dwelling may encroach no more than three feet (3') into any required side yard. Steps may encroach no more than five feet (5') into any required front or rear yard.
2. Deck floors higher than twelve inches (12") above the average grade of the ground shall conform to required yard setbacks. An open unenclosed deck may project into a required front yard for a distance not exceeding ten feet (10').
3. Uncovered patios or other concrete slab structures constructed on the ground, or less than 12 inches above the average grade of the ground, shall be allowed within the required front,



side, or rear yards. Concrete slab structure built on the ground or uncovered patios may be built up to the property line in the side and rear yards. However, uncovered patios or other concrete slab structures within front yards shall not extend more than ten feet (10') beyond one side of a driveway .

#### **12.7. FENCES AND HEDGES.**

1. Fences shall not be constructed more than fifty percent (50%) solid or more than four feet (4') in height in any front yard. Please reference Section 12.5.5 when considering fences in front or side yards.
2. Except as provided above, solid or privacy fences up to six feet (6') in height may be erected on any required side or rear yards. Fences in excess of six feet (6') may be allowed by special exception by the Board of Adjustment.
3. Fences are permitted to be built up to the property line. Perennial plantings shall not be planted closer than two feet (2') to any property line.
4. Fences are encouraged to be constructed from chain link, non-decomposing wood products, molded plastic or wrought iron. Fences shall not be constructed from above ground barbed wire or electrical fencing. Fences should be constructed in an orderly and neat manner and compliment the natural landscape of the property.

#### **12.8. BUILDINGS TO HAVE ACCESS.**

Every building or principal use hereafter erected or structurally altered, shall be on a lot or parcel having frontage on a public street or on a lot or parcel having deeded access to a public street.

#### **12.9. USE OF PUBLIC RIGHT-OF-WAYS.**

No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structure for storage or display purposes, or to provide any parking or loading space required by this ordinance.

#### **12.10. BLOCK FRONTAGE CONTINUITY.**

Where thirty (30) percent or more of the block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the building on either side thereof, or where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard greater than forty (40) feet. Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line. In the case where the block front improved with buildings amounts to less than thirty (30) percent of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, the required minimum yards of the district shall be observed.

#### **12.11. HEIGHT MODIFICATIONS.**

Height regulations do not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, wind turbines or wind energy conversion systems (WECS), stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys,

elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatus' which may be erected to any height not in conflict with other regulations. These structures or accessories may be erected to a greater height provided all towers or structures exceeding height requirements shall not be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of the flying public.

Public, semi-public, or public service buildings, hospitals or schools when permitted in a district may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one foot (1') in addition to the minimum yard requirements for each two feet (2') of additional building height above the maximum height permitted in the district.

## ARTICLE XIII

### Additional Use Regulations

#### Article 13: Additional Use Regulations

Section 13.1.	Intent
Section 13.2.	Accessory Buildings
Section 13.3.	Temporary Uses and Structures
Section 13.4.	Home Occupations
Section 13.5.	Recreational Vehicles
Section 13.6.	Minimum Requirements for Residential Structures
Section 13.7.	Adult Entertainment Regulations
Section 13.8.	Planned Unit Development (PUD) - Special Exception

#### **13.1. INTENT.**

These additional use regulations are applicable in all zoning districts in addition to those guidelines set forth in the zoning district regulations. In event of any conflict in provisions, the more restrictive provision shall apply unless specifically indicated to the contrary.

#### **13.2. ACCESSORY BUILDINGS.**

The purpose of these provisions is to establish the relationship among principal and accessory buildings and to establish provisions governing the use and placement of accessory buildings.

Principal uses specified as permitted uses or special exception uses for a district shall be deemed to include accessory buildings and uses identified by these regulations and such other accessory uses that are necessary and customarily associated with and are appropriate, incidental, and subordinate to such principal or special exception uses. Accessory buildings and uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.

Accessory buildings and uses customarily incidental to that of the principal building may be erected or established as permitted, provided they comply with the following limitations:

1. Accessory buildings or structures that are structurally part of or attached to the principal building by roof or wall elements shall conform to the site development regulations of the principal building.
2. Accessory buildings or structures shall not be constructed, placed, located or moved into any front yard.
3. Accessory buildings, including garages, shall be constructed of similar (or similar in appearance to) building materials used for the principal structure on the lot. This provision shall exclude those prefabricated or kit garden sheds, deck boxes and other ancillary yard buildings which are made of a composite plastic, resin, steel, aluminum, wood or other prefabricated materials.
4. Accessory buildings shall not exceed a height of 18 feet, and shall not exceed the height of the principal building on the lot.
5. Accessory buildings or structures shall not be constructed upon a lot until the construction of the main building has been commenced.

6. Accessory buildings shall not be used as dwellings or any human occupancy.
7. Accessory buildings or structures shall not be erected within any required easement.
8. For the purposes of this ordinance a gasoline dispensing pump shall not be classified as an accessory structure.
9. Residential accessory buildings shall be limited to a maximum of two (2) total buildings, including a garage, of which all total accessory buildings in any required yard area shall not occupy more than thirty (30) percent of the required rear yard area. In the event of small parcels in which the 30 percent rule would be a hardship to constructing an accessory building, this regulation shall not prohibit the construction of at least one garage not to exceed six hundred (600) sq. ft. and at least one storage building not to exceed one hundred twenty (120) sq. ft.
10. If a garage door directly faces an alley, the garage must be set back a minimum of twenty five feet (25') from the center of the alley to allow for adequate access.
11. Residential accessory buildings shall not be erected within five feet (5') of any main (principal) building
12. Residential accessory buildings shall not be erected within two feet (2') of any required lot line or utility or permanent easement, except that such accessory building may be built up to the property line with permission of the adjacent property owner.

### **13.3. TEMPORARY USES AND STRUCTURES.**

Provisions authorizing temporary uses are intended to permit occasional, temporary uses when consistent with the purposes of these zoning regulations and compatible with other nearby uses.

1. *Temporary Use Types:* The following types of temporary uses may be authorized by the zoning administrator, subject to specific limitations herein and such additional conditions as may be established by the zoning administrator.
  - a. Contractor's office, storage yard, and equipment parking on site of an active construction project may be permitted in any district during the period that the construction work is in progress; but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of construction.
  - b. Religious, patriotic, or other assemblies, displays, exhibits, art and craft shows.
  - c. Outdoor special sales, including swap meets, flea markets, parking lot sales, or similar activities when operated not more than 3 days in the same week or more than 5 days in the same month.
  - d. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities not closer than 200 feet to any existing dwelling.
  - e. Temporary signs relating to temporary uses.
  - f. Temporary use of trailer units or similar portable structures for nonresidential uses, and limited to a maximum period of 6 months per calendar year.
  - g. Additional similar uses determined to be temporary by the zoning administrator.

2. *Required Conditions of Temporary Use:*

Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use. The zoning administrator may establish additional conditions as deemed necessary to ensure land use compatibility and to minimize potential negative impacts on nearby uses, including but not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup.

3. *Application and Authorization:*

- a. Application to conduct a temporary use shall be made to the zoning administrator, and shall include a description of the use and such additional information as the zoning administrator may require in evaluating the use.
- b. Authorization of a temporary use shall be by issuance of a zoning/building permit.
- c. An authorized temporary use shall not be exempted or relieved from compliance with any other ordinance, law, permit, or license applicable to such use.

**13.4. HOME OCCUPATIONS.**

Home occupations as an accessory to residential uses shall be subject to the following limitations.

1. All home occupations must be conducted as a secondary use. Home occupations shall be conducted entirely within a dwelling unit that is the bona fide residence of the practitioner(s), or entirely within an attached or detached garage.
2. Only one (1) unrelated person living outside the residence and members of the immediate family may be employed in home occupations.
3. The residential character of the dwelling shall be maintained. The exterior shall not be structurally altered so as to create the appearance of a commercial business.
4. The home occupation shall not generate customer related vehicular traffic substantially in excess of the normal anticipated residential neighborhood traffic.
5. Home occupations shall be permitted one flush mounted, non-illuminated sign not exceeding four (4) square feet and four feet (4') in height, along with one yard sign of the same size and height but not illuminated.
6. The occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, or waste run off outside the dwelling or on the property surrounding the dwelling.
7. The use must not infringe upon the right of neighbors to enjoy peaceful and healthy occupancy of their home for which purpose the residential district was created and primarily intended.
8. Daycare services, as a home occupation, are permitted according to state regulations.
9. Nothing herein shall be construed to allow the following businesses or occupations as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, junk yards, restaurants, rental outlets, or automotive repair.

**13.5. RECREATIONAL VEHICLES.**

1. In residential districts, recreational vehicles may be parked for seasonal use (short term use) on a driveway within a front yard, but not upon any public right-of-way provided the view of the street is not obstructed as to vehicular ingress and egress. Recreational vehicles, including campers, boats, personal watercraft, snowmobiles, trailers, and other recreational based vehicles may be parked or stored (long term use) within the side yard or rear yard of a lot, or within an enclosed garage. For purposes of long term storage, or a period of time exceeding 30 consecutive days, recreational vehicles parked within side yards of a property shall not be located in front of a line parallel to the front of the principal structure on the lot.
2. Recreational vehicles shall be customarily or ordinarily used for vacation or recreation purposes and not used as a place of human habitation while parked or stored at residential dwellings for more than fourteen (14) consecutive days.
3. Recreational vehicles shall not be used for permanent human occupancy in any zoning district.
4. Recreational vehicles shall not be used for business purposes in any zoning district.

**13.6. MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURES**

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

1. *Structure Size:* Each such structure shall have a “main body” with a minimum exterior dimension of at least twenty-four feet (24’) measured from outside of the exterior walls, exclusive of attached garages, porches, or other attached accessory structures.
2. *Minimum Floor Area:* Each such structure shall have a minimum floor area of not less than eight hundred (800) square feet. (In order to comply with the provisions of the foregoing section 13.6.1 and this section 13.6.2, the minimum exterior dimensions of a residential structure shall not be less than twenty-four feet by thirty-four feet (24’ x 34’)]. A structure may include porches, sunrooms, garages and “wings” of lesser dimensions and area, so long as the “main body” meets the minimum requirements.
3. *Foundation:* All residential structures shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a mobile or manufactured home if a perimeter foundation is incompatible with the structural design of the building. For such a mobile or manufactured home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line or be an approved frost-free permanent foundation. The structure must be permanently attached to the foundation.
4. *Emergency Escape and Rescue:* Basements with habitable space and each sleeping room shall have at least one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement.

5. *Exterior Wall and Roof Material:*

- a. Exterior wall covering shall be of wood or masonry finish, vertical or horizontal grooved or lap siding, or the appearance thereof.
- b. Roofing materials shall be shingles (asphalt, fiberglass, steel or wood), slate, ceramic, concrete, or metal of a type customarily used for residential roofing material, such as “standing seam” or embossed or textured metal.
- c. Smooth, unfinished or corrugated sheet metal or sheet fiberglass shall not be used for exterior wall or roof covering. Soffits and/or eaves, window and door trim, roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl or wood or unfinished metal, such as copper, customarily used for residential structure trim.
- d. All dwelling units shall have a minimum roof pitch of 4:12. This requirement shall not apply to mobile or manufactured housing if the structure complies with 42 U.S.C., Section 5403.

6. *Ceiling Height:* A minimum finished ceiling height of not less than seven and one-half feet (7½’).

7. *Entrance and Exit Doors:* Not less than two (2) functional entrance and exit doors.

