

BOOK 639 PAGE 223

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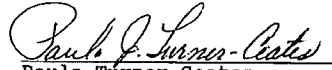
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LOLA A. SWAN
RECORDER
HENRY COUNTY, IOWA

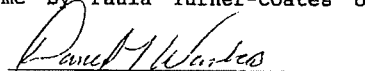
STATE OF IOWA)
HENRY COUNTY) ss:

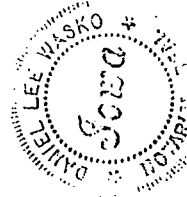
I, PAULA TURNER-COATES, hereby certify that I am City Clerk for the City of New London, Iowa, and that the official records of the City are in my possession, and that the City Council met in regular session on July 5, 1994 and approved the attached Zoning Ordinance. Said motion appears in the official minutes of the City Council in the same form and which is duly recorded as part of official business of the City Council on said date.

Dated this 8 day of August, 1995.


Paula Turner-Coates
City Clerk

Subscribed and sworn to before me by Paula Turner-Coates on this 08 day of August, 1995.


Notary Public in and for Iowa



be occupied exclusively for residence purposes, but not including a tent, cabin, trailer or trailer coach, or a room in a hotel or motel.

1.71 Dwelling Group. Two or more detached dwellings located on a parcel of land in one ownership and conforming to the special conditions and requirements set forth in Section 10.1.

1.8 Essential Services. The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal 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 therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

1.9 Family. One or more persons related by blood, marriage or adoption, together with his or their domestic servants, maintaining a common household in a dwelling.

1.10 Garage, Private. A detached accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles, trailers or trucks of the occupants of the premises, and-or not more than one truck of a rated capacity not to exceed 1-1/2 tons.

1.11 Height. In the case of a wall, or part of a building, the vertical distance from the average finished grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.

1.12 Highway or Primary Thoroughfare. An officially designated federal or state numbered highway or other road designated as a highway or primary thoroughfare on the Transportation Plan as officially adopted and amended from time to time by the Planning Commission and City Council.

1.13 Land Use Plan. The comprehensive long-range plan for the desirable use of land in the community, as officially adopted and as amended from time to time by the Planning and Zoning Commission and Council; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in the zoning of land to meet changing community needs, in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as streets, parks, schools, and other public buildings or public uses.

1.14 Lot. A parcel of land, abutting on a street, whose area, in

- 1.22 Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or the ceiling or roof next above such floor; provided that, for the purpose of determining the required dimensions of yards and courts, when the average story height of a building exceeds 12 feet, each 12 feet or fraction thereof of the total building height shall be considered a separate full story or fractional story respectively, except the first story which may be 15 feet high.
- 1.221 Story, Half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided however, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.
- 1.23 Street. Any public way set aside as a permanent right-of-way for vehicular or pedestrian access 21 feet or more in width if it existed at the time of the enactment of the ordinance; and any such public way created after enactment of the ordinance, provided it is 66 feet or more in width.
- 1.24 Structural Alteration. Any change in the support members of a building including but not limited to bearing walls, load-bearing partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
- 1.25 Structure. Anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground.
- 1.26 Yard, Front. Any open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. A corner lot shall have two front yards.
- 1.261 Front Yard, Least Depth. The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the front lot line.
- 1.27 Yard, Rear. An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
- 1.271 Rear Yard, Least Depth. The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the rear lot line. In the case of an

ARTICLE III - GENERAL PROVISION

3.0 Zoning Affects Every Structure and Use. Except as hereinafter provided, no building, structure or land shall hereafter be used and no building or part thereof or structure shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulations herein specified for the class of district in which it is located.

3.1 Continuing Existing Uses. Any building, structure, or use lawfully existing at the time of enactment of the ordinance may be continued, except certain non-conforming uses as provided in Section

3.2. Nothing in the ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector.

3.2 Non-conforming Uses. Except as hereinafter provided under Subsection 3.25:

3.21 Any non-conforming building or structure which has been or may be damaged by fire, before if it be done within 12 months of such calamity, unless damaged more than 50 percent of its fair market value, as determined by the Board of Adjustment, at the time of such damage, in which case reconstruction shall be in accordance with the provisions of the ordinance.

3.22 No building, structure or premises where a non-conforming use has been or may be discontinued for more than six months, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a non-conforming use.

3.23 Any non-conforming use of land not involving any structure, and any non-conforming outdoor advertising sign or outdoor advertising structure may be continued for a period not to exceed three years after enactment of the ordinance, whereupon such non-conforming use shall cease or structure shall be removed.

3.24 Any building or structure devoted to a non-conforming use with a fair market value of less than \$500.00, as determined by the Board of Adjustment, may be continued for a period not to exceed three years after enactment of the ordinance, whereupon such non-conforming use shall cease and thereafter such building or structure shall be removed or changed to a conforming use.

3.25 The foregoing provisions under Subsections 3.21, 3.22, 3.23, and 3.24, insofar as these limit reconstruction or require certain uses to cease or buildings or structures to be removed or changed, shall not be applicable where any such building, structure, or use would be conforming under the Land Use Plan as defined in Section 1.14.

3.3 Street Frontage - Minimum Requirement. No lot created after the adoption of the ordinance shall contain any building used as a dwelling unless it abuts at least 37.5 feet on a street or has a permanent exclusive non-obstructed easement of access not less than 37.5 feet wide to a street.

or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter with the Article applying to such district.

