



Families Come First in

Sheldon^{IOWA}

ZONING REGULATIONS ORDINANCE



2010



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

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ORDINANCE NO. 10-3195

**REPLACES CHAPTER 166 IN THE SHELDON CODE OF ORDINANCES
AND AMENDMENTS THERETO**

**ZONING ORDINANCE OF THE CITY OF
SHELDON, 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 courts 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; 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 Sheldon, Iowa".

WHEREAS, the city council of the City of Sheldon, Iowa deems it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, and panic 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, sewage, schools, parks, and other public requirements; to conserve the value of buildings, and encourage the most appropriate use of land throughout the city, all in accordance with a comprehensive land use plan,

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

ARTICLE I

Basic Provisions

Article 1: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Purpose
- Section 1.3. Jurisdiction
- Section 1.4. Repeal and Saving Clause
- Section 1.5. Validity and Severability Clause
- Section 1.6. Conflict with Other Laws

1.1. SHORT TITLE.

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

1.2. PURPOSE.

The purpose of this ordinance is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, safety, and general welfare in the City of Sheldon.

1.3. JURISDICTION.

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

1.4. REPEAL AND SAVINGS CLAUSE.

Effective on the effective date of this ordinance the City of Sheldon Zoning Regulations-Chapter 166 in the Sheldon Code of Ordinances and amendments thereto is repealed. The repeal of said existing zoning regulations shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof, and such existing zoning regulations and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

1.5. VALIDITY AND SEVERABILITY CLAUSE.

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.

1.6. 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;
 - The 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” include the words intended, designed or arranged;
 - The word “lot” includes the words “plot” or “parcel.”
1. **ABUTTING:** Having property or district lines in common.
 2. **ACCESS:** A way of approaching or entering a property from a public street.
 3. **ACCESSORY BUILDING (OR STRUCTURE):** A customarily incidental and subordinate building located on the same lot with the main building, occupied by or devoted to, an accessory use. Where an accessory building or structure is attached to the principal building in the subordinate manner, as by a wall or roof, such accessory building or structure shall be considered part of the principal building. Private detached garages are considered accessory buildings.
 4. **ACCESSORY USE:** A use which:
 - 1) is subordinate to and serves a principal building;
 - 2) is subordinate in extent or purpose to the principal building served;
 - 3) contributes to the comfort, convenience, or necessity of occupants of the principal building;
 - 4) is located on the same zoning lot as the principal building.
 5. **ADDITION:** Any construction which increases the site coverage, height, length, width, or gross floor area of a structure.
 6. **ALLEY:** A public or private thoroughfare, other than a street, for the use of vehicles which affords only a secondary means of access to abutting properties.
 7. **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.
 8. **APARTMENT:** A single room or set of rooms occupied as a dwelling which is part of a multi-family structure.

9. **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.
10. **BASEMENT:** A story partly underground but having at least one-half (1/2) of its height above the curb level, and also one half (1/2) of its height above the highest level of the adjoining ground. A basement shall be counted as a story under the provisions of this code.
11. **BILLBOARD:** A billboard, shall include all structures, regardless of the material used in construction, that are erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure be placed on the wall or freestanding. Billboards include pictures or other pictorial reading material which advertises a business or attraction which is not carried on, manufactured, grown, or sold on the premises where the said signs or billboards are located.
12. **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.
13. **BOARD (OR ZONING BOARD):** The Sheldon Zoning Board of Adjustment
14. **BUILDABLE AREA:** The portion of a lot or parcel remaining after required yard setbacks have been provided.
15. **BUILDING:** A structure that is completely enclosed by a roof and by solid exterior walls, which is permanently affixed to a lot or lots, and used or intended for shelter, protection, support, or enclosure of persons, animals or property of any kind, but not including signs, billboards or structures or vehicles originally designed for transportation purposes. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building. The word “building” includes the word “structure.”
16. **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.
17. **BUILDING, PRINCIPAL:** The building in which the primary use of the lot or parcel is conducted.
18. **BUILDING LINE:** The setback distance from the front property line, rear lot line, and side lot lines as provided in this ordinance.
19. **BUILDING WALL:** The wall of the principal building forming a part of the main structure. The foundation walls of enclosed porches, steps, walks and retaining wall or similar structures shall not be considered as building walls under the provisions of this ordinance.
20. **BUSINESS (OR COMMERCIAL):** The engaging in the purchase, sale, or exchange of goods or services, or the operation for the profit of offices or recreational amusement enterprises.