8. *Wheels, Axles or Towing Device:* No residential structure shall have attached wheels, axles, or a towing device.

9. *Exemption:* The provisions of this section shall not apply to mobile homes or manufactured housing placed in a mobile home park in compliance with the remaining regulations in this zoning ordinance.

**Section 13.7. ADULT ENTERTAINMENT REGULATIONS.**

1. *Purpose.*

The City of George finds that adult entertainment establishments require special consideration in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of George. Because of their very nature, these uses have a detrimental effect on both existing establishments around them and surrounding residential areas adjacent to them. It is for these reasons and further that the City of George finds:

- a. The concern over sexually-transmitted diseases is a legitimate health concern that demands reasonable regulation of adult entertainment establishments in order to protect the health and well-being of the community;
- b. Adult entertainment establishments, due to their very nature, have serious objectionable operational characteristics, thereby contributing to blight and downgrading the quality of life in the adjacent areas;
- c. The City of George wants to prevent such adverse effects and thereby protect the health, safety, and welfare of its residents; protection from increased crime; preserve the quality of life; preserve property values and deter the spread of blight;

It is not the intent of these regulations to suppress any free speech activities protected by the First Amendment, but to enact content neutral regulations that address the secondary effects of adult entertainment establishments as well as the problems associated with such establishments.

2. *Definitions.*

Adult entertainment establishments consisting of, including, or having the characteristics of any or all of the following.

- a. *ADULT BOOKSTORE*: An establishment that has a facility or facilities, including but not limited to, booths, cubicles, rooms or stalls for the presentation of "adult entertainment," including adult-oriented films, movies, or live performances for observation by patrons therein; or an establishment having a substantial or significant portion of its stock for sale, rent, trade, lease, inspection, or viewing of books, films, video cassettes, DVDs, magazines, publications, or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified anatomical areas or specified sexual activities as defined below.
- b. *ADULT ENTERTAINMENT*: Any exhibition of any motion picture, live performance, display, or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as defined below.
- c. *ADULT MOTION PICTURE THEATER*: An enclosed building used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons of the building.
- d. *ADULT ENTERTAINMENT ESTABLISHMENT*: Any establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below. It further means any premises that feature topless dancers, go-go dancers, strippers, male or female impersonators, or other similar entertainers for observation by patrons. Adult entertainment establishments further mean those places to which are physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or adult entertainment dancing.
- e. *OPERATORS*: Any person, partnership, or corporation operating, conducting, maintaining or owning any adult-oriented establishment.
- f. *SPECIFIED ANATOMICAL AREAS*: Less than completely and opaquely covered female or male genitals or buttocks; and the fully exposed female breasts.
- g. *SPECIFIED SEXUAL ACTIVITIES*: Simulated or actual acts of:
  - (i) showing of specified anatomical areas in a state of sexual stimulation or arousal;
  - (ii) actual or simulated acts of sexual intercourse, sodomy, sado-masochism; or
  - (iii) fondling or erotic touching of specified anatomical areas.



3. *Adult Entertainment Operations or Activities.*

In any building, structure or venue intended for adult entertainment, whether alcohol is served or not, activities engaged in the showing of specified anatomical areas or specified sexual activities are not permitted.

4. *Locational Requirements and Restrictions.*

An adult entertainment establishment shall be permitted within City of George only in the General Industrial (GI) zoning district upon receipt of a site plan prepared in accordance with Article XIV and a special exception use permit in accordance with the procedures set forth in Article XXII; and only if it meets all of the location requirements set forth below. Distances provided hereafter shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed adult entertainment business is to be located, to the nearest point of the parcel of property or zoning district boundary line from which the proposed adult entertainment business is to be separated.

- a. Adult-oriented establishments shall be prohibited in or within one thousand (1,000) feet of the borders of a residential district.
- b. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any church, synagogue, mosque, temple, or other place of religious worship.
- c. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any public or private school offering general education for students between the years of kindergarten and twelfth grade.
- d. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any public park or playground.
- e. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any daycare home or daycare business.

5. *Development Design Standards.*

It shall be unlawful for an owner of an adult entertainment establishment to allow merchandise or activities of the establishment to be visible from a point outside the establishment. Furthermore, adult entertainment establishments shall not allow the exterior to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any manner depicting specified anatomical areas or specified sexual activities. In addition to the sign regulations identified elsewhere in these zoning regulations, the sign shall not contain any flashing lights or photographs, silhouettes, drawings, or pictorial representations of any manner, except for the name of the enterprise.

6. *Responsibilities of the Operator.*

Every act or omission by an employee constituting a violation of the provisions of these regulations shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

7. *Minors.*

It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult entertainment establishment at any time that the establishment is open for business. The operator is responsible for monitoring public entrances at all times during regular business hours.

**13.8. PLANNED UNIT DEVELOPMENT (PUD) – SPECIAL EXCEPTION**

Planned Unit Developments (PUD's) are intended to accommodate a wide variety of use types in accordance with the city's comprehensive plan. The purpose of the PUD is to provide flexibility in the design and development of land in order to promote its most appropriate use. PUDs are intended to encourage innovative, well-designed projects that achieve a high level of low impact development, environmental sensitivity, energy efficiency, safety, and aesthetics. Each PUD will be applied for and reviewed as a special exception within the zoning district in which it is located. The PUD application shall contain a general statement by the applicant describing how the proposed development departs from the city's zoning regulations and how the proposed development is an improvement over the requirements under the city's zoning regulations.

1. To be eligible for PUD consideration, the proposed development must:
  - a. be in accordance with the city's comprehensive plan and with this ordinance;
  - b. be an effective and unified means of treating possible development providing for preservation of scenic features and amenities of the site and the surrounding area;
  - c. encourage a more creative and efficient development of land and its improvements;
  - d. allow for a mixture of uses in an integrated and well-planned area;
  - e. ensure concentration of open space into more usable areas and preservation of the natural resources of the site including wetlands, woodlands, steep slopes, and scenic areas;
  - f. facilitate economic provisions of streets and public utilities;
  - g. encourage low impact developments.

The overall land use makeup of PUDs shall be consistent with the underlying land use designation and the following standards:

2. **Residential PUDs:** PUDs to be established on land zoned one of the residential districts on the city's zoning map shall be considered a residential PUD. The following standards shall apply:
  - a. Residential and Public/Civic Uses: The Board of Adjustment may approve any residential and public/civic uses within residential PUDs. Permitted dwelling units shall include detached, clustered, semi-detached, attached, or multi-storied structures or combinations thereof. Customary accessory uses are also permitted.
  - b. Commercial Uses: In addition to residential and public/civic uses, the Board of Adjustment may approve commercial uses within residential PUDs; provided that:
    - i. A sufficient population within the PUD supports such uses;
    - ii. Such uses are designed and located in such a manner as to protect the character of the affected project and surrounding land uses and natural assets; and
    - iii. Such uses do not occupy in total more than 25 percent of the total land area in the PUD.

3. **Commercial PUDs:** PUDs to be established on land zoned one of the commercial or industrial districts on the city's zoning map shall be considered a commercial PUD. The following standards shall apply:
  - a. Residential and Public/Civic Uses: The Board of Adjustment may approve any residential and public/civic uses within commercial PUDs; provided that the overall density of residential uses shall not exceed 16 units per acre.
  - b. Commercial Uses: The Board of Adjustment may approve any commercial uses within commercial PUDs.
  - c. Industrial Uses: The Board of Adjustment may approve any industrial uses within commercial PUDs.
4. **Mixed-Use PUDs:** PUDs to be established on land designated as either residential or nonresidential (commercial or industrial) on the city's zoning map shall be considered a mixed-use PUD. Those portions of a mixed-use PUD that have an underlying residential zoning designation shall be regulated in accordance with the residential PUD standards. Those portions of a mixed-use PUD that have an underlying commercial or industrial zoning designation shall be regulated in accordance with the commercial PUD standards.
5. **General Regulations.** In order for PUD's to be considered for a special exception use permit, certain regulations needs to be satisfied to preserve the integrity of the planned development and minimize any potential impact to adjacent properties.
  - a. *Conformance with the Comprehensive Plan:* At a minimum, the Board of Adjustment shall find that the planned unit development does not conflict with the comprehensive plan.
  - b. *Minimum Site Area:* A planned unit development shall include no less than five (5) acres of contiguous land. Property shall be deemed to be contiguous so long as all parts are under unified control of the applicant, and all parts abut or are separated by only a road, easement or right of way. A minimum of two (2) or more principal structures must be proposed.
  - c. *Preservation of Natural Features:* Mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. Abrupt changes in natural slope shall be avoided. Preservation shall be directed toward;
    - i. Protecting the natural environment;
    - ii. Providing buffering between new developments and surrounding properties;
    - iii. Handling of storm water flows in natural channels;
    - iv. Maintaining existing vegetation along stream corridors as water quality filters; and
    - v. Developing and sustaining low impact developments.
  - d. *Common Open Space:* A minimum of twenty-five (25) percent of every residential PUD shall be developed as public open space for the use and enjoyment of the residents. A minimum of fifteen (15) percent of the gross area of every commercial PUD shall be devoted to common open space. In the case of a mixed-use PUD, the greater requirement of minimum open space shall apply. Parking areas and vehicle access facilities are not considered open space. The following areas qualify as common open space; including:
    - i. *Recreation Areas*
    - ii. *Recreational Building*

- iii. *Pedestrian Open Space System* (permanently maintained walks and trails)
  - iv. *Environmental Features* (natural habitats or environmentally sensitive areas)
  - e. *Maintenance of Common Open Space*: In the event that the owner or organization established to own and maintain common open space shall fail to maintain the land in reasonable condition, the zoning administrator shall serve written notice defining the maintenance deficiencies. If such deficiencies are not corrected after 30 days, the zoning administrator shall call upon any public or private agency to maintain the common open space. In such cases, the tax assessor shall assess the costs proportionally against all properties within the PUD that have the right of use of the common open space.
  - f. *Screening*: Additional buffering beyond minimum requirements of this ordinance, both around the perimeter and interior of the planned unit development, shall be provided where appropriate to mitigate against adverse impacts of noise, glare, sound, or other influences on the proposed development or on adjacent land.
  - g. *Lighting*: All lighting from proposed developments shall be arranged to prevent direct glare or hazardous interference to adjoining streets or lands.
  - h. *Streets*: Principal vehicular access to PUDs shall be from primary arterial or collector streets. Access points shall be designed to provide smooth flow, controlled turning movements, and minimum hazard to vehicular or pedestrian traffic.
  - i. *Other Conditions*: The zoning administrator and the Board of Adjustment shall have the authority to impose such other conditions as are necessary to accomplish the purposes of this zoning ordinance and the comprehensive plan.
6. **Application and Approval.** PUD's shall be subject to the approval of a special exception use permit approved by the Board of Adjustment.
- a. *Development Plan Documentation.*  
The following information shall be submitted for application of the special exception use permit.
    - i. A statement describing the general character of the intended development and the manner in which it has been designed to take advantage of the PUD regulations.
    - ii. An accurate site plan of the proposed project, along with additional information requested by the city to make possible the evaluation of the criteria for approval.
    - iii. A statement of proposed financing of the planned unit development (PUD)
    - iv. Intended organizational structure related to ownership, covenants, and provision of services
    - v. A list of property owners and addresses within two hundred (200) feet of property
    - vi. An indication of the expected development schedule including time schedules
    - vii. A description of how city services will be provided (sewer, water, streets, other utilities)
    - viii. Any additional information requested by the Board of Adjustment that may be required for clarification of the proposed project in review of the special exception application
  - b. *Preliminary Plat.*  
The applicant shall also submit a preliminary plat and all the necessary documentation as required under the subdivision regulations of all or that portion of the project to be platted. For purposes of administrative simplification, the public hearings required for the special exception use permit and preliminary plat may be combined or held concurrently.

c. *Development Plan Procedures.*

The applicant shall file a completed application for a special exception use with the zoning administrator. The zoning administrator shall transmit the application to the Board of Adjustment and notify all property owners within the affected zone and within two hundred (200) feet of the property; however, failure of any property owner to receive such notification shall not invalidate the proceedings. The zoning administrator shall set a date for a public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than seven (7) days and not more than twenty (20) days prior to said hearing. The Board of Adjustment shall hold the public hearing and make a determination on one of three actions - approval, denial, or conditional approval.