3.9 Transitional Uses in "R" Districts. In any "R-1," or "R-2" District a transitional use shall be permitted on a lot the side lot line of which adjoins, either directly or across an alley, any "B" or "I" District. The permitted transitional uses for any such lot in an "R-1" District shall be any use permitted in the "R-2" District; for any such lot in an "R-2" District any use permitted in the "R-3" District. In the case of any such lot in an "R-1" or "R-2" District, the requirement governing lot area per dwelling unit, off-street parking, yards and other open spaces shall not extend more than 100 feet from the side lot line of the lot abutting on the zoning district boundary line.

3.10 Minimum Ground Floor Area for Dwellings.

3.101 A one-story dwelling shall contain not less than 1000 square feet of usable ground floor area, exclusive of open porches, garages or steps.

3.11 Traffic Visibility Across Corner Lots. In any "R" District on any corner lot, no fence, structure or planting shall be erected or maintained within 20 feet of the intersection so as to interfere with traffic visibility across the corner.

3.12 Essential Services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the community, it being the intention hereof to exempt such essential services from the application of the ordinance.

3.13 Off-street Parking and Loading. In any district spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Section 12.0.

3.14 Validity of Existing Building Permits. Nothing herein contained shall require any change in the over-all layout, plans, construction, size or designated use of any developed, building, structure, or part thereof, for which official approvals and required building permits have been granted before the enactment of the ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of the ordinance and completion thereof carried on in a normal manner within the subsequent six months' period, and not discontinued until completion, except for reasons beyond the builder's control.

ARTICLE IV-"R-1" ONE FAMILY RESIDENCE DISTRICTS

ARTICLE V - "R-2" ONE AND TWO-FAMILY RESIDENCE DISTRICTS

5.0 Permitted Principal Uses.

5.01 Any use or structure permitted and as regulated in Section 4.0, except as hereinafter modified.

5.02 Two-family dwellings.

5.1 When authorized by Board of Adjustment.

5.11 Any use as regulated in Section 4.1, except as hereinafter modified.

5.12 Dwelling groups (See Section 10.1).

5.13 Parking areas accessory to a use in an adjoining less restricted district, when abutting or directly across an alley, subject to the applicable conditions stipulated in Section 10.0, and such further conditions as may be stipulated by the Board.

5.14 Hospitals, sanitariums and nursing homes provided that any such buildings shall be at least 50 feet from any lot in an "R" District. Hospitals shall be located on lots of five acres or more, sanitariums on lots of 10 acres or more and nursing homes on lots of 20,000 square feet or more.

5.15 Residence development projects exempt from district height regulations (See Section 10.2).

5.2 Permitted Accessory Uses.

5.21 "R-1" Residence District accessory uses.

5.22 Signs as regulated by Article XI.

5.3 Height Regulations. No principal structure shall exceed 2 1/2 stories or 30 feet in height, and no accessory structure shall exceed one story or 15 feet in height, except as provided in Section 13.1.

5.4 Lot area, Frontage, and Yard Requirements. Please refer to the requirement as specified in Article 8.3.

ARTICLE VI-"R-3" ONE TO SIX-FAMILY RESIDENCE DISTRICTS

6.0 Permitted Principal Uses.

6.01 Any use or structure permitted and as regulated in Sections 4.0 and 5.0, except as hereinafter modified.

6.02 Three to six-family dwellings.

6.1 When Authorized by Board of Adjustment.

6.11 Any use as regulated in Section 5.1, except as hereinafter modified.

6.12 Kindergartens, preschools, daycare centers, day nurseries, or nursery schools, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with requirements of the Board.

6.13 Tourist homes; motels or motor hotels on lots abutting on State or Federal highways, subject to the applicable provisions of Section 12.3.

6.2 Permitted Accessory Uses.

- 7.2 Height Regulations. No structure shall exceed three stories or 45 feet in height, except as provided in Section 13.1.
7.3 Yard Requirements. Please see requirements as specified in Article 8.3.

ARTICLE VIII - "B-2" GENERAL BUSINESS DISTRICTS

- 8.0 Permitted Principal Uses.
8.01 Any use or structure permitted and as regulated in Sections 4.0, 5.0, 6.0, and 7.0 except as hereinafter modified.
8.02 Tourist/bed and breakfast homes.
8.03 Building material sales yards, if enclosed on all sides of an eight-foot high solid fence.
8.04 Wholesale businesses and warehouses.
8.05 Hotels or motor hotels, subject to the provisions of Section 12.3.
8.06 Drive-in eating establishments.
8.07 Motor fuel stations subject to the conditions stipulated in Section 12.1.
8.08 Greenhouses.
8.09 Animal hospitals, veterinary clinics or kennels, provided that buildings or enclosures in which animals are kept shall be at least 100 feet from any lot in any "R" District.
8.010 Commercial baseball field, bath house, or boat house, golf driving range, skating rink, swimming pool, or similar open air recreational uses and facilities, but not within 200 feet of any "R" District.
8.011 The following uses provided no part of a building where any activity is conducted shall have any opening other than stationary windows or required fire exits within 100 feet of any "R" District.
8.0111 Automobile, truck, trailer and garden implement establishments for display, hire, sales, including sales lots.
8.0112 Bottling of soft drinks or milk, or distribution stations.
8.0113 Bowling alley, pool hall or billiard parlor, dance hall, bar or cocktail lounge, night club and similar enterprises.
8.0114 Carpenter shop, electrical, heating, ventilating or plumbing shop, furniture upholstering shop, printing, publishing, engraving or lithographing plant, laundry and dry cleaning shop, sign painting shop, and similar establishments.
8.012 Any other use that is determined by the Board of Adjustment to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in a "B-2" District.
8.1 Permitted Accessory Uses.
8.11 "B-1" Retail Business District accessory uses.
8.12 Other accessory uses customarily incidental to a permitted principal use, including signs as regulated by Article XI.
8.2 Height Regulations. No structure shall exceed three stories or

Min. Front Yd. Dpth	Min. Side Yd. Wdth.	Min. Rear Yd. Dpth.
<i>("B-1" Retail Business Districts).</i>		
None	None, except where adjoining an "R" District, then same as the least width required in that "R" District.	10, except when adjoining an "R" District, then same as "R" District.