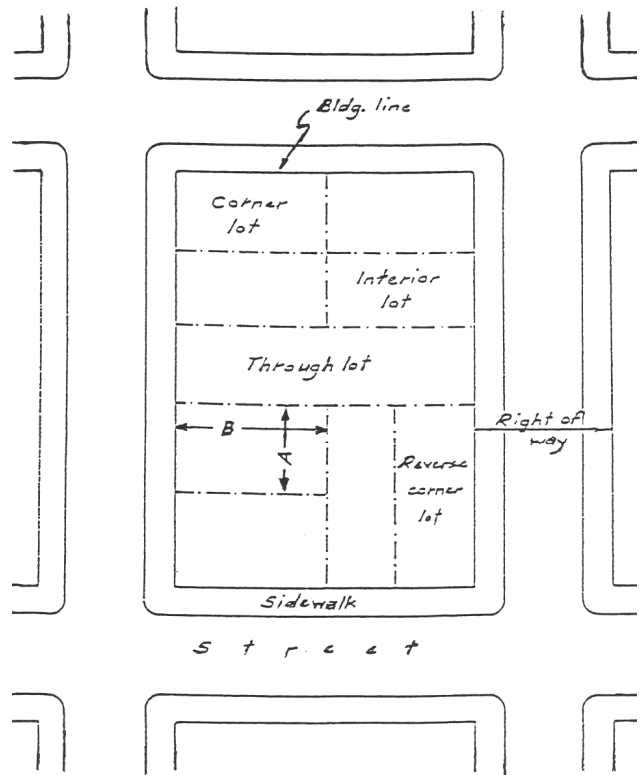
21. **CARPORT:** Space for the housing or storage of vehicles and completely enclosed on not more than 2 sides by affixed or semi-permanent walls. Those structures identified as hoop buildings, portable or foldable buildings, tent buildings or fully enclosed steel buildings shall not be considered a carport for purposes of this ordinance. Carports attached to the principal building are considered a part of the principal building, and shall be of similar appearance or materials to the principal building. Freestanding carports are considered an accessory building.
22. **CHILD DAY CARE:** The care, supervision, or guidance of a child under eighteen years of age by a person other than the parent, guardian, relative, or custodian for periods of less than twenty-four hours per day, on a regular basis in a place other than the child's home.
23. **CHILD DAY CARE CENTER:** A facility providing child day care for seven (7) or more children for compensation but not defined as a group day care home.
24. **CITY:** The City of Sheldon, Iowa
25. **COMMISSION (OR PLANNING COMMISSION):** The Sheldon Planning and Zoning Commission. A Commission appointed by the city council to recommend the boundaries of the various districts and appropriate regulations and restrictions to be enforced through this ordinance and as granted powers under Chapter 414 of the Code of Iowa.
26. **CONDOMINIUM:** A building, or group of buildings, in which the dwelling units, offices, or floor area are owned independently, and whereas the structure, common areas, and facilities are owned by all of the owners on a proportional, undivided basis.
27. **COUNCIL:** The Sheldon City Council.
28. **DECK:** An unenclosed, roofless structure adjoined to the principal building. Decks higher than twelve (12) inches above the average grade of the ground shall also be subject to required yard setbacks.
29. **DETACHED:** Fully separated from any other building, or joined to another building by structural members not constituting an enclosed or covered space.
30. **DISTRICT:** A part, zone, or geographic area within the city within which certain zoning or development regulations apply.
31. **DRIVEWAY:** A permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.
32. **DUPLEX:** A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.
See DWELLING, TWO FAMILY.
33. **DWELLING:** Any house, building, or mobile home, or portion thereof designed for and intended to be occupied as the place of habitation of human beings.
34. **DWELLING, EXISTING RELOCATED RESIDENTIAL:** A residence which presently exists and is proposed to be relocated upon a lot within the City of Sheldon, Iowa.