Within sixty (60) days of Board of Adjustment decision of the PUD development plan and the preliminary plat, the applicant shall file with the Zoning Administrator a final plat for that portion to be platted. The final plat shall contain those changes as recommended by the Board of Adjustment during the preliminary review. The final plat shall be submitted to the Lyon County Recorder's Office by the developer within ninety (90) days. Once the development plan and final plat are approved, the city may issue the zoning compliance permit and designate the area on the official zoning map.

d. *Review and Amendments.*

The Board of Adjustment may make modifications, revisions or amendments to the PUD special exception permit including the location, placement, and heights of buildings or structures if necessitated by circumstances not foreseen at the time of approval. The Board of Adjustment may also revoke the special exception permit for a PUD if substantial development has not occurred within one (1) year after the original approval of the permit.

## ARTICLE XIV

### Site Plans

#### Article 14: Site Plans

- Section 14.1. Scale
- Section 14.2. Legal Information
- Section 14.3. Site Plan

Site plans are required for review and approval for construction of permitted or special exception uses and structures in any district, and shall comply with and illustrate the following. Accessory uses, accessory buildings, decks and patios as well as interior remodeling projects are exempt from site plan requirements, but may still be required to obtain a zoning compliance permit.

#### **14.1. SCALE.**

All site plans shall be drawn at a scale that is legible and easily defines all of the proposed improvements to the members of the Planning Commission and Board of Adjustment. The site plan shall be submitted with a zoning/building permit application on paper no less than 8½" x 11", but may be submitted on larger maps for larger scale projects or subdivisions if necessitated. If review is required by the Planning Commission and/or Board of Adjustment, seven (7) copies of the site plan shall be submitted with the zoning/building permit application. Otherwise, one (1) copy of the site plan shall be submitted to the city.

#### **14.2. LEGAL INFORMATION.**

The site plan shall include the following legal information:

- a. Legal property owners name and description of property.
- b. Appellant's name, requested land use and zoning.
- c. If the appellant is other than the legal owner, the appellant's interest shall be indicated and the legal owners' authority to appeal shall be submitted in a certified legal form.

#### **14.3. SITE PLAN.**

The final site plan shall clearly illustrate the following information:

- a. Property boundary lines, dimensions and total area.
- b. The availability and location of existing utilities, if requested by city staff.
- c. The proposed location, size, shape and type of all buildings or structures.
- d. The total square feet of building floor area, both individually and collectively.
- e. The number of dwelling units, bedrooms, offices, etc.
- f. Parking areas, number of parking spaces proposed, number of parking spaces required by this ordinance, type of surfacing to be used, etc.
- g. Walkways, driveways, outside lighting, walls, fences, signs, monuments, statues and other man-made features to be used in the landscape.
- h. Location and type of landscaping to be used for screening purposes shall be illustrated in elevation as well as in the plan, if requested by city staff.
- i. Walls, fences or other artificial screens to be used as buffers shall be shown in elevation as well as plan view with proposed height and structural material to be used, if requested by city staff.

## ARTICLE XV

### Off Street Parking Requirements

#### Article 15: Off Street Parking Requirements

Section 15.1.	Intent
Section 15.2.	General Parking Area and Surface Requirements
Section 15.3.	Off Street Parking Requirements
Section 15.4.	Computation of Parking Spaces
Section 15.5.	Location and Type of Parking
Section 15.6.	Off Street Loading Requirements

#### **15.1. INTENT.**

It is the intent of this article to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. After the effective date of this ordinance, in all districts except the (C-1) Downtown Commercial district, there shall be provided at the time any new building or structure is erected off street parking in accordance with the requirements set forth herein. The requirements of this article are minimum standards. Where review of the site plan and intended land use indicate the requirements are inadequate for a specific land use adaptation, greater requirements for off-street parking may be required by the city to preserve the intent of this ordinance.

#### **15.2. GENERAL PARKING AREA AND SURFACE REQUIREMENTS.**

All off-street parking areas shall comply with the following minimum requirements.

1. All buildings and structures erected in all districts established after the effective date of this ordinance shall provide parking as required under this section, unless a building permit has been issued two (2) months prior to the effective date of this ordinance.
2. A “parking space” shall be not less than 180 square feet (typically a 9’ x 20’ area).
3. Enclosed parking areas or garages shall qualify in meeting minimum parking requirements.
4. All off street parking spaces required by this regulation shall be located on the same lot of the use it serves or on land adjacent to or within three hundred (300) feet of the principal use lot.
5. Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, easements, leases, or contract documents to establish such a joint area of use.
6. All yard area except the front yard for residential districts may be used for off street parking; except a driveway within a front yard may be used to satisfy off street parking requirements.
7. Willful failure to permanently maintain and provide parking spaces as required under this section shall be deemed in violation of this ordinance and subject to the penalty listed in Article XIX, Violation and Penalty.

#### **15.3. OFF STREET PARKING REQUIREMENTS.**

At the time of construction, alteration, or enlargement of a structure or building, or change in the use of the land; off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows.

<u>Use</u>	<u>Minimum # or Parking Spaces</u>
A. Single Family Residential:	2 spaces
B. Multi-Family Residential:	1.5 spaces per dwelling unit
C. Mobile Home Residential:	1 space per mobile/manufactured home 1 space per unit designated for guest parking
D. Hotel/Motel/Bed & Breakfast:	1 space per guest room
E. Hospital/Healthcare facilities:	1 space for each four (4) patient beds
F. Public Assembly/Religious Assembly: - Churches, Auditoriums, Stadiums, Community Center, etc.	1 space for each six (6) seats of seating capacity provided
G. General Retail Sales/ Professional Office:	1 space per 300 feet of gross floor area
H. Bowling Alleys:	4 spaces per alley
I. Restaurants/ Lounges/Bars:	1 space for each four (4) seats, plus 1 space for each two (2) employees
J. Educational Facilities:	1 space per regular employee and 1 space for every six (6) seats in the largest facility for public assembly.
K. Campgrounds, camp sites or RV parks	1 space per each camping or RV site
L. Industry/Manufacturing/Research:	1 space for every two (2) employees on the largest shift.
M. Salvage yards/scrap yards/junk yards:	1 space per one hundred (100) sq. ft. of display or floor area.
N. All Other Uses:	All other buildings having a gross floor area of more than two thousand (2,000) square feet shall provide one (1) off-street parking space for each one thousand (1,000) square feet of floor space of the principal building.

#### **15.4. COMPUTATION OF PARKING SPACES.**

1. Where fractional spaces occur, the parking spaces required shall be construed to be the nearest whole number.
2. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses if computed separately.
3. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.



**15.5. LOCATION AND TYPE OF PARKING.**

All parking spaces required herein shall be located on the same lot as the building or use served. Except that where an increase in the number of spaces is required due to a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained no more than three hundred feet (300') from the use being served.

1. In any case where the required parking spaces are not located on the same lot with the building or use served a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned and filed with the application for a building permit.
2. Off street parking spaces may be located within the required front yard of any commercial, industrial or multiple family residential districts.
3. All required off-street parking areas of more than five (5) spaces shall be surfaced with portland cement, concrete, asphalt or equivalent hard surface approved by the Planning Commission. Parking areas shall be graded and drained to dispose of all surface water within the lot, and shall be arranged and marked to provide for orderly and safe loading or unloading.
4. Any lighting used to illuminate any off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land.
5. In cases when commercial or other non-residential parking lots adjoin a residential district, parking areas shall be at least five feet from the property line and effectively screened by the use of a fence, hedge, or other similar methods.

**15.6. OFF STREET LOADING REQUIREMENTS.**

At the time of construction, alteration, or enlargement of every building hereafter erected; every hospital, hotel, institution, manufacturing, storage, warehouse, retail store, wholesale store, or other similar commercial or industrial building having secondary access from an alley, side street or otherwise shall have at least one (1) permanently maintained loading space for buildings in excess of ten thousand (10,000) square feet.

1. Each loading space shall be no less than ten feet (10') in width, forty feet (40') in length.
2. Such space may occupy all or any part of any required side yard or rear yard or open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10') from said district and be effectively screened from view.
3. No truck or trailer, for purposes of loading, unloading or parking will be permitted to be located on any street or other public right-of-way, except for designated or approved delivery, parcel or moving vehicles intended for temporary parking and unloading. Furthermore, parking of vehicles or loading and unloading may be allowed on the public right-of-way or any street by the Board of Adjustment or city council during community events, celebrations, or other special events.

## ARTICLE XVI

### Sign Regulations

#### Article 16: Sign Regulations

Section 16.1	Intent
Section 16.2	Definitions
Section 16.3	Sign Requirements
Section 16.4	Special Exceptions
Section 16.5	Types of Signs
Section 16.6	General Sign Provisions
Section 16.7	Unsafe and Unlawful Signs
Section 16.8	Painting Required Every Two (2) Years
Section 16.9	Wind Pressure and Dead Load Requirements
Section 16.10	Removal of Signs
Section 16.11	Exempt Signs
Section 16.12	Nonconforming Signs
Section 16.13	Sign Permits

#### **16.1. INTENT.**

This Article is established to protect and promote health, safety, welfare and order within the City of George through the establishment of uniform standards, regulations and procedures governing the type, number, size, structure, location, height, lighting, erection, use or display of devices, signs, or symbols serving as a visual media to persons situated within or upon public rights-of-way or private properties. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this article.

#### **16.2. DEFINITIONS.**

For use in this article, the following terms are defined.