Min. Lot Area	Min. Lot Area Per Family	Min. Lot Width	Min. Front Depth
<i>("B-2" General Business District)</i>			
Dwellings (same as "R-3" District)			
Other Permitted Uses	None	None	50' 25'

Minimum Side Side Yard Widths	Min. Rear Yard Depth
None, except where adjoining an "R" District then same as the least width required in that "R" District	10, except where adjoining an "R" then same as "R" District

ARTICLE IX - "I-1" INDUSTRIAL DISTRICTS

- 9.0 Permitted Principal Uses.
- 9.01 Any use or structure permitted and as regulated in Sections, 4.0, 5.0, 6.0, 7.0, and 8.0, except as hereinafter modified.
- 9.02 The following uses if located not less than 100 feet from any "R" District, provided any such operations are enclosed by a solid wall or fence not less than six feet in height:
 - 9.021 Builder's or contractor's plant or storage yard.
 - 9.022 Building material sales and storage yard, including concrete mixing.
 - 9.023 Lumber yard, including millwork.
 - 9.024 Open yard for storage and sale of feed, fertilizer, or fuel.

10.11 In the case of a project consisting of a group of two or more buildings to be constructed on a plot of ground not subdivided into the customary streets and lots and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of the ordinance to the individual building units in such project, the applying of such requirements to such project shall be done by the Board of Adjustment in a manner that will insure substantially the same character of occupancy, maximum intensity of use, and minimum standard of open spaces as permitted by the ordinance in the district in which the proposed project is to be located.

10.12 In no case shall the Board authorize a use or a building height prohibited in the district in which the project is to be located, or a smaller lot area per family than the minimum required under the ordinance in such district. Nor shall the Board authorize a building coverage exceeding that which would be obtained were the same area to be developed by the customary subdivision thereof into streets and lots in conformance with the adopted Subdivision Regulations, and by the type of buildings of the ordinance. The Board shall not authorize the erection of a project on a parcel of ground occupied by another principal structure.

10.2 Residence Development Projects.

10.21 A residence Development Project consisting of any number of buildings, the contemplated arrangement of which makes it impossible to apply the requirements of the ordinance to the individual buildings, may be authorized by the Board of Adjustment in districts in which such projects are permitted under the ordinance. In so doing, the Board shall first refer the plans for such project to the Planning Commission for study, public hearing and report upon finding that the plans of such project meet the following conditions:

10.211 That the tract of land on which the project is to be erected meets minimum size requirements as specified in Subsection 12.22.

10.212 That the buildings are to be used only for residential purposes and the customary accessory uses, such as private garages, storage spaces, recreational and community activities.

10.213 That the average lot area per family or dwelling unit on the site, exclusive of the area occupied by drives or streets, will not be less than 90 percent of the lot area per family required in the district in which the project is to be located.

10.214 That there is to be provided within the tract, or immediately adjacent thereto, parking spaces in private garages or off-street parking areas as specified in Section 12.0.

10.215 That there are to be provided, as a part of the project, adequate recreation areas to serve the needs of the anticipated population to be housed therein.

10.216 That drives, accessways and parking areas are developed to a standard equal to that required for public use.

10.217 That such drives and accessways are protected by recorded

ARTICLE XI - SIGNS

- 11.0 Standard of Measurement.
- 11.01 The total area of all signs permitted on a lot shall include:
 - 11.011 The total area of the faces visible from a public way of all permanent exterior signs, plus
 - 11.012 The area of permanent signs placed upon the surface of windows and doors, plus
 - 11.013 The area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.
- 11.02 A building or use having frontage on a second street may include 20 percent of the length of the lot facing the second street.
- 11.1 Signs Permitted in the "R-1" District.
 - 11.11 Real estate signs of a temporary nature, not exceeding two in number per lot nor larger than six square feet set back 20 feet from any highway, street or road.
 - 11.12 A sign or signs flat against a building appertaining to a non-conforming use on the premises, not exceeding in the aggregate 50 square feet in area except as may be authorized by the Board of Adjustment.
 - 11.13 Small announcement or professional signs, not over six square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street or road, may be erected in connection with any of the permitted principal uses of nonresidential nature.
 - 11.14 One nameplate not exceeding two square feet for each dwelling.
- 11.2 Signs Permitted in the "R-2" District.
 - 11.21 Signs as permitted and regulated in Section 11.1.
- 11.3 Signs Permitted in the "R-3" District.
 - 11.31 Signs as permitted and regulated in Section 11.2.
 - 11.32 Signs flat against the building, appertaining to any of the permitted principal uses of a nonresidential character.
- 11.4 Signs Permitted in the "B-1" District.
 - 11.41 Signs as permitted and regulated in Section 11.3, except as hereinafter modified.
 - 11.42 The total area of all signs permitted on any one lot shall not exceed two times the number of linear feet the lot abuts on the street.
 - 11.421 No billboard, signboard or similar advertising signs shall be located at intersections so as to obstruct vision, hearing or interfere with pedestrian or vehicular safety.
- 11.5 Signs Permitted in the "B-2" District.
 - 11.51 Signs as permitted and regulated in Section 11.4, except as hereinafter modified.
 - 11.52 Billboards and signboards subject to the same height and location requirements as other structures in the "B-2" District and also subject to the following conditions and restrictions:

Banks, Business and Professional Offices	1 for each 200 square feet of floor area plus 1 for each full-time employee
Bowling Alleys	6 for each alley
Churches and Schools	1 for each 4 seats in principal auditorium
Convenience Stores - Drug, Grocery, Hardware, and similar stores	1 for each 300 square feet of floor area devoted to sales plus 1 for each full-time employee
Dance Halls and Assembly Halls without fixed seats	1 for each 50 square feet of floor area used for assembly or dancing
Drive-In Eating Establishments	Not less than 1/3 of the total ground area be devoted exclusively to parking and accessways
DWELLINGS	
Single-Family, Detached	2 for each dwelling unit
All Other	1-1/2 for each dwelling unit
Food Pick-up Establishments	Minimum of 1 plus 1 for each 100 square feet of floor area
Funeral Homes, Mortuaries	6 per chapel room or parlor or 1 per 50 square feet of rooms used for services, whichever is greater
Hospitals, Nursing Homes and similar care centers	1 for each 5 beds plus 1 for each 2 doctors and employees
Manufacturing Plants, Research or Testing	1 for each 3 employees on maximum working shift
Laboratories, Bottling Plants • Medical or Dental Clinics	1 for each 200 square feet of floor area plus 1 for each full-time employee and 1 for each doctor
Motels or Motor Hotels	1 for each unit, plus 1 for each 2 employees on maximum shift

patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or rest rooms, utilities, or dressing rooms.

12.044 Hospital Bassinets. In hospitals, bassinets shall not be counted as beds.

12.045 Benches in Place of Public Assembly. In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purposes of determining requirements for off-street parking facilities under the ordinance.

12.05 Developments Standards. Off-street accessory parking areas shall be of usable shape, and shall be improved, in accordance with requirements of the City Council, with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

12.06 Exceptions.

12.061 The Board of Adjustment may authorize on appeal a modification, reduction or waiver of the foregoing requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation or condition would justify such modification, reduction or waiver.

12.062 The Planning Commission, in consultation with other City departments and agencies concerned, shall make studies as found advisable for various area in the city for the purpose of determining the areas within which there is need for the establishment of off-street parking facilities to be provided by the City and to be financed wholly, or in part, by a special assessment district, or by other means. Where such need is found, the Planning Commission shall report its recommendation for the acquisition of such off-street parking facilities to the City Council. This report shall include recommendations on the type, size, location and other pertinent features of the proposed off-street parking facilities and the area they are intended to serve.

12.1 Garages, Motor Fuel Stations, and Car Washes.

12.11 No building, structure or premises shall be used, erected or altered which is intended or designed to be used as a public garage, automobile repair shop, motor fuel station or car wash having an entrance or exit for vehicles in the same block-front and having an entrance or exit for vehicles in the same block-front and within 200 feet of any school, public playground, church, hospital, public library or institution dependents or for children, and no such entrance or exit shall be located within the same block-front and within 20 feet of any "R" District; nor shall any part of such public garage, automobile repair shop, motor fuel station, or car wash be located within 100 feet of any building or grounds of any of the

maximum (8) foot fencing must be lowered to a maximum height of (6) feet.

12.335 Fencing at the rear of a building, dwelling, or other structure must be setback (6) feet from edge of property line or (9) feet from the centerline of any alley, street, sewer line, gas line, water line, or any City owned property or underlying City owned or utility owned lines and components outside the property line.

12.336 Fencing must not bear any lettering, words, signs, murals, advertisements, or pictures except or unless to protect person or persons from bodily harm from within the fence.

12.337 All fencing posts or supports must be placed to the inside face of said fence.

12.338 No electrical, barbed wire, or sharp corners, or fencing that can cause bodily harm will be permitted.

12.339 Fencing at any property corner, alleys, or intersections must comply with Article 3.11.

12.4 A "swimming pool: within the meaning of this section shall be any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent, and either above or below ground in which water of more than (24) inches in depth is contained and which is used primarily for purpose of bathing and swimming.

12.41 Swimming pools within the scope of this section not enclosed within a permanent building shall be completely enclosed by a fence of at least (5) feet in height and not more than (8) feet in height to prevent access to the pool, and shall be constructed so as not to have voids, holes, or openings larger than (4) inches in one dimension. Gates or doors shall be equipped with a self closing and self latching device for keeping the gate or door securely closed at all times when not in actual use.

12.42 Furthermore, the pool fencing shall be subject to the following restrictions: (a) Location of said fencing shall be subject to all other applicable ordinances, (b) No fence shall be located, erected, constructed or maintained closer to a pool than (3) feet, (c) The wall of the house or building faced to a pool may be incorporated as a portion of such fence, (d) All metal fences that could become electrically alive as result of contact with broken overhead conductors or from any other cause, shall be effectively grounded.

ARTICLE XIII-ADDITIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS

13.0 The requirements and regulations specified hereinbefore in the ordinance shall be subject to the additional requirements, exceptions, modifications and interpretations in the following.

13.1 Heights Limits. Height limitations stipulated elsewhere in this report shall not apply:

13.11 To barns, silos, or other farm buildings or structures on

any "R-2" District.