35. DWELLING, MULTIPLE FAMILY: An apartment house or dwelling used or intended to be used or occupied as the residence of three (3) or more families living independently of each other, with separate housekeeping and cooking facilities for each.
36. DWELLING, SINGLE FAMILY: A detached building that is arranged, designed for or occupied exclusively as the primary residence of one (1) single family, having no party wall in common with an adjacent house or houses and is surrounded by open space or yards.
37. DWELLING, TWO FAMILY: A detached building that is arranged, designed for or occupied as the residences of two (2) families living independently of each other with separate housekeeping and cooking facilities for each. *See also: DUPLEX.*
38. EASEMENT: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.
39. ENCROACHMENT: Any obstruction or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land.
40. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or governmental agencies of underground or over-head gas, electrical or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, 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.
41. FAÇADE: The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.
42. FAMILY: One or more persons related by blood, marriage or adoption occupying a single dwelling unit. A family may include no more than 4 persons not related by blood, marriage or adoption but further provide that domestic employees employed on the premises may be housed on the premises without being counted as a family or families. When facilities for dwelling purposes are rented to other occupants of a building, those occupants shall not be considered part of the same family under this ordinance.
43. FENCE: Any artificially constructed barrier of approved fencing material or combination of materials erected to enclose or screen areas of land.
44. FLOODPLAIN: The channel and relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by flood waters.
45. FLOOR AREA: The square feet of floor space within the building perimeter, including the total of all space on all floors of a building. Floor area shall not include porches, garages, or basement space that is not finished living space or used for storage or other incidental uses.
46. 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.
47. **FROST FREE FOUNDATION:** A foundation supporting a structure which is required to be at least 42" below grade.
 48. **GARAGE:** An accessory building or portion of a building used only for the enclosed parking of or storage of one or more motor 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.
 49. **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.
 50. **HOME OCCUPATION:** An accessory occupation or profession conducted entirely within a dwelling unit by the inhabitants thereof, and in accordance with the regulations outlined in Section 17.6 of this ordinance.
 51. **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.
 52. **HOUSING UNIT:** *See* DWELLING
 53. **INCIDENTAL:** Subordinate and minor in significance and bearing a reasonable relationship with the primary use.
 54. **INDUSTRY:** Those fields of economic activity including forestry, fishing, hunting, and trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; and wholesale trade.
 55. **INSTITUTION:** A building or premises occupied by a non-profit corporation or establishment for public use.
 56. **JUNK (OR SALVAGE):** Any old scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste appliances, furniture, equipment, building demolition materials or structural steel materials. This definition shall also include junked, dismantled, or wrecked motor vehicles or parts of motor vehicles, and iron, steel or other old or scrap ferrous or nonferrous material. Junk shall also mean waste, yard waste not stored in an approved manner as determined by the City of Sheldon, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.
 57. **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 located in open view to the public for a period of more than thirty (30) 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.

- 58. **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; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.
- 59. **LAND USE:** A description of how land is occupied or utilized.
- 60. **LANDSCAPED:** An area devoted to or developed predominantly with plant material or natural landscape features, including lawn, ground cover, gardens, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces or rock, stone, brick, block or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements, provided that the use of brick, stone aggregate, or other inorganic materials shall not predominate over the use of plant material.
- 61. **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.
- 62. **LOT AREA:** The net horizontal area delineated 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.

- 63. **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 improved public streets or an officially approved private street, and may consist of:
 - a. A single lot of record;
 - b. A portion of a lot of record;
 - c. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;
 - d. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.



- 64. **LOT, CORNER:** A lot fronting on two (2) intersecting streets.
- 65. **LOT, INTERIOR:** A lot other than a corner lot with only one frontage on a street other than an alley.