- 16.2.1 *Awning*: A device made of cloth, metal, or other material affixed to and projecting from a building in such a manner that the device is either permanently fixed or so erected as to allow it to be raised or retracted and return to a flat position against the building.
- 16.2.2 *Billboard*: A billboard includes all structures, regardless of materials used in construction, that are erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure is placed on a wall or freestanding. Billboards include pictures or other pictorial materials which advertise a business or attraction which is not carried on, manufactured, or sold on the premises where said billboards are located.
- 16.2.3 *Erect*: To build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
- 16.2.4 *Facing (or Surface)*: The surface of the sign upon; against or through which the message is displayed or illustrated on the sign.
- 16.2.5 *Incombustible Material*: Any material that will not ignite at or below a temperature of 1,200° F and will not continue to burn or glow at that temperature.
- 16.2.6 *Person*: Any one being, firm, partnership, association, corporation, company or organization of any kind.
- 16.2.7 *Sign*: Includes every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign and temporary sign, and shall include any announcement, declaration,

demonstration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

- a. *Abandoned Sign*: A sign which no longer correctly directs any person, advertises a bona fide business, owner, product, or activity conducted on the premises where such sign is displayed.
- b. *Address Sign*: A sign identifying street address only, whether written or numerical form.
- c. *Awning Sign*: A sign consisting of either an operating or permanently affixed awning containing letters, graphics, pictures, or images which portrays the business or advertising of the establishment in which it is attached. Awning signs shall not encroach more than four (4) feet out from a building, but shall meet all other size requirements addressed in this Article. Permanent awnings may be lighted (from the backside); however, awning signs shall not have any flashing, strobe, or otherwise intermittent light emitting from the sign.
- d. *Campaign Sign*: A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted upon at a governmental election.
- e. *Construction Sign*: A sign placed at construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
- f. *Directional Sign*: A sign erected on public or private property which bears the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.
- g. *Flashing Sign*: Any illuminated sign that has artificial light or color which is not maintained at a constant intensity or color when such sign is in use. A sign providing public service information, such as time, weather, date, temperature or similar information, shall not be considered a flashing sign.
- h. *Free Standing Sign*: Any sign or sign structure, not securely attached to the ground or to any other structure. This shall not include trailer signs as defined in this section
- i. *Governmental Sign*: A sign which is erected by a governmental unit.
- j. *Illuminated Sign*: Any sign which has character, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
- k. *Information Sign*: Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.
- l. *Joint Identification Sign*: A free-standing sign which identifies a subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center consisting of three (3) or more separate business concerns, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above.
- m. *Non-Conforming Sign*: A sign which lawfully existed at the time of the passage of this ordinance but which does not conform to the current regulations of this ordinance.
- n. *Pole Sign (or Ground Sign)*: Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- o. *Portable Sign*: Any sign not permanently attached to a building, structure, or the ground, capable of being moved at periodic intervals.

- p. *Projecting Sign*: A sign, other than a wall sign, which projects perpendicular to the wall surface of a building or structure, and is supported by a wall of the building or structure.
  - q. *Real Estate Sign*: A business sign placed upon a property advertising that particular property for sale, for lease or for rent.
  - r. *Roof Sign*: Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
  - s. *Swinging Sign*: A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
  - t. *Trailer Sign*: Any sign mounted on a vehicle normally licensed by the State of Iowa as a trailer and used for advertising or promotional purposes.
  - u. *Wall Sign*: All flat signs placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure. Such signs may extend no more than twelve (12) inches from the surface of the building or structure to which they are attached. Wall signs are also known as “flush mounted signs.”
- 16.2.8 *Sign Area*: That area enclosed by one contiguous line, connecting the extreme points or edges of a sign. The area shall be determined by using the largest area or silhouette visible at any one time from any one point. This does not include the main supporting sign structure.
- 16.2.9 *Sign Structure*: The supports, uprights, bracing and framework for a sign including the sign area.
- 16.2.10 *Structural Trim*: The molding, battens, cappings, nailing strips, latticing and platforms that are attached to the sign structure.
- 16.2.11 *Temporary Sign*: Any sign which is erected or displayed for a specified period of time.

### **16.3. SIGN REQUIREMENTS.**

1. **RESIDENTIAL DISTRICTS**: Signs pertaining to principal permitted uses are allowed in all residential districts subject to the following regulations.
  - a. Home occupation signs are permitted pursuant to Section 13.4 of this ordinance.
  - b. Signs, for non-residential businesses located in residential areas, shall be limited to no more than forty (40) square feet on one (1) free standing sign not to exceed a height of six (6) feet from the ground to the top of the sign structure. One (1) additional wall mounted sign not to exceed four (4) square feet is also permitted for non-residential businesses.
  - c. Two (2) on-site signs pertaining to the sale, lease or rent of the land or building shall be allowed per residential property.
  - d. **Permitted Signs**:
 

1. Address signs	5. Joint Identification signs
2. Real Estate signs	6. Wall signs
3. Government signs	7. Pole signs or Ground signs
4. Campaign signs	8. Portable signs
  - e. **Prohibited Signs**: Flashing type signs are prohibited.

## 2. COMMERCIAL, INDUSTRIAL, CONSERVATION AND AGRICULTURE DISTRICTS:

Signs and billboards in conjunction with principal permitted uses are allowed subject to the following regulations.

- a. Signs shall be limited to those (i) identifying uses conducted within the building; or (ii) necessary for directional purposes; or (iii) used to advertise the sale or lease of real property on buildings on which displayed; or (iv) identifying the commercial enterprise by name or symbol.
- b. The total aggregate area of all signs shall not exceed 200 square feet.
- c. For the purposes of this section, the sign area allowed by section b above shall:
  - i. For freestanding letters, be computed by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign.
  - ii. For signs other than freestanding letters, be computed by taking the total area of the facing or the total area within the outer edge of any existing border of the sign.
- d. All permanent signs shall be affixed to a building, structure or the ground and shall not be moving or audible. No illumination shall be intermittent or flashing. Sign that are internally illuminated for purposes of a scrolling marquee for information or advertising purposes is permitted; as long as the message is not flashing.
- e. Service stations located in the Commercial District shall be limited to two hundred fifty (250) square feet of sign area.
- f. Billboard type signs will be limited to one hundred (150) square feet, and must not impair sight distance or create a traffic hazard;
- g. All signs and billboards shall not encroach into the right-of-way line of any state, federal, county, or local thoroughfare, except within the C-1 Downtown Commercial District.
- h. Only one permanent type sign not attached to the principal structure or use will be permitted per frontage, except for corner lots or double frontage lots in which case one permanent sign shall be permitted per each street frontage.
- i. Permitted signs:
 

1. Address signs	7. Illuminated signs	13. Projecting signs
2. Awning signs	8. Information signs	14. Roof signs
3. Directional signs	9. Joint Identification signs	15. Swinging signs
4. Flashing signs	10. Pole signs or Ground signs	16. Wall signs
5. Free Standing signs	11. Portable signs	17. Real Estate Signs
6. Government Signs	12. Campaign signs	

### **16.4. SPECIAL EXCEPTIONS.**

Any sign type may be granted special exception status after review by the Board of Adjustment and subject to any conditions deemed by the board to be appropriate.

### **16.5. TYPES OF SIGNS.**

**1. GROUND SIGNS.** The requirements for ground signs shall be as follows:

- a. **MATERIALS REQUIRED.** All ground signs for which a permit is required under this Chapter shall have a surface or facing of incombustible material; provided however, that combustible structural trim may be used thereon.
- b. **LETTERS, ETC. TO BE SECURED.** All letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
- c. **HEIGHT LIMITATION.** It shall be unlawful to erect any ground sign whose total height is greater than twenty (20) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above street level.
- d. **SPACE BETWEEN SIGN AND GROUND AND OTHER SIGNS AND STRUCTURES.** Ground signs shall have an open space not less than two (2) feet between the base line of said sign and the ground level. This open space may be filled in with a platform or decorative lattice work which does not close off more than one-half of the square footage of such open space. No ground sign shall be nearer than two (2) feet to any other sign, building or structure.
- e. **SETBACK LINE.** No ground sign shall be nearer the street than the building line established by law.
- f. **BRACING, ANCHORAGE AND SUPPORTS.** All ground signs shall be securely built, constructed and erected upon posts and standards sunk at least three and one-half (3 1/2) feet below natural surface of the ground, and shall be supported and braced by timbers or metal rods in the rear thereof, extending from the top thereof to a point of the ground at least a distance equal to one-half the height of such sign, measured along the ground, from the posts or standards upon which the same is erected.
- g. **SUPPORTS, ETC., TO BE TREATED.** All posts, anchors and bracing of wood shall be treated to protect them from moisture by creosoting or other approved methods when they rest upon or enter the ground.
- h. **PREMISES TO BE KEPT FREE OF WEEDS, ETC.** All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

**2. WALL SIGNS.** The requirements for wall signs shall be as follows:

- a. **MATERIALS REQUIRED.** All wall signs for which a permit is required under this Chapter shall have a surface or facing of incombustible material; provided however, that combustible structural trim may be used thereon.
- b. **PROJECTION ABOVE SIDEWALK AND SETBACK LINE.** No wall sign shall be permitted to extend more than six (6) inches beyond the building line, and shall not be attached to a wall at a height of less than ten (10) feet above the sidewalk or ground.
- c. **SUPPORTS AND ATTACHMENT.** All wall signs shall be safely and securely attached to

the building wall by means of metal anchors, bolts or expansion screws of not less than 3/8 inch in diameter embedded in said wall at least five inches; provided however, that such signs may rest in or be bolted to strong, heavy, metal brackets or saddles set not over six (6) feet apart, each of which shall be securely fixed to the wall as hereinbefore provided. In no case shall any wall sign be secured with wire, strips of wood or nails.

- d. **WIND PRESSURE AND DEAD LOAD REQUIREMENTS.** All wall signs shall conform to the requirements of Section 16.9 of this Article.

**3. ROOF SIGNS.** The requirements for roof signs shall be as follows:

- a. **MATERIALS REQUIRED.** Every roof sign, including the upright supports and braces thereof, shall be constructed entirely of incombustible materials; provided however, that combustible structural trim may be used thereon.
- c. **HEIGHT LIMITATIONS.** No roof sign shall have its highest point extended more than twenty (20) feet above the roof level.
- d. **SETBACK FROM ROOF EDGE.** No roof sign shall be erected or maintained with the face thereof nearer than five (5) feet to the outside wall toward which the sign faces.
- e. **SPACE BETWEEN SIGN AND ROOF.** All roof signs shall have a space at least five (5) feet in height between the base of the sign and the roof level, and have at least five (5) feet clearance between the vertical supports thereof.
- f. **PROHIBITED OBSTRUCTIONS.** No roof sign shall be placed on the roof of any building or structure in such manner as to prevent free passage from one part of said roof to another part thereof or interfere with openings in said roof and shall comply with Section 16.6.4 of this Article.
- g. **BRACING, ANCHORAGE AND SUPPORTS.** Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces. When erected upon buildings which are not constructed entirely of fireproof material, the bearing plates of said sign shall bear directly upon masonry walls and intermediate steel columns in the building. No roof sign shall be supported or anchored to the wooden framework of a building.
- h. **WIND PRESSURE AND DEAD LOAD REQUIREMENTS.** All roof signs shall conform to the requirements of Section 16.9 of this Article.

**4. PROJECTING SIGNS.** The requirements for roof signs shall be as follows:

- a. **APPROVAL REQUIRED.** Every projecting sign, including the frames, braces and supports thereof, shall be designed by a structural engineer or manufacturer, and shall be approved by the building inspector as in compliance with the building code of the city, and by the electrical inspector as in compliance with the electrical code of the city, shall be constructed of incombustible materials, shall be illuminated, and shall be two-faces.
- b. **ILLUMINATION.** The reflectors shall be provided with the proper glass lenses

concentrating the illumination upon the area of the sign and preventing glare upon the street or adjacent property; and no floodlight or spotlight nor reflectors of the goose neck type shall be permitted on projecting signs.