13.33 Side Yards May be Reduced. By three inches from the otherwise required least width of each side yard for each foot by which a lot of record at the time of enactment of the ordinance is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than 2-1/2 stories, and in case the owner of record does not own any adjoining property; provided, however, and irrespective of the provisions of Subsection 13.361 that no side yard shall be narrower at any point than five feet and must be at least 10 feet from any adjoining property.

13.34 Side Yards may be Measured to the Center Line of Adjoining Alleys. But in no case shall a building or structure for which a side yard is required be erected within five feet of such alley.

13.35 On a Corner Lot. The least width of a side yard along the side street lot line shall be equal to the required front yard along the side street.

13.36 Structures or Projections Into Side Yards May be Permitted as Follows. Fences, planting or walls not over five feet above the average natural grade. Fire escapes, five feet from side lot line. Bays and balconies not more than five feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall, making an interior angle of 22 1/2 degrees in the horizontal plane with the side wall. The sum of the lengths of such projection shall not exceed 1/3 of the length of the wall of the main building.

13.361 Chimneys, flues, belt courses, leaders, sills, pilasters and lintels, ornamental features, cornices, eaves, gutters and the like, shall not be closer than five feet from the lot line.

13.362 Terraces, steps, uncovered porches, stoops, or similar features, not higher than the elevation of the ground story of the building and distant five feet from a side lot line.

13.4 Rear Yard Exceptions and Modifications.

13.41 Rear Yards May be Reduced. By three inches from the required least depth for each foot by which a lot at the time of enactment of the ordinance is less than 100 feet deep, in the case of a building not higher than 2 1/2 stories, and in case the owner of record does not own adjoining property to the rear; provided, however, that no required rear yard shall be less than 10 feet deep.

13.42 Rear Yards May be measured to the Centerline of Adjoining Alleys. But in no case shall a building or structure be erected within 10 feet of such an alley.

13.43 Structures or Projections into Rear Yards May be Permitted as Follows. Fences, plantings or walls not over five feet above the average natural grade. Fire escapes, six feet. Bays and balconies, not more than five feet provided these projections are entirely within planes drawn from either main corner of the rear wall, making an interior angle of 22 1/2 degrees in the horizontal plane with the rear wall.

ARTICLE XIV - ENFORCEMENT

14.0 It shall be the duty of the City Council or its designee to enforce the ordinance in accordance with the administrative provisions of the building code and the ordinance.

14.1 Every application for a building permit shall be accompanied by plans in duplicate and plot plan drawn to scale in ink or blueprint, showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the building or structure to be erected or altered, the existing and intended use of each building or part, the proposed number of families or housekeeping units, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of the ordinance. One copy of such plans shall be signed and returned to the applicant when approved by the City Council or its designee together with such permit as may be granted.

14.2 Prior to building construction, lot pins based on actual survey by a registered Iowa land surveyor shall be set and if disturbed by construction or grading shall be reset in proper location.

14.3 Before using any building or premises or part thereof hereafter created, erected, changed, converted or enlarged in use or structure, a Certificate of Occupancy shall be obtained from the City Council or its designee. Such Certificate shall show that such building or premises, or part thereof, and the proposed use thereof conform with the provisions of the ordinance.

14.4 Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this ordinance is guilty of a public offense and upon the conviction therefore shall be subject to a fine not to exceed \$100.00 or imprisonment not to exceed thirty (30) days for each day of violation. Each day that a violation continues shall constitute a separate offense.

14.5 In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the provisions of the ordinance, the City Attorney, in addition to other remedies under the Iowa Code is hereby authorized to institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.

ARTICLE XV - BOARD OF ADJUSTMENT

15.0 Creation, Membership and Procedure. A Board of Adjustment consisting of five members shall be appointed by Council in accordance with the provisions of Chapter 414, Code of Iowa, 1991. At least one such member shall be named from among the members of the New London Planning and Zoning Commission. The appointing authority may remove any member of the Board for cause and after public

insertion in a newspaper published in the community, and shall also give notice delivered by first class mail at least five days before the time fixed for such hearing to the applicant or appellant and to the Building Inspector, and to the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent or by attorney. The Board shall decide the application or appeal within a reasonable time, not to exceed 90 days unless a complication arises with a state or federal agency.

15.14 Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City Council or its designee certifies to the Board that by reasons of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, on due cause shown, be granted by the Board on application, after notice to the City Council or its designee, or by a court of record.

15.2 Powers of the Board. The Board shall have jurisdiction in matters and shall have the specific and general powers provided in the ordinance.

15.21 Special Exceptions and Interpretation of Map. The Board shall have the power to hear and decide, in accordance with the provisions of the ordinance, requests or applications for special exceptions or for interpretation of the Zoning Map or for decisions upon other special questions upon which the Board is authorized to pass.

15.2 Special Exceptions. In addition to permitting the special exceptions heretofore specified in these ordinances, the Board shall have authority to permit the following.

15.2111 Non-Conforming Uses. The substitution for a non-conforming use, another non-conforming use, if no structural alterations except those required by law or ordinance are made; provided, however, that any use so substituted shall be of the same or a more restricted classification.

15.2112 Temporary Uses and Permits.

15.21121 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 the ordinance, provided that such use be 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 for not more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

15.21122 The temporary use of a building or premises in undeveloped sections for a purpose that does not conform to the regulations prescribed by the ordinance, provided that such structure or use is of a true temporary nature, is promotive of or incidental to the development of such undeveloped sections, and does not involve the

peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, unnecessary to carry out the spirit and purpose of the ordinance, shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the interest of the furtherance of the purposes of the ordinance.