A - Width of lot
B - Depth of lot

66. **LOT, THROUGH:** An interior lot having frontage on two parallel or approximately parallel streets and also known as a double frontage lot.
67. **LOT, REVERSE CORNER:** A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.
68. **LOT (or BUILDING) COVERAGE:**
The area of a lot covered by buildings or roofed areas, but excluding incidental eaves and gutters, balconies, and similar features and excluding ground level paving, landscaping, and recreational facilities.
69. **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.
70. **LOT OF RECORD:** A lot of which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder of O'Brien County, Iowa; 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 O'Brien County, Iowa prior to the effective date of this Ordinance.
71. **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.
72. **LOT LINES:** The property lines bounding a lot.
73. **LOT LINE, FRONT:** In the case of an interior lot abutting on only one street, the "front lot line" is the street line (also known as the right-of-way 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.
74. **LOT LINE, REAR:** The boundary line opposite and most distant from the front lot line.
75. **LOT LINE, SIDE:** Any boundary lines not a front line or a rear line.
76. **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, and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body and frame any wheels or axles. For the purpose of these regulations, a manufactured home shall have been built after June 15, 1976 and shall bear a seal certifying that it is in compliance with the Federal Manufactured Housing Construction Act of 1974. A mobile home as defined in Section 435.1 of the Code of Iowa is not a manufactured home, unless it has been converted to real property as provided in Section 435.26 of the Code of Iowa, and is taxed as a site-built dwelling. For the purposes of these regulations, manufactured homes shall be considered the same as any site built single-family detached dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.

77. **MANUFACTURED HOUSING CONVERTED TO REAL ESTATE:** An unencumbered manufactured home which has been attached to a permanent foundation on real estate owned by the manufactured home owner, which has had any vehicular or other transportation frame modified or destroyed, rendering it impossible to reconvert it to a manufactured home and which has been inspected by the assessor, the manufactured home title, registration, and license collected from the owner and property entered on the tax rolls of the O'Brien County Assessor.
78. **MOBILE HOME:** Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle. *See also:* RECREATIONAL VEHICLE.
79. **MOBILE HOME PARK:** Any site, lot, field or tract of land upon which two (2) or more occupied mobile homes are placed and connected to utilities for nontransient purposes; and shall also include any buildings, structures, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.
80. **MOBILE HOME SPACE:** An area within a designated mobile home park which is designed for and designated as the location for a single mobile home and the exclusive use of its occupants.
81. **MODULAR HOME:** Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.
82. **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.
83. **NONCONFORMING STRUCTURE:** A structure or building in size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the Zoning Ordinance, but which fails to conform to present requirements of the zoning district.
84. **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.
85. **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.
86. **PARKING AREA:** An area on a lot or within a building, or both, including none 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.

87. **PARKING LOT:** An off-street, ground level open area usually improved for the temporary storage of motor vehicles. *See also:* PARKING AREA.
88. **PARKING SPACE:** An area, enclosed or unenclosed, having-dimensions of not less than nine (9) feet by twenty (20) feet (180 sq. ft.) exclusive of a driveway or access drives, 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 motor vehicles. Space required for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way. Driveways for one and two family structures may be considered as parking spaces. When four (4) or more automobile parking spaces are to be grouped as a common facility, meeting a requirement of this definition, the individual car spaces plus the area necessary for driveways shall total not less than 315 square feet per car space.
89. **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.
90. **PORCH, OPEN:** A roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building.
91. **PERMITTED USE:** *See* USE: b. Permitted Use.
92. **PRINCIPAL USE:** *See* USE: a. Principal Use.
93. **PROHIBITED USE:** Any use that is not permitted in a zoning district.
94. **PROJECTIONS (INTO YARDS):** Parts of buildings such as architectural features that extend beyond the building's exterior wall.
95. **PROPERTY:** A lot, parcel, or tract of land together with the buildings and structures located thereon.
96. **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 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.
97. **QUORUM:** A majority of the full authorized membership.
98. **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, travel trailers, pick-up campers, camping trailers, motor coach homes, or converted trucks and/or buses; and not used as a

place of human habitation for more than ninety (90) days in any twelve (12) month period, or it shall be classed as a mobile home.