- c. **LIMITATION OF GLASS.** The lettering or advertising designs to be illuminated may be composed of glass or other transparent or semitransparent incombustible material. Any glass forming a part of any sign shall be safety glass or plate glass at least 1/4 inch thick and in case any single piece or pane of glass has an area exceeding three (3) square feet, it shall be wired glass. One section, not exceeding three (3) square feet in area, constructed of wire glass or safety glass shall be permitted on each side of a sign.
- d. **MOVABLE PARTS TO BE SECURED.** Any movable part of a projecting sign such as the cover of a service opening shall be securely fastened by chains or hinges.
- e. **THICKNESS LIMITATION.** The distance measured between the principal faces of any projecting sign shall not exceed eighteen inches.
- f. **PROJECTION OVER PUBLIC PROPERTY.** Every projecting sign shall be placed at least twelve feet above the public sidewalk over which it is erected, and of a distance not greater than two feet from the face of the wall to which it is attached, measuring from the point of the sign nearest thereto, nor less than one (1) foot. Every projecting sign erected over public driveways, alleys and thoroughfares shall be placed not less than fifteen feet above the level of same.
- g. **OBSTRUCTIONS AND TRAFFIC HAZARDS.** Every projecting sign shall be erected in full compliance with Sections 16.6.4 and 16.6.5 of this Article.
- h. **BRACING, ANCHORAGE AND SUPPORTS.** Projecting signs exceeding ten square feet in area or fifty pounds in weight shall not be attached to nor supported by frame buildings or the wooden framework of a building. Said signs shall be attached to masonry walls with galvanized expansion bolts at least 3/8 inch in diameter, shall be fixed in the walls by means of bolts extending through the wall, and shall contain proper size metal washer or plate on the inside of the wall.
- i. **ANCHORAGE WITH WIRE, ETC. PROHIBITED.** No projecting sign shall be secured with wire, strips of wood or nails, nor shall any projecting sign be hung or secured to any sign.
- j. **V-SHAPED SIGNS PROHIBITED.** V-shaped signs, consisting of two (2) single faced signs erected without a roof or ceiling shall not be permitted.

#### **16.6. GENERAL SIGN PROVISIONS.**

In all districts, signs and billboards shall adhere to pertinent state regulations and other local ordinances. The following signs are allowed with a permit and shall comply with all other applicable provisions of this ordinance.

1. *Ground Signs and/or Pole Signs.* All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any



sign shall be safely and securely built or attached to the sign structure. All ground signs and the premises surrounding the sign structure shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free of obnoxious rubbish and weeds.

2. *Wall Signs:* No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends of the wall to which it is attached.
3. *Free Standing Signs:* Free standing signs will be permitted if they do not block the view of oncoming traffic, conform to the Iowa Department of Transportation regulations, and are not located within any public right-of-way.
4. *Obstructions to Doors, Windows or Fire Escapes.* No sign shall be erected, located or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
5. *Signs not to Constitute Traffic Hazard.* No sign or advertising structure as regulated by this ordinance shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. No sign or other advertising structure as regulated by this ordinance shall have posts, guides or supports located within any street or alley.
6. *Face of Sign Shall Be Smooth.* All signs or other advertising structures which are constructed on street lines, or within five (5) feet thereof, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude there from, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.
7. *Goose Neck Reflectors.* Goose neck reflectors and lights shall be permitted on ground signs, roof signs, and wall signs, provided however, the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign as to prevent glare upon the street or adjacent property.
8. *Spotlights And Floodlights Prohibited.* It shall be unlawful for any person to maintain any sign which extends over public property which is wholly or partially illuminated by floodlights or spotlights.
9. *Removal upon Abandonment of Use.* It is the responsibility of the owner of the sign to remove such sign when its advertising or other commercial use is abandoned.
10. *Interference:* No sign, nor any guys, stay or attachment thereto shall be erected, placed or maintained by any person on rocks, fences, or trees; nor in such a manner as to interfere with the effective use of fire fighting equipment or personnel, or any electric light, power, telephone, fiber optic, or cable wires or supports thereof.
11. *Signs in Right-of-Way:* No signs other than government signs shall be erected or temporarily placed within any public rights-of-ways.

12. *Clearance:* All signs located over public rights-of-way or any public or private access (sidewalk, mall, etc.) shall be located a minimum of twelve (12) feet above grade.
13. *Temporary Signs:* The temporary use of portable or moveable signs, search lights, banners, pendants, and similar devices shall be allowed in excess of and in addition to the sign limitations of this Article for continuous periods of thirty (30) consecutive days. No business proprietor shall be allowed more than three such periods in any calendar year.
14. *Signs Required by Law:* All signs required by law shall be permitted in all districts.
15. *Back to Back Signs:* If a sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed thirty (30) degrees. If the angle is greater than 30 degrees, the total area of both sides added together shall be the calculated sign area. Back to back signs (when less than thirty degrees) shall be considered as one sign.
16. *Illumination:* All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets.
17. *Animated Signs:* Animated signs may be allowed as a special exception requiring a hearing before the Board of Adjustment.

**16.7. UNSAFE AND UNLAWFUL SIGNS.**

All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. Signs shall also maintain a neat and orderly appearance in which the sign is easily read. Additionally, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the property owner or agent of the owner within thirty (30) days after written notice by the city. Such notice shall include a statement explaining alleged violations and deficiencies, an order to repair or remove said sign and an explanation of the consequences of failure to comply with said order. If the permit holder fails to remove or alter said sign so as to comply with the order, said sign or other advertising structure may be removed or altered to comply by the zoning administrator at the expense of the permit holder, or owner of the property on which it is located. The permit holder may appeal the order of the zoning administrator to the Board of Adjustment and, if such an appeal is on file, the compliance period shall be extended until following the board's decision on the matter. If, however, the zoning administrator finds that any sign or other advertising structure poses an immediate threat to the health or safety of any person, the removal of such sign may be summarily ordered without notice to the permit holder.

**16.8. PAINTING REQUIRED EVERY TWO (2) YEARS.**

The owner of any sign as defined and regulated by this ordinance shall be required to have properly painted at least once every two (2) years all parts and supports of the said sign, unless the same are galvanized or otherwise treated to prevent rust.

**16.9. WIND PRESSURE AND DEAD LOAD REQUIREMENTS.**

All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than forty (40) pounds per square foot of area; and shall be constructed to receive dead loads as required in the Building Code or other ordinances of the City of George, Iowa.

**16.10. REMOVAL OF SIGNS.**

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within ten (10) days after written notification from the building inspector, and upon failure to comply with such notice within the time specified in such order, the building inspector is hereby authorized to cause removal of such signs, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

**16.11. EXEMPT SIGNS.**

The provisions and regulations of this ordinance shall not apply to the following signs, provided however, said signs shall be subject to the provisions of section 16.6 and 16.9 of this Article.

1. REAL ESTATE SIGNS (ON-SITE) advertising for sale, rental, or lease the premises, lots or tracts on which they are located will be allowed in all districts. The area of such sign shall not exceed four (4) square feet in area shall be permitted in any case. Illuminated real estate signs are not permitted. At the date of closing, signs shall be removed within forty-eight (48) hours. Only two (2) real estate signs shall be allowed per zoning lot.
2. INTEGRAL SIGNS, MEMORIAL SIGNS OR PROFESSIONAL NAME PLATES not exceeding two (2) square foot in area, and attached to the building, including names on buildings, date of construction, commemorative tablets and the like, which are a part of the building or structure.
3. PAINTED ON EXTERIOR OF BUILDING. Signs painted on the exterior surface of a building or structure, provided, however, if said signs have raised borders, letter, characters, decorations or lighting appliances, they shall be subject to the provisions of this ordinance.
4. ADDRESS SIGNS identifying street address only, whether in written or numerical form.
5. BULLETIN BOARDS not over eight (8) square feet in area for public, charitable or religious institutions when the same are located on the premises of said institutions.
6. CONSTRUCTION SIGNS as a non-illuminated sign announcing the names of architects, engineers, contractors, future use, and other individuals or firms involved with the construction, alteration, or repair of such building are permitted. Such signs shall be confined to the site of the construction, alteration or repair and shall be removed within one (1) year of the date of issuance of the building permit or when the project is completed, whichever is later. One (1) sign, not to exceed 32 sq. ft. shall be permitted on the project site.
7. CAMPAIGN SIGNS as allowed by Section 68A.406-yard signs, Code of Iowa.
8. GOVERNMENT OR TRAFFIC SIGNS of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, legal notices, railroad crossing signs, signs indicating scenic or historical points of interest, memorial plaques and such temporary, emergency or non-advertising signs may be approved by the city council.
9. DIRECTORY (OR OCCUPATIONAL) SIGNS which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but

contains no advertising. There may be one directory sign per lot not to exceed two (2) square feet of area per business or resident occupant.

10. ON-SITE DIRECTIONAL AND PARKING SIGNS intended to facilitate the movement of vehicles and pedestrians upon which the sign is located. Signs shall not exceed six (6) square feet of area.

**16.12. NONCONFORMING SIGNS.**

Nonconforming signs shall be brought to compliance upon change of ownership or occupancy of the premises.

**16.13. SIGN PERMITS.**

1. PERMITS REQUIRED. It shall be unlawful for any person to erect, repair, alter, relocate or maintain within the city any sign or other advertising structure as defined in this ordinance, without first obtaining a sign permit from the zoning/building administrator and making payment of the fee as established by resolution of the city council. All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code, and the permit fees required hereunder.
2. APPLICATION FOR ERECTION PERMIT. Application for sign permits shall be made upon blanks provided by the zoning/building administrator and shall have attached thereto the following information:
  - a. Name, address and telephone number of the applicant.
  - b. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
  - c. Position of the sign or other advertising structure in relation to nearby buildings or structures.
  - d. One blueprint or drawing of the plans and specifications and method of construction and attachment to the building or in the ground.
  - e. Name of person, firm, corporation or association erecting such sign and/or sign structure.
  - f. Written consent of the owner of the building, structure or land on which the sign or sign structure is to be erected.
  - g. Such other information as the zoning/building administrator shall require showing full compliance with this ordinance and all other ordinances of the city.
3. ILLUMINATED SIGNS; APPROVAL BY ELECTRICAL INSPECTOR. The application for a sign permit or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the electrical inspector. The electrical inspector shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the Electrical Code of the city, and he or she shall approve said permit if the said plans and specifications comply with said Code or disapprove the application if noncompliance with said Code is found. This said action of the electrical inspector shall be taken prior to submission of

the application to the building inspector for final approval or disapproval of the sign permit.

4. **PERMIT ISSUED.** It shall be the duty of the building inspector upon the filing of an application for a sign permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear the proposed structure is in compliance with all the requirements of this ordinance and all other ordinances of the City of George Iowa, he or she shall then issue the sign permit. If the work authorized under a sign permit has not been completed within six (6) months after date of issuance, said permit shall become null and void.
5. **PERMIT FEES.** Every applicant, before being granted a sign permit, shall pay to the city clerk the annual permit fee. The fee amount for this annual permit is ten dollars (\$10.00).
6. **ANNUAL INSPECTION AND FEES.** The zoning/building administrator shall inspect annually, or at such times as he or she deems necessary, each sign or other advertising structure regulated by this ordinance for the purpose of ascertaining whether the same is secure or insecure, and whether it is in need of removal or repair; and to meet the expense of such inspection the permit holder shall pay to the city clerk the sum five dollars (\$5.00). No inspection fee other than the sign permit fee shall be charged during the calendar year in which the sign or other advertising structure is erected.
7. **REVOCATION OF PERMIT.** Any permit holder who fails to comply with a valid order of the zoning/building administrator within the allotted time period, or who fails to pay reasonable removal or repair expenses assessed under the preceding Article shall have his or her permit as to such sign or signs revoked, and another permit for the erection or maintenance of such sign or signs shall not be issued to permit holder for a period of one (1) year from the date of revocation.