15.2222 No such variance in the provisions or requirements of the ordinance shall be authorized by the Board unless the Board finds beyond reasonable doubt that all of the following conditions exist:

- a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district.
- b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.
- c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of the ordinance or the public interest.

15.2223 No grant or variance shall be authorized unless the Board specifically finds the condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment of the ordinance, for such conditions or situations.

15.2224 The Board shall have no power to authorize a variance for the establishment of a nonconforming use where not previously existed.

15.2225 In considering a request for a variance from the regulations concerning signs, the Board shall give consideration and arrive at a finding on the following:

- a. Shape and area of lot in question.
- b. Bulk and floor area of the main building or structure.
- c. Set-back of proposed sign from all property lines.
- d. Zoning and use of surrounding parcels.
- e. Unusual or exceptional topography.
- f. Compatibility with general intent of the zoning ordinance to encourage development without detracting from the use and enjoyment of surrounding property.

15.23 Action of Board. In exercising its powers, the Board may, in nonconformity with the provisions of the Iowa Code and of the ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement decision or determination appealed from, and may make such order, requirement, decision or determination as, in the Board's opinion, ought to be made, and to that end has all the powers of the officer from whom the appeal is taken.

the frontage immediately adjoining or across an alley there from, or directly opposite the frontage proposed to be altered, is filed with the City Council such amendment shall not be passed or become effective except by the favorable vote of 3/4's of all members of the Council.

16.5 The failure to notify, as provided by this Article, shall not invalidate an ordinance, provided such failure was not intentional, and the omission of the name of any owner or occupant of property who may, in the opinion of the Planning and Zoning Commission, be affected by such amendment, supplement or change, unless such omission is intentional, shall not invalidate any ordinance passed hereunder, it being the intention of this Article to provide so far as may be for notice to the persons substantially interested in the proposed change that an ordinance is pending before the Council, proposing to make a change in zoning.

SUBDIVISION REGULATIONS

SECTION 1. TERRITORIAL LIMITS OF REGULATIONS

The suggested rules and standards governing plats and subdivision of land contained in this report shall apply to the City of New London and to land located within two (2) miles of its limits which is not within another municipality. In the event of overlapping jurisdiction within such two (2) miles, the extent of jurisdiction hereinunder shall be as determined and agreed upon between New London and other municipality or municipalities concerned.

SECTION 2. DEFINITIONS

For the purpose of this report, certain items are defined as follows:

- (a) Alley or service drive - A passage or way affording generally a secondary means of vehicular access to abutting properties.
- (b) Building Inspector - The Building Inspector of the City of New London.
- (c) City Council - The governing body of the city.
- (d) City Engineer - The engineer for New London.
- (e) Collector Street - A street serving as a connection between a thoroughfare and minor or local street.
- (f) Cul-de-sac - A minor residential street with a turn-around.
- (g) Lot - A parcel of land intended for transfer of ownership or building development, whether immediate or future. A lot shall have frontage on a public street.
- (h) Local Street - A street intended to serve and to provide access to neighborhoods.
- (i) Minor Street - Any street not a highway, primary, or secondary

SECTION 4. PROCEDURE

In planning and developing a subdivision, the general principals and requirements set forth in Appendix I of this report shall be observed and in every case the following procedure should be pursued:

Sketch Plan

1. The subdivider or his engineer shall first submit his proposed plat in sketch form to the Plats Officer to ascertain the location of proposed streets, parks or other planned developments.

Preliminary Plat

2. The subdivider, after submitting the plat in sketch form to the Building Inspector, shall prepare a preliminary plat of the proposed subdivision and construction plans for improvements adequate to determine that sewer, water and street construction can be installed conforming with the requirements set forth in Appendix II of this report. The subdivider shall supply black or blue line prints to all public utilities. The subdivider shall file with the Building Inspector an application in writing seeking the approval of said plat, accompanied by four (4) black line or blue line prints (five (5) prints if subdivision lies outside city limits but within area of jurisdiction). Said application shall be submitted at least one (1) week prior to a regularly scheduled meeting of the Planning and Zoning Commission.

3. The Planning and Zoning Commission will check the preliminary plat as to its conformity with the adopted City Plan and ordinances of the city and principles, standards and requirements set forth in the Regulations. The Building Inspector and City Council will check the construction plans of proposed improvements. The Planning and Zoning Commission, upon receipt of the recommendations and advice from the Building Inspector and City Council will check the construction plans of proposed improvements. The Planning and Zoning Commission, upon receipt of the recommendations and advice from the Building Inspector and City Council concerning matters above, will approve, approve with modifications or disapprove the preliminary plat within thirty (30) days of receipt of the plat. If the preliminary plat is disapproved by the Commission, the subdivider shall be furnished with a letter and copy of the plat stating the reason for disapproval and where the plat does not conform to municipal ordinances including the Comprehensive Plan. Such notification shall take place within the thirty (30) day period. Upon approval of the preliminary plat, one (1) copy of the approved or conditionally approved plat shall be returned to the subdivider within ten (10) days following Commission action, one (1) copy of the approved plat transmitted to the Superintendent of the New London

final plat. After approval of the plat by the City Council, four (4) (five (5) if subdivision is outside city limits) approved prints and original tracing of the final plat shall be returned to the Building Inspector. The Building Inspector shall transmit one (1) copy of the approved plat to the City Council, one (1) to the Superintendent of the New London Community School District, one (1) to the, and retain one (1) for his files. One (1) copy shall be transmitted to the County Engineer if the subdivision is outside the city limits. The original tracing shall be transmitted to the subdivider for recording.