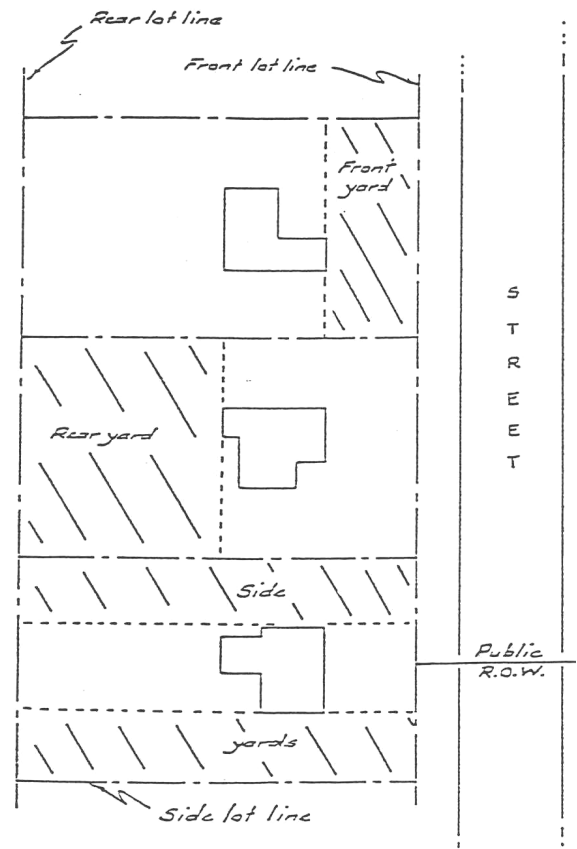
99. **REMODEL:** To construct an addition or alter the design or layout of a building or make substantial repairs or alterations.
100. **RESIDENTIAL CONVENIENCE SERVICE:** A use or activity of a commercial nature conducted as an accessory use to multiple family residential or mobile home park residential use, and intended solely for the convenience of residents thereof.
101. **ROADSIDE STAND:** A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable or can be readily moved, and which is adjacent to a road and used for the sale of agricultural, natural or human-made products.
102. **ROOMS, HABITABLE:** A room that provides the required area and window area to provide necessary light and ventilation of occupants, and shall be clean and sanitary at all times.
103. **SETBACK:** The required distance between any lot line and the supporting walls or prominent features of any building, structure or deck more than 12” above grade.
104. **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.
105. **SIGN:** An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business.
106. **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.
107. **SITE DEVELOPMENT REGULATIONS:** The combinations of controls that establish the maximum size of a building and its location on the lot. Components of site development 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.
108. **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.
109. **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.

110. **SPRAWL:** Uncontrolled growth, usually of a low-density nature, in previously rural areas and some distance from existing development and infrastructure.
111. **STATEMENT OF INTENT:** A statement preceding regulations for individual districts, intended to characterize the districts and their legislative purpose.
112. **STORY:** That part of any building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it; the first story of a building is the lowest story having at least one-half (1/2) of its height above the highest level of adjoining ground.
113. **STREET:** A public or private thoroughfare that affords the primary means of access to abutting property.
114. **STREET, FRONT:** The street or public place upon which a plot abuts. If a plot abuts upon more than one street or public place it shall mean the street in front of the principal or primary entrance to the building.
115. **STREET, PUBLIC:** A public thoroughfare twenty feet (20') or more in width.
116. **STREET (OR ROAD) LINE:** The dividing line between a lot, tract or parcel of land and the right-of-way of any contiguous road, street or alley.
117. **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.
118. **STRUCTURE:** Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.
119. **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.
120. **TEMPORARY STRUCTURE:** A structure without any foundation or footings and that is removed when the designated time period, activity, or use has ceased.
121. **TOWNHOUSE:** A one-family dwelling in a row of at least three such units in which each unit has its own front and/or rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
122. **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:** The main use which is the primary function of a lot or structures as distinguished from an accessory use.