## ARTICLE XVII

### Nonconformities

#### Article 17: Nonconformities

Section 17.1.	Intent
Section 17.2.	Nonconforming Lot of Record
Section 17.3.	Nonconforming Uses of Land
Section 17.4.	Nonconforming Structures
Section 17.5.	Nonconforming Uses of Structures and Land
Section 17.6.	Repairs and Maintenance
Section 17.7.	Uses Under Exception Provisions Not Nonconforming Uses
Section 17.8.	Change of Tenancy or Ownership

#### **17.1. INTENT.**

It is the intent of this ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival. It is recognized that there exists within the districts established by this ordinance and subsequent amendments, lots, structures, and uses of land which were lawful before this ordinance was passed which would be prohibited or restricted under the terms of this ordinance. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. Nonconforming uses of a structure, land or both shall not be extended or enlarged in footprint, area or space upon passage of this ordinance. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the construction or use of any building on which actual construction has lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on.

#### **17.2. NONCONFORMING LOT OF RECORD.**

In any district in which single family residential dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, even though such lot fails to meet the requirements for area or width, or both. Such lot must be in separate ownership. This provision shall apply even though such lot fails to meet such lot requirements that are generally applicable in the district, provided that required yard setbacks of the lot shall apply to the regulations for the district in which such lot is located. Two or more nonconforming lots, or portions thereof, that are contiguous in frontage and under the same ownership shall be considered to be an unsubdivided parcel for purposes of this ordinance. No portion of said parcel shall be sold and then used which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

#### **17.3. 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 continue, 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 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 such nonconforming use of land ceases for any reason for a period of more than six (6) 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.

#### **17.4. NONCONFORMING STRUCTURES.**

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

1. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structure may be altered in a way which does not increase its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. In the event that a non-conforming building or structure or premises is discontinued for a period of six (6) months, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

#### **17.5. NONCONFORMING USES OF STRUCTURES AND LAND.**

Where a lawful use of a structure, or of a structure and land in combination exists at the effective date of adoption or amendment of this ordinance that would not be permitted 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 was manifestly arranged or designed for such use, and which existed 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 structure or land may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Adjustment shall find that the proposed use is equally or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require conditions and safeguards in accordance with the purpose and intent of this ordinance. Where such nonconforming use of a structure, land or use is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

4. Any structure, or structure and land in combination, on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located.
5. When a nonconforming use of a structure, or structures and land in combination is discontinued or ceases to exist for a period of more than six (6) months the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

**17.6. REPAIRS AND MAINTENANCE.**

Any nonconforming building or structure damaged intently or accidentally by more than fifty percent (50%) of its replacement value exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, accident, incident or other act of God or nature shall not be restored or reconstructed and used as before such happening. If less than fifty percent (50%) of the assessed value of the building is damaged it may be restored, reconstructed, or used as before, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased and reconstruction is started within one (1) year of such happening. 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 an official charged with protecting the public safety upon orders of such official.

**17.7. USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES.**

Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action, be deemed a conforming use in such district. Any expansion shall be with approval of the Board of Adjustment.

**17.8. CHANGE OF TENANCY OR OWNERSHIP.**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination without affecting the nonconforming status of such use, land or structure.



## **ARTICLE XVIII**

### **Zoning Enforcement**

#### **Article 18: Zoning Enforcement**

- Section 18.1. Administrative Officer
- Section 18.2. Zoning Compliance
- Section 18.3. Zoning Compliance Permits Required
- Section 18.4. Application for Zoning/building permit
- Section 18.5. Construction and Use to be provided in Application, Plans, and Permit
- Section 18.6. Fees
- Section 18.7. Special Exceptions
- Section 18.8. Administrative Appeals

#### **18.1. ZONING ADMINISTRATOR.**

The purpose of this section is for the City of George, Iowa to appoint or confirm a zoning administrator, and it shall be the duty of said officer to enforce this ordinance. Such administrator may be a person holding other appointive office in the city, or another governmental agency. The term of appointment for the zoning administrator shall be set by the city council. Once the zoning administrator is appointed by city council that appointment becomes perpetual until such further decision and notification is made by council. Termination of the zoning administrator and/or consideration of responsibilities shall also be left to the discretion of the city council.

#### **18.2. ZONING COMPLIANCE.**

If the zoning administrator shall find that any of the provisions of this ordinance are being violated, they shall notify in writing the person responsible for such violations indicating the nature of the violation and ordering the action necessary to correct it. The zoning administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violations of provisions contained within.

#### **18.3. ZONING/BUILDING PERMITS REQUIRED.**

No land shall be occupied or used, and no buildings or structures, or accessory buildings or structures shall not be erected, moved, added to, placed or structurally altered without first obtaining a permit issued by the zoning administrator. Zoning/building permits issued in conformance with the provisions of this ordinance, or upon written order from the Board of Adjustment, shall be null and void if the purpose for which the permit is issued has not commenced within one (1) year from date of issuance. Those persons who do not or refuse to obtain a zoning/building permit will be in willful violation of this ordinance and punishable as provided by Article XIX, Violation and Penalty.

#### **18.4. APPLICATION FOR ZONING/BUILDING PERMIT.**

Application for a zoning/building permit may be obtained from City Hall prior to starting or proceeding with a project. Approved permits shall be kept on file in the office of the city clerk, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or property affected. Each application for a zoning/building permit involving new construction or expansion or a principal or special exception use shall be accompanied by a site plan

prepared in accordance with Article XIV. In the case of moving an existing building, the application shall be accompanied by a photo of the structure to be moved, and shall be in compliance with the regulations of the George City Code.

**18.5. CONSTRUCTION & USE TO BE AS PROVIDED IN APPLICATION, PLANS & PERMIT.**

Zoning/building permits issued on the basis of plans and applications, approved by the zoning administrator, authorize only that use and construction. Use and construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided by Article XIX, Violation and Penalty.

**18.6. FEES.**

Before receiving a zoning/building permit the owner or the owner's agent shall pay to the city the permit fee as provided by resolution of the city council. Fees for permits issued after the construction, or moving, in the case of house moving, has begun shall double. The city, county, state and federal governments shall be exempt from paying any scheduled fees.

**18.7. SPECIAL EXCEPTIONS.**

The zoning administrator may issue a zoning/building permit for a special exception upon order of the Board of Adjustment.

**18.8. ADMINISTRATIVE APPEALS.**

This procedure is intended to afford review of administrative actions taken pursuant to the zoning ordinance where such actions may be in error.

1. *Appeals:* Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, or board of the city affected by any administrative decision of the zoning administrator. Such notice of appeal shall be filed, within a reasonable time, with the zoning administrator or the Chairperson of the Board of Adjustment, which shall specify the grounds thereof. The zoning administrator shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.
2. *Stay of Proceedings:* An appeal from the action of the zoning administrator shall stay all proceedings in furtherance of such action unless the zoning administrator certifies to the Board of Adjustment that by reason of the facts stated a stay would cause imminent peril to life or property. In the event the zoning administrator shall make such determination, the action shall not be stayed other than by a restraining order that may be granted by the Board of Adjustment or a court of record upon application of the party aggrieved by the action of the zoning administrator.
3. *Action:* The Board of Adjustment shall act on any appeal within 30 days following the closing of the public hearing. In exercising the powers set out in this section, the Board of Adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may take such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the zoning administrator from whose action the appeal was taken. The board shall notify the appellant of its decision by mail. The concurring vote of three 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 upon any matter which it is required to pass under these provisions.

## ARTICLE XIX

### Violation and Penalty

#### Article 19: Violation and Penalty

Section 19.1. Violation and Penalty

Section 19.2. Restraining Order

#### **19.1. VIOLATION AND PENALTY.**

Unless provided elsewhere in this ordinance or the city's Municipal Code, any person failing to perform a duty, obtain a zoning/building permit, or violating the George Zoning Ordinance, or any rule or regulation adopted by reference shall be guilty of a municipal infraction. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists enforcement of this ordinance, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction and punishable by civil penalty as provided herein. (*Code of Iowa, Sec. 364.22[3]*)

A municipal infraction in the City of George is punishable under the following civil penalties: (*Code of Iowa, Sec. 364.22 [1]*)

1. First Offense – Not less than \$100 and not to exceed \$750.00
2. Second and Repeat Offenses – Not less than \$100 and not to exceed \$1,000.00  
or imprisonment of not more than thirty (30) days

The criminal penalty surcharge imposed by Iowa Code, Section 911.2 shall be added to the fine and is not a part of any fine imposed by the city (*Code of Iowa, Sec. 364.3(2)*). Each day that a violation is permitted to exist constitutes a separate offense.

#### **19.2. RESTRAINING ORDER.**

Upon any building or structure being erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land used in violation of this ordinance, the city attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City of George to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

## ARTICLE XX

### Planning and Zoning Commission

#### Article 20: Planning and Zoning Commission

- Section 20.1. Creation and Confirmation of the Planning Commission
- Section 20.2. Membership
- Section 20.3. Term of Office
- Section 20.4. Vacancies
- Section 20.5. Proceedings of the Planning and Zoning Commission
- Section 20.6. Compensation
- Section 20.7. Powers and Duties
- Section 20.8. Decisions of the Planning and Zoning Commission
- Section 20.9. Secretary of the Planning and Zoning Commission

#### **20.1. CREATION AND CONFIRMATION OF THE PLANNING COMMISSION.**

In order to avail itself of the powers conferred under Chapter 414, Code of Iowa, the Mayor, subject to the approval of the city council, shall appoint a commission, to be known as the Planning and Zoning commission, to recommend the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein. Such commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report; and such council shall not hold its public hearings or take action until it has received a report or recommendation of such commission. After the adoption of such regulations, restrictions, and boundaries of districts, the commission may, from time to time, recommend to the council amendments, supplements, changes, or modifications. The Planning and Zoning Commission of the City of George, as established under the applicable provision of the Iowa statutes, shall be comprised of five (5) members, hereinafter referred to as the commission, of which are hereby confirmed to their appointed terms of office.

*(Code of Iowa, Sec. 414.6)*

#### **20.2. MEMBERSHIP.**

Said commission shall consist of five (5) members of who are residents of the City of George, Iowa, and qualified by knowledge or experience to act in matters pertaining to the development of the city's comprehensive plan and ordinances. The five (5) members shall not hold any elective office in city government.

*(Code of Iowa, Sec. 414)*

#### **20.3. TERM OF OFFICE.**

The term of office of commission members shall be five (5) years. The initial commission shall be comprised of two of the five members shall serve for a period three (3) years, two shall serve for a period of four (4) years, and one member shall serve for a period of five (5) years. Thereafter, not more than one-third of the members will expire in any one (1) year. Members of the commission may be removed from office by the Mayor, subject to the approval of the city council for cause upon written charges and after a public hearing.

*(Code of Iowa, Sec. 392.1)*

#### **20.4. VACANCIES.**

If any vacancy exists on the commission caused by resignation, removal, death or otherwise, a successor for the remainder of the term shall be appointed by the Mayor, subject to the approval

of the city council. Vacancies shall be filled by appointment for the unexpired term of the resigning or removed member.

*(Code of Iowa, Sec. 392.1)*

**20.5. PROCEEDINGS OF THE PLANNING AND ZONING COMMISSION.**

Immediately following their appointment the members of the commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations and procedure consistent with city ordinances and the state laws. Meetings shall be held at the call of the chairperson and at such other times as the commission may determine. The chairperson, or in the chairperson's absence the acting chairperson, will direct the meetings. All meetings shall be open to the public. The commission shall keep minutes of its proceedings showing the vote of each member upon each action. The commission shall also keep records of its examinations and other official actions, all of which shall be made available for public inspection. The presence of three (3) voting members shall constitute a quorum.

**20.6. COMPENSATION.**

All members of the commission shall serve without compensation, except for actual expenses, which shall be subject to the approval of the city council.