7. The subdivider must post a maintenance bond covering any improvement to be accepted for maintenance by the City. Such bond shall be held by the City Clerk and shall become effective upon acceptance of the final plat by the City Council, unless otherwise stipulated. Maintenance bonds shall run for four (4) years on street paving and two (2) years on sewer and water improvements.

FEES

8. At the time of filing of a plat or replat for approval, the subdivider shall pay to the City Recorder a fee according to the following schedule:

No. of Lots in Subdivision	Fee
1 to 10	\$5
11 or more lots	\$5

All fees shall be deposited in the General Fund of the City. No fees shall be charged for processing preliminary plats.

SECTION 5. THE PRELIMINARY PLAT

1. The preliminary plat of the proposed subdivision, four (4) black line or blue line prints (five (5) if outside city limits but within area of jurisdiction), prepared by a registered Iowa engineer or land surveyor, shall accompany an application in writing to the New London Planning and Zoning Commission for preliminary approval of the subdivision in order that permits may be secured for the installation of improvements and processing for final approval of the plat may proceed thereafter. All public utilities shall be supplied with copies of the Preliminary Plat.

2. A vicinity sketch at a scale of four hundred (400) feet or less to the inch shall be drawn or shall accompany the preliminary plat. Such vicinity sketch shall show all adjacent existing subdivisions and their names, the tract lines of acreage parcels of land together with the names of record owners of such parcels. A key sketch shall be properly drawn to locate the area to be subdivided.

3. The horizontal scale of the preliminary plat shall be one hundred

At the time the final plat is filed, a surety bond is to be filed.

SECTION 7. THE FINAL OR RECORD PLAT

After improvements have been installed, or a surety bond filed, in accordance with Appendix II of these regulations, five (5) black line or blue line prints (six (6) if outside city limits but within area of jurisdiction) and also the original tracing of the final or record plat of the subdivision, or of any part of a larger subdivision, shall be submitted to the New London Planning and Zoning Commission with a formal request for approval. The final plat shall be drawn at the scale of one hundred (100) feet or less to the inch, and shall clearly show the following features and information:

(a) Legal description of the property, including reference to the section, township and range; section lines and corners; quarter-section lines.

(b) All Plat boundary lines with lengths of courses to hundredths of a foot and bearings or angles based on an accurate survey in the field.

(c) The exact locations and the widths along the property lines of all existing or recorded streets or roads intersecting or paralleling the boundaries of the tract.

(d) Bearings and distances to nearest established street or road bounds, other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any established survey or corporation lines shall be accurately monument marked and located on the plat, and their names shall be lettered on them.

(e) The accurate location and material of all permanent reference monuments. Such monuments shall be concrete cylinders or rectangular prisms, not less than four (4) inches in diameter or square, and twenty-four (24) inches long, located at extreme corners of the subdivisions. Other markers shall be steel rods not less than one half (1/2) inch in diameter at the plat boundary lines and at angle points and points of curve in each street; and shall be one-half (1/2) inch iron pins, twenty-four (24) inches in length, at all lot corners. Any pins disturbed by construction or grading shall be reset.

(f) The exact layout including: (1) street and alley lines--their names, bearings, angles of intersection and widths (including widths along the line of any obliquely-intersecting street); (2) the lengths of all arcs--radii, points of curvature and tangent bearings; (3) all easements or right-of-ways, when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat); (4) all lot lines with dimensions in feet and hundredths, and with bearings or angles if other than right-angles to the street and alley lines.

of exceptional topographic or other physical conditions, strict compliance with any requirements of the Regulations could cause practical difficulty or exceptional and undue hardship, the Planning and Zoning Commission may relax such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public good and without impairing the intent and purposes of the Regulations or the desirable general development of the city in accordance with the adopted Plan and the Zoning Ordinance of the city. Any modification thus granted shall be entered in the minutes of the Commission setting forth the reasons which, in the opinion of the Commission, justified the modification.

2. In the case of a subdivision of less than five (5) lots and where all lots can be adequately served by existing streets, situated in a locality where conditions are well-defined, the Planning and Zoning Commission may exempt the subdivider from complying with some of the requirements stipulated in Section 5 pertaining to the preparation of the preliminary plat.

APPENDIX I

GENERAL PRINCIPLES OF DESIGN AND MINIMUM REQUIREMENTS FOR THE LAYOUT OF SUBDIVISIONS

In laying out a subdivision, the subdivider shall comply with the following general principles and requirements:

A. GENERAL

1. The layout must conform to the Transportation Plan, other parts of the adopted City Plan and other adopted regulations of the City of New London.

(a) Whenever a tract to be subdivided embraces any part of a primary or secondary thoroughfare or collector street, so designated on the City Plan, such a part of such public way must be platted by the subdivider in the location and at the width indicated on the Plan.

(b) Where a proposed park, playground, or other recreational area, proposed school site or other public ground, shown on the adopted Community Facilities Plan or other adopted part of the City Plan, is located in whole or in part within the proposed subdivision, such proposed public ground or part, if not dedicated to the City, Board of Education or other public agency, must be reserved and no action taken on the subdivision for a period of not less than ninety (90) days to allow the City or other public agency the opportunity to consider and take action toward acquisition of such public ground or

origin through the end of the circle to the end of the right-of-way.