- b. Permitted Use: Any use permitted as a matter of right 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 Exception Use Permit, and to all other regulations established by this ordinance.
 - d. Accessory Use: A use or activity located on the same lot and of a nature customarily incidental and subordinate to the principal use or building.
123. **VACANT (OR VACANCY)**: Any unoccupied land, structure, or part thereof that is available and suitable for occupancy.
124. **VALUATION**: The estimated cost to replace a building; based on the current cost of replacement. This is in reference to the replacement of nonconforming structures identified in Section 22.4 and nonconforming uses of structures and land identified in Section 22.5.
125. **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; where 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.

126. **YARD**: A required open space on a 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 main 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 permitted building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein.

- a. Front Yard: A required yard extending across the full width of a lot and measured between the front lot line and the building wall or any other projection or supporting element thereof, other than the projection of usual steps or open porches. 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 required yard, not adjacent to a street, which is determined on the basis of an interior lot line.
 - c. Rear Yard: A required yard extending across the full width of a lot and measured between the rear lot line and the building or any projections other than steps or unenclosed balconies or porches, 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: A required 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 building. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.
127. **ZONING**: The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.
128. **ZONING ADMINISTRATOR**: The administrative officer appointed by the city council of the City of Sheldon, Iowa responsible for reviewing and issuing zoning permits and to administer and ensure compliance with the zoning ordinance.
129. **ZONING COMPLIANCE PERMIT**: A permit issued and enforced by the zoning administrator as required in this ordinance, as a condition precedent to the commencement of 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 authorized variance.
130. **ZONING MAP**: The map delineating the boundaries of districts which, along with the zoning text, comprises the zoning ordinance.

2.2. USE CLASSIFICATIONS.

The purpose of the Use Classifications shall be to provide a consistent set of terms encompassing and defining those uses permitted by right or under special exception as identified in the various 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 administrator shall have the authority to determine the classification, subject to the right of appeal pursuant to Article XXIII. In making such determinations, the zoning administrator 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 AGRICULTURAL USE TYPES:

Agricultural use types include the on-site production of plant and animal products by agricultural methods.

- a. *Commercial Farm Operation:* An area that is used for the growing of the usual farm products as well as the raising of farm animals including cattle, swine and sheep. This definition shall include the raising of animals or production of animal products such as eggs or dairy products, on an agricultural or commercial basis. Typical uses include but not limited to grazing, ranching, dairy farming, poultry farming, and the raising of fur bearing animals.
- b. *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.
- c. *Farm:* An area which is used for the growing of the usual farm products such as vegetables, fruits, trees and grain, and their storage on the premises, as well as the raising thereon of the usual farm poultry and animals. The term "farm" includes the operating of such an area for one (1) or more of the above uses including the necessary accessory uses for treating or storing produce; provided, however, that the operation of accessory uses shall be secondary to the normal farming activities and provided further that farming does not include the commercial feeding of animals or poultry.
- d. *Horticulture:* The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales.
- e. *Residential Animal Raising (Recreational):* Limit the keeping of animals on a non-commercial, non-profit basis. Restrictions on this type of use include three (3) large animals per acre (e.g. horses, sheep and cattle, etc); twenty (20) small fowl or animals per acre (e.g. chickens, rabbits, ducks, ferrets, etc.); five (5) large fowl per acre (e.g. turkeys, geese, peacocks, etc.).
- 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 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.

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. *Duplex Residential*: The use of a site for two (2) dwelling units on a single lot or parcel.
- c. *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.
- d. *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.
- e. *Kennel, Private*: Any building or land designed or arranged for the care of no more than a combined total of three (3) dogs or and cats belonging to the owner of the principal structure, kept for purposes of show, hunting, or pets.
- f. *Mobile Home Residential*: The residential occupancy of mobile homes by families on a weekly or longer basis. Uses only include mobile home parks or mobile home subdivisions.
- g. *Multiple Family Residential*: The use of a site for three (3) or more dwelling units, within one or more buildings.
- h. *Relocated Residential*: An existing, previously built residential structure, intended for occupancy, which has been moved into the community from a location outside of Sheldon, or an existing residential structure which has been relocated from another location from within the City of Sheldon 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 an application for zoning permit prior to moving a building or structure into Sheldon.
- i. *Residential Health Care 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, building, or agency providing care for a period exceeding twenty-four hours for accommodation, board 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 services and related medical services, but do not require hospital care. The care services provided must be under the direction of a registered nurse on a twenty-four (24) hour per day basis.
- j. *Single Family Residential*: The use of a site for only one (1) single family dwelling unit.
 - k. *Townhouse Residential*: The use of a site for three (3) or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site.