**20.7. POWERS AND DUTIES.**

Said commission shall have and possess the following powers and such powers as may be incidental to the successful carrying out of the powers invested in it herein or such as may be expressly conferred upon it by law:

1. **SELECTION OF OFFICERS.** The commission shall choose annually at its first regular meeting of the year one of its members to act as chairperson and another as vice chairperson who shall perform duties of the chairperson during the chairperson's absence or disability.
2. **ADOPT RULES AND REGULATIONS.** The commission shall adopt such rules and regulations governing its organization and procedure as deemed necessary.
3. **ZONING ORDINANCE.** The commission shall have and exercise the powers, duties and privileges in establishing zoning regulations and other related matters and may from time to time recommend to the city council certain amendments supplements, changes or modifications, all as provided by Chapter 414, Code of Iowa. To this end the commission shall prepare preliminary reports and hold public meetings thereon and after such hearings have been held, to submit its final reports and recommendations to the city council for approval. The commission shall file recommendations, within thirty (30) days, in connection with any proposed zoning regulations or districts made by the city council.
4. **OFFICIAL MAP.** To make surveys and plans for an official zoning map as a guideline for such approval.
5. **RECOMMENDATIONS OF IMPROVEMENTS.** Review all public improvement plans. No improvements shall be made, site obtained, nor permit issued until the design and proposed location of any such improvement has been submitted to the Planning and Zoning

Commission and its recommendations obtained. Should the commission fail to make recommendations within thirty (30) days written notice, these requirements shall not act as a stay upon action for any improvements.

6. **PLANS (COMPREHENSIVE PLAN).** To make such surveys, studies, maps, plans, or charts of the whole or any portion of the city or any land outside thereof, which in the opinion of the commission bears relation to the comprehensive plan and shall submit such plan to the city council with its studies and recommendations and it may publish the same. Furthermore, the commission shall consider and recommend to the council, from time to time, as conditions require, any proposed amendments, changes or modifications of the adopted comprehensive plan. If the commission disapproves the proposed change it may be adopted by the city council only by the affirmative vote of at least three-fourths (3/4) of the council members. Prior to adoption of the comprehensive plan, the commission shall hold at least one (1) public hearing of which a notice shall be given by the local newspaper. The recommendation to adopt the plan shall be by resolution of the commission carried by affirmative vote of a simple majority of the members.
7. **REVIEW OF SUBDIVISION PLATS.** All plans, plats, or re-plats of subdivisions or re-subdivisions of land in the city, laid out in lots or plats with streets, alleys, or other portions of the same intended to be dedicated to the public in the city, shall first be submitted to the commission and its recommendations obtained before approval by the city council.
8. **REVIEW AND COMMENT ON STREET AND PARK IMPROVEMENTS.** No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the city shall be finally approved; or the character or location thereof determined, unless such proposal shall first have been submitted to the commission and the commission shall have had thirty (30) days within which to file its recommendations thereon.
9. **STREET VACATIONS.** To review and make recommendations on proposed vacations of streets and alleys.
10. **TRENDS.** The commission is granted the responsibility and authority to study trends of development in industrial, physical and social aspects of the community and make such reports to the council as it may deem necessary.
11. **FISCAL RESPONSIBILITIES.** The commission shall have the full, complete and exclusive authority to expend all sums of money appropriated, and expend all gifts, donations or payments received by the city for planning and zoning purposes.
12. **LIMITATIONS ON ENTERING CONTRACTS.** The commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the city council for the present year.

#### **20.8. DECISIONS OF THE PLANNING AND ZONING COMMISSION.**

In exercising the above mentioned powers and duties, the commission is granted the responsibility to provide informed and educated recommendations to the city council or Board of Adjustment on matters under review. The commission may recommend wholly, partly or may modify or request alterations of the original proposal. A concurring vote of the majority of the

entire commission shall be necessary in order to further a recommendation to the city council or Board of Adjustment for consideration.

**20.9. SECRETARY OF THE PLANNING AND ZONING COMMISSION.**

The secretary of the commission and the secretary of the Board of Adjustment shall be the city clerk, or other appointee as determined by Mayor subject to approval of the city council. The secretary shall attend all meetings of the commission, take full and accurate minutes of the proceedings, prepare all necessary reports and documents for and on behalf of the commission, and perform such duties and functions as may be necessary for the orderly recording of the business of the commission.



## ARTICLE XXI

### Board of Adjustment

#### Article 21: Board of Adjustment

- Section 21.1. Creation and Confirmation of Board of Adjustment
- Section 21.2. Membership, Term of Office and Removal
- Section 21.3. Proceedings of the Board of Adjustment
- Section 21.4. Appeals to the Board
- Section 21.5. Powers and Duties
- Section 21.6. Variances
- Section 21.7. Decisions of the Board of Adjustment
- Section 21.8. Appeals from the Board of Adjustment
- Section 21.9. Other Powers of the Board of Adjustment

#### **21.1. CREATION AND CONFIRMATION OF BOARD OF ADJUSTMENT.**

The Mayor, subject to the approval of the city council, shall provide for the appointment of a Board of Adjustment. Pursuant to the authority of this ordinance, the Board of Adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of the ordinances in harmony with its general purpose and intent and in accordance with general or specific rules therein contained and provide that any property owner aggrieved by the action of the council in the adoption of such regulations and restrictions may petition the said board direct to modify regulations and restrictions as applied to such property owners. The members of the Board of Adjustment, as created and established under applicable provisions of the Iowa statutes, are hereby confirmed to their appointed terms of office.

*(Code of Iowa, Sec.414.7)*

#### **21.2. MEMBERSHIP, TERM OF OFFICE AND REMOVAL.**

The board shall consist of five (5) members to be appointed by the Mayor, subject to city council approval by majority vote. Members of the five member board shall be appointed for a term of five (5) years. When the board is first created, two members shall be appointed for a term of three (3) years, two for a term of four (4) years, and one member shall serve a term of five (5) years. A majority of the members of the Board of Adjustment shall be persons representing the public at large and should not be involved in the business of purchasing or selling real estate. Members of the Board of Adjustment may be removed from office by the city council for cause upon written charges and after public hearings. Vacancies shall be filled by the Mayor, subject to the approval of the city council for the un-expired term of the member resigning, removed or death. *(Code of Iowa, Sec.414.8)*

#### **21.3. PROCEEDINGS OF THE BOARD OF ADJUSTMENT.**

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record. The presence of a majority of the whole Board, or three (3) members, shall constitute a quorum, even in the instance of absentee members or during conflicts of interest. A five (5) member board shall not carry out its business without having at least three (3) members present. The concurring vote of

three (3) members of the board 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 or to effect any variation in application of this ordinance.

*(Code of Iowa, Sec.414.8, 414.9 & 414.14)*

#### **21.4. APPEALS TO THE BOARD.**

Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the City of George affected by a decision of the zoning administrator. Such appeal should be taken within a reasonable time, not to exceed thirty (30) days, 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 all papers constituting the record from which the action appealed was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notices thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney.

*(Code of Iowa, Sec.414.10)*

#### **21.5. POWERS AND DUTIES.**

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

- 1) *Administrative Review*: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this ordinance.
- 2) *Special Exceptions*: To hear and decide special exception requests as the Board of Adjustment is specifically authorized to pass on in the manner prescribed in this ordinance, and as provided for in Article XXII, Special Exceptions.
- 3) *Variances*: To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

*(Code of Iowa, Sec.414.12)*

#### **21.6. VARIANCES.**

A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

1. An application for the variance shall be filed in writing with the zoning administrator. Said application shall include the following:
  - a. Name and address of the owner and applicant.
  - b. Address and legal description of the property.
  - c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
  - d. A statement describing the variance requested and the reasons why it complies with the criteria for variances provided in this section.
  - e. The property address, name and mailing address of the owner of each lot immediately

- adjacent to the property requesting a variance.
- f. A site plan, as prepared in accordance with Article XIV.
  2. The zoning administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.
  3. Under no circumstances shall the Board of Adjustment grant a variance to allow for the use not permissible under the terms of this ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district.
  4. The Board of Adjustment shall schedule and conduct at least one (1) public hearing on the proposed variance request. Notice shall be given of the public hearing as required by state statute by publication in a newspaper of general circulation in the city of no less than seven (7) days or no more than twenty (20) days prior to the public hearing. Furthermore, a courtesy notice shall be given in writing to a complete list of persons provided by the applicant who are the owners of property and residents immediately adjacent to the property in question.
  5. No variance that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.
  6. The Board of Adjustment may grant a variance if it makes affirmative findings of fact on each of the following criteria.
    - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
    - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
    - c. That special conditions and circumstances do not result from the actions of the applicant;
    - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
  7. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
  8. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
  9. A fee, determined by resolution of the city council, shall accompany the variance application.

*Additional Variance Conditions:* In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Article XIX.

*Lapse of Variance:* Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse and shall become void one (1) year following the date on which the variance became effective, unless prior to the expiration of one year a zoning/building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a certificate of occupancy is issued for the site or structure which was the subject of the variance application, or the site is occupied if no zoning/building permit or certificate of occupancy is required.

*Revocation of Variance:* Upon violation of any applicable provision of this ordinance, or if granted subject to the conditions, upon failure to comply with conditions, a variance shall be revoked upon notification to the owner of the; use or property subject to the variance.

*Variance to Run With Land or Structure:* Unless otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

#### **21.7. DECISIONS OF THE BOARD OF ADJUSTMENT.**

In exercising the above mentioned powers, the Board of Adjustment may, in conformity with the terms of this ordinance and Chapter 414, Code of Iowa, reverse or affirm, wholly or partly, or may modify, order requirements, decision, or determination as ought to be made and to that end shall have powers of the zoning administrator from whom the appeal is taken. The concurring vote of three (3) members of the whole board, even upon instances of absentee members or during conflicts of interest, 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, or to affect any variation in application of this ordinance. Decisions shall be filed promptly following the board's action and shall be open to public inspection.

Any taxpayer or any officer, department, board, or bureau of the city or persons jointly or severally aggrieved by any decision of the Board of Adjustment, under the provisions of this ordinance, may present to a court of record a petition for writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. The petition shall be presented to the court within 30 days after the filing of the decision in the office of the board. All decisions and findings of the Board of adjustment on appeals, application for a variance, or application for a special exception, shall in all instances, be final administrative decisions upon holding a public hearing and shall be subject in judicial review as by law may be provided.

*(Code of Iowa, Sec. 414.15)*

#### **21.8. APPEALS FROM THE BOARD OF ADJUSTMENT.**

Any person or persons, or any board, taxpayer, department, board or bureau of the city aggrieved

by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by the laws of the State of Iowa and particularly by Chapter 414, Code of Iowa. Appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the city affected by a decision of the zoning administrator. Such appeals should file 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 all papers constituting the record from which the action appealed was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notices thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney. An appeal stays all proceedings in furtherance of the action which was appealed; unless by reason of facts stated in the certificate, a stay would cause imminent threat to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record.