C. MINIMUM RIGHT-OF-WAY WIDTHS OF STREETS, ALLEYS
AND EASEMENTS FOR UTILITIES

1. Primary thoroughfares: as designated on the Transportation Plan, but not less than eighty-two and one half (82.5) feet wide in any case.
2. Secondary thoroughfares: as designated on the Transportation Plan, but not less than sixty-six (66) feet wide in any case.
3. Collector or local streets; sixty-six (66) feet wide.
4. Minor streets and cul-de-sacs; sixty-six (66) feet. All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of one hundred (100) feet.
5. Alleys and service drives: sixteen (16) feet.
6. Easements for utilities, where required, should be at least fifteen (15) feet wide centered on rear or side lot lines.

D. MINIMUM PAVEMENT WIDTHS

1. The portion of the pavement required to be installed at the subdivider's expense shall be as follows:
 - (a) Primary and secondary thoroughfares designated as such on the Transportation Plan, and local and minor streets, thirty-one (31) feet wide, back to back of curb. Over-all pavement widths shall be designated by the Transportation Plan, and the differences, if any, between the cost of the portion to be provided at the expense of the subdivider and that of the total width designated by the Transportation Plan shall be borne by the City, unless it shall be determined by the Commission that such greater width will benefit the subdivider in proportion to its cost; provided, however, that the cost of curb and gutter should be borne by the subdivider in any case. The pavement of a turning circle at the end of a cul-de-sac shall have a minimum outside diameter of eighty (80) feet. A "T" or "Y" shaped paved space, when approved by the Planning and Zoning Commission may be used as a temporary measure at the end of a dead end street until such time as the street is continued.
 - (b) Alleys and service drives: shall be paved to a width of sixteen (16) feet.

E. STREET GRADES CURVES AND SIGHT DISTANCES

1. The grades of streets shall not be less than five-tenths (0.5) percent nor exceed the following:
 - (a) Primary and secondary thoroughfares, designated as such on the Transportation Plan: five (5) percent unless prevented by topography.

9. Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot fronts.
10. Side lot lines on curved streets shall be radial to the right-of-way line of the street on which the lot fronts.

- (d) Plan of the proposed water distribution system, showing pipe sizes and location of valves and fire hydrants.
2. Streets shall be graded to full right-of-way width. The surfacing shall be minimum of six (6) rolled stone base and two (2) inches of asphalt concrete. Such surfacing shall not be less than thirty-one (31) feet wide, all shall be in accordance with standards and specifications approved by the Planning and Zoning Commission and the City Council.
 3. Sidewalks shall be constructed of Portland cement concrete four (4) inches in thickness, and not less than 42" in width on both sides of every street in accordance with standards and specifications approved by the Planning and Zoning Commission and City Council and shall be the responsibility of the subdivider.
 4. Alleys and service drives shall be graded to the full width of the right-of-way and shall be provided with an all-weather surface satisfactory to the City. Such paved width shall be four (4) feet less than the dedicated right-of-way unless otherwise specified.

C. WATER SUPPLY AND SEWERAGE

1. Every subdivision shall be provided with a complete water distribution system adequate to serve the area being platted including a service connection within one (1) foot of a lot line of each lot and appropriately spaced fire hydrants, the entire water system designed to meet the approval of the Sewer Superintendent and Iowa State Department of Health.
2. Every subdivision shall be provided with a storm-water sewer or drainage system adequate to serve the area being platted for a five (5) year design storm and otherwise meeting the approval of the Sewer Superintendent.
3. In every subdivision, provision shall be made for the satisfactory disposal of sanitary sewage:
 - (a) Where a public sanitary sewer main is reasonably accessible, in the opinion of the Planning and Zoning Commission, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a service connection to within one (1) foot of a lot line of each lot. Such system shall be approved by the Sewer Superintendent and the Iowa State Department of Health.
 - (b) Where a public sanitary sewer main is not reasonably accessible, in the opinion of the Planning and Zoning Commission, proper provisions shall be made for the disposal of sanitary wastes subject to approval of the Sewer Superintendent and County Health Department. If individual disposal systems are provided, they shall be located on each lot. The absorption of the soil, surface drainage and topography shall be the criteria for determining whether or not the installation of individual septic tank disposal systems are feasible. Feasibility shall be ascertained by the subdivider

PASSED BY THE COUNCIL THE 5 DAY OF *July* 1994 AND APPROVED
THIS 5 DAY OF *July* 1994.

C. A. Williams Jr.
Mayor C. A. Williams Jr.

Paula J. Turner-Coates

ATTEST: Paula J. Turner-Coates
City Clerk

R-1

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BOOK 639 PAGE 275

R-2

"R-1" One-Family Residence Districts

"R-2" One and Two-Family Residence Districts

"R-3" One to Six-Family Residence Districts

"B-1" Retail Business Districts

"B-2" General Business Districts

"I-1" Industrial Districts



VAD-TON ST

H30

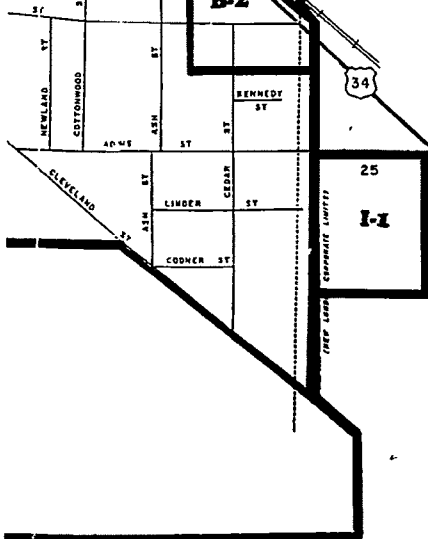
I-1

R-2

B-2

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ZONING MAP



NEW LONDON IOWA

PREPARED BY