#### **21.9. OTHER POWERS OF THE BOARD OF ADJUSTMENT.**

The Board of Adjustment is hereby vested with the following additional authority and jurisdiction:

1. *Interpretation of Zoning Map:* Where the application of the rules for interpretation of the district boundaries leaves a reasonable doubt to the boundary between two zoning districts the Board of Adjustment shall interpret the map in such a way as to carry out the intent and purposes of this ordinance.
2. *Temporary uses and Permit:* The Board of Adjustment may issue a permit for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this ordinance, provided that such use is of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit subject to such conditions as will safeguard the public health, safety, convenience, and general welfare

## ARTICLE XXII

### Special Exceptions

#### Article 22: Special Exceptions

Section 22.1.	Requirements
Section 22.2.	Jurisdiction
Section 22.3.	Application for Special Exception Permit
Section 22.4.	Procedures
Section 22.5.	Standards
Section 22.6.	Revocation
Section 22.7.	Supplemental Standards

#### **22.1. REQUIREMENTS.**

Special exception uses may be permitted, enlarged, or altered upon application for a special exception use permit in accordance with the rules and procedures of the Board of Adjustment. The board shall grant or deny a special exception use permit in accordance with the standards set forth herein and with the intent and purpose of this ordinance. In granting a special exception use permit, the Board of Adjustment will authorize the special exception use and may prescribe and impose appropriate conditions, safeguards, or a specified time limit for performance of the special exception use.

#### **22.2. JURISDICTION.**

The zoning administrator shall be responsible for administration of the special exception procedure and the Board of Adjustment shall be responsible for the review, evaluation, and action on all applications for special exception use permits.

#### **22.3. APPLICATION FOR SPECIAL EXCEPTION PERMIT.**

An application for a special exception shall be filed with the zoning administrator. The application shall be accompanied by a site plan and other materials providing an understanding of the proposed use or modification prescribed by the Board of Adjustment and shall include a statement indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested. The application shall include the following:

- a. Name and address of the owner and applicant.
- b. Address and legal description of the property.
- c. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.
- d. The application shall also be accompanied by a fee as determined by resolution of the city council.

#### **22.4. PROCEDURES.**

The Board of Adjustment shall not grant a special exception unless and until the following procedures have been fulfilled:

2. The Planning and Zoning Commission, only upon request from the Board of Adjustment, shall provide the board with a review and recommendation of the special exception application.
3. The Board of Adjustment shall schedule and conduct at least one (1) public hearing on the proposed special exception request. Notice shall be given of the public hearing as required by

state statute by publication in a newspaper of general circulation in the city of no less than seven (7) days or no more than twenty (20) days prior to the public hearing. Furthermore, a courtesy notice shall be given in writing to a complete list of persons provided by the applicant who are the owners of property and residents located immediately adjacent to the property in the question.

4. In granting any special exception, 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 special exception is granted, shall be deemed a violation of this ordinance and punishable under Article XIX, Violation and Penalty. In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
5. The concurring vote of three (3) members of the whole Board of Adjustment grants a special exception use permit, even in the event of absentee members or conflicts of interest.
6. No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.

#### **22.5. STANDARDS.**

The Board of Adjustment shall grant no special exception permit unless such board shall find:

1. The establishment, maintenance, or operation of the special exception use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. The special exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminishes and impairs property values within the neighborhood.
3. That in the case of existing relocated single family dwellings, that the proposed use aesthetically blends in with the neighboring existing permitted uses and special attention is given to the architectural style, size and quality of construction of the proposed use.
4. That the establishment of the special exception use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. That adequate utilities, access roads, drainage, parking, and/or necessary facilities have been or will be provided.
6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The use shall not include noise that is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
8. The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate fire fighting and fire suppression equipment and by

such safety devices as are normally used in the handling of any such material.

9. The use shall not include vibration which is discernable without instruments on any adjoining lot or property.
10. The use shall not involve any malodorous gas or matter which is discernable on any adjoining property.
11. 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 causes soiling, discomfort or irritation.
12. 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.
13. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.
14. That such proposed use shall be analyzed in relation to the city's comprehensive plan and the future goals of the community.
15. The use shall not interfere with the use or enjoyment of neighboring permitted uses. If such interference is found, provisions must be made for increased setbacks from property lines or screening of incompatible use by the use of fences or hedges.
16. The ground coverage shall be such that no additional dust or storm water run-off is generated by the special exception use.
17. The use shall not create a hazard to vehicular traffic. If any such hazard is determined, provisions must be made to increase the required setback in regard to open-air storage.
18. The use shall not cause any permanent, irreparable environmental damage to the parcel or neighboring lands.

In addition to the general standards outlined above, specified uses shall adhere to these standards and operate only after the issuance of a special exception use permit. The special exception shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located, except as such regulations may be modified by the Board of Adjustment.

#### **22.6. REVOCATION**

In any case where a special exception has not been established within one (1) year after the date of granting thereof, then, without further action by the Board of Adjustment the use on review or authorization shall be null and void, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within the one year period and construction has commenced.

The issuance of a special exception use permit by the Board of Adjustment shall entitle the owner to continue to operate the use so long as the owner remains in compliance with the terms and conditions of this ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the special exception use permit. If such permit is granted, it does expressly grant to the city the power and authority to enter upon the premises at any reasonable



time for the purpose of inspection and enforcement of the terms of the special exception use permit. In the event the owner or occupant of the property shall violate any term, condition, limitation, regulation or safeguards contained in the special exception permit, the permit shall become null and void and the owner or occupant shall be deemed to be in violation of this ordinance and the city may proceed to enforce the provisions of this ordinance and the terms, conditions, limitations, and safeguards of the special exception permit.

#### **22.7. SUPPLEMENTAL STANDARDS.**

In addition to the general standards outlined in Section 22.5 above, specified uses shall adhere to certain additional standards as follows:

1) *Salvage Yards:* All salvage yards, including any area where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or wrecking of automobiles or machinery or other vehicles, shall be located in the General Industrial (GI) district under special exception use permit. The application for a special use permit shall be accompanied with a proposed intent or covenant to meet the minimum requirements described herein:

- a. Any salvage yard shall be at least five hundred feet (500') from any residential building, with the exception of the residence of the salvage yard owner or operator.
- b. Salvage or junk yards shall be screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height, or in lieu thereof, a landscape buffer strip fifty (50) feet wide with evergreen trees and/or large shrubs to provide an immediate solid landscape screen at least ten feet (10') high;
- c. Off-street parking or service areas may be located outside of the screened-in area.

2) *Open-Air Sales Display and Storage:* All open-air display and storage, including new and used auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, or equipment sales and storage shall be accompanied with drawings and other documents describing the intent, layout, and construction or installation in accordance with the following minimum requirements:

- a. All lighting and lighted facilities shall be designed and arranged so that they do not focus or glare directly on adjacent properties, or public streets, thereby creating a traffic hazard.
- b. No lighted flashing signs, or revolving beacon lights shall be permitted.
- c. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.
- d. The front and street sides of any open-air storage or display area intended for storage, salvage or repair services shall be opaquely screened with a wall or fence at least seven feet (7') in height. Those uses intended to exclusively display products or equipment for sale or lease are exempt from screening the front of their property.
- e. The side and rear lot lines, when abutting developed properties, will be screened with a wall or fence at least fifty percent solid and at least seven feet (7') in height.

## **ARTICLE XXIII**

### **Changes and Amendments**

#### **Article 23: Changes and Amendments**

Section 23.1.	Procedures
Section 23.2.	Initiation
Section 23.3.	Application for Change in Zoning District Boundaries
Section 23.4.	Protest Provision
Section 23.5.	New Application

#### **23.1. PROCEDURES.**

This ordinance and the zoning district map created by said ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by or shall have been first submitted to the Planning and Zoning Commission for review and recommendation. The commission shall have forty-five (45) days in which to submit its report to the city council. Prior to making recommendation to the city council, the Planning and Zoning Commission shall hold at least one public hearing on the text amendment or rezoning request. If the commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment.

Not more than thirty (30) days following receipt of the recommendation of the Planning and Zoning Commission, the city council shall hold at least one public hearing on the text amendment or a rezoning request. A notice of such public hearing shall be published at least seven (7) days prior to the date established for such hearing. Additionally, a notification shall be sent the owners of all property within two-hundred feet (200') of the property for which the change is requested. In no case shall the public hearing be held earlier than the next regularly scheduled city council meeting following the published notice. Such notice shall include the time and place for the public hearing.

Within thirty (30) days following the closing of a public hearing, the city council shall make a specific finding as to whether the change is consistent with the objectives of this ordinance. If the city council finds that the change is consistent, it shall introduce an ordinance amending the text of the zoning regulations or amending the zoning map, whichever is appropriate. If the city council finds that the change is not consistent, it shall deny the application. The city council shall not modify a recommendation of the planning commission on a rezoning or change until it has requested and considered a report of the commission on the modification. Failure of the commission to report within 30 days after receipt of the council request shall be concurrence.

#### **23.2. INITIATION.**

Requests for rezoning of property or text amendments may be initiated by one of three ways.

1. The Planning and Zoning Commission or the City Council may initiate a text amendment.
2. The Planning and Zoning Commission or the City Council may initiate a rezoning request
3. The owner or the authorized agent of the owner of property may initiate a rezoning request by filing an application for a change in district boundaries (rezoning) as prescribed in this article. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

**23.3. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES.**

Applications for rezoning requests shall be filed with the zoning administrator on a form provided by the city, and shall include the following data and maps:

1. Each application shall be filed and accompanied by a fee as determined by the city council.
  - a. The name and address of the owner and applicant.
  - b. A legal description and local address of the property.
  - c. If the applicant is not the legal owner of the property, statement that the applicant is the authorized agent of the owner.
  - d. The present zoning classification and the zoning classification requested for the property.
  - e. The existing use and proposed use of the property.
  - f. The names and addresses of the owners of all property and residents immediately adjacent to the property for which the change is requested.
  - g. A statement of the reasons why the applicant feels the present zoning classification is no longer appropriate.
2. Failure to approve the requested zoning change shall not be deemed cause to refund any fees to the applicant.
3. Upon receipt of the application by the zoning administrator a copy shall be forwarded immediately to the Planning and Zoning Commission for study and recommendation. The commission shall, prior to making a recommendation, determine the following:
  - a. Whether or not the current zoning classification of the property to be rezoned is valid.
  - b. Whether there is a need for additional land zoned for the purpose requested.
  - c. Whether the proposed change is consistent with the current land use plan.
  - d. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
  - e. The Planning Commission may require additional information or maps if they are to determine whether the change is consistent with the objectives of this ordinance.

**23.4. PROTEST PROVISION.**

In case the Planning and Zoning Commission does not approve the change, or in a case of a protest filed with the city council against a change in district boundaries signed by the owners of twenty (20) percent or more of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within two hundred feet (200') of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all members of the city council, even in the instance of absentee members or during conflicts of interest.

*(Code of Iowa, Sec. 414.5)*

**23.5. NEW APPLICATION.**

Whenever a petition requesting an amendment, supplement or change of this ordinance has been denied by the city council such petition cannot be renewed for one year thereafter unless it is signed by the owners of at least fifty percent (50%) of the property owners who previously objected to the change; this provision, however, shall not prevent the city council from acting on its own initiative in any case or at any time provided in this section.

## ARTICLE XXIV Effective Date

### 24.1. EFFECTIVE DATE.

This ordinance shall be in full effect from and after its adoption and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa.

(Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3)

## ARTICLE XXV Adoption

ORDINANCE NO. \_\_\_\_\_

ZONING ORDINANCE OF THE CITY OF GEORGE, IOWA

NOW THEREFORE, BE IT ORDAINED BY THE  
CITY COUNCIL OF THE CITY OF GEORGE

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor, City of George

\_\_\_\_\_  
George City Clerk

I hereby certify that the foregoing was published as Ordinance No. \_\_\_\_\_ in the City of George, Iowa on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

## EDITOR'S NOTE

The following ordinances have been adopted amending the official zoning map and have not been included as a part of this zoning ordinance, but have been specifically saved from repeal and are in full force and effect.

[illegible]