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. *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 but not limited to nurseries, hay, feed and grain stores, and tree service firms.
- c. *Automotive and Equipment Services*: Establishments or places of business primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive and equipment use types:
 - 1) *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.
 - 2) *Service Station*: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.
 - 3) *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.
 - 4) *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.
 - 5) *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.

- 6) **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.
 - 7) **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.
 - 8) **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.
 - 9) **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.
- d. ***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.
 - e. ***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 and supply firms, small business machine repair shops or hotel equipment and supply firms.
 - f. ***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.
 - g. ***Cocktail Lounge:*** A use engaged in the preparation and retail sales of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses.
 - h. ***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 arenas, racing facilities, go-kart track, amusement parks, driving ranges, and miniature golf courses.
- i. *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 receiving antennas, towers, or structures; and fiber optic lines and transmission facilities.
- j. *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.
- k. *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.
- l. *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.
- m. *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.
- n. *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.
- o. *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.
- p. *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.

- q. *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 (excluding service and installation)
- r. *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.
- s. *Kennel, public*: 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.
- t. *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.
- u. *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.
- v. *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.
- w. *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.
- x. *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 laundry or apparel cleaning services.
- y. *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.

- z. *Professional Office*: Any building or use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar licensed professions.
- aa. *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.
- bb. *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 50 percent 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.
- cc. *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.
- dd. *Veterinary Services*: Veterinary services for animals. Typical uses include but not limited to pet clinics, dog and cat hospitals, and veterinary hospitals.
- ee. *Visitor Habitation*: Establishments primarily engaged in the provision of lodging services 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 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, 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. *Basic Industry*: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.
- 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. *Light Manufacturing*: 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.
- d. *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 not limited to animal or human research laboratories, research and development firms, or animal or human pharmaceutical research labs.
- e. *Resource Extraction*: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses include but limited to quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
- f. *Sanitary Landfill*: Any area of land designated for the disposal of garbage, refuse, rubbish, and other solid or semisolid materials, of which are buried between layers of earth.
- g. *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 junkyards or auto scrap and salvage yards.
- h. *Stockyards*: Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include but not limited to stockyards or animal sales or auction yards.
- i. *Railroad Facilities*: Railroad yards, equipment servicing facilities, and terminal facilities.
- j. *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 which are 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 association, primarily for use by members and guests.
- d. *College and University Facilities*: An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree.
- e. *Cultural Services*: A library, museum, art gallery, or similar nonprofit use affording display, preservation and exhibition of objects of permanent interest in the arts and sciences.
- f. *Day Care Services (Limited)*: A facility, or use of a dwelling unit or portions thereof, for full-time care of six (6) or fewer individuals at one time.
- g. *Day Care Center*: A facility, or use of a building or portion thereof, for daytime care of seven (7) or more individuals. This term may include nursery schools, pre-schools, day care centers or children or adults, and similar uses.
- h. *Detention Facilities*: A publicly operated use providing housing and care for individuals confined by law.
- i. *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.
- j. *Local Utility Services*: Essential services which are necessary to support principal development and involve only minor structures such as lines and poles.
- k. *Maintenance and Service Facilities*: A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage, and similar activities, including equipment service centers and similar uses having characteristics of commercial services or contracting or industrial activities.
- l. *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.

- m. *Military Installations*: Military facilities of federal or state governments.
- n. *Park and Recreation Services*: Publicly owned and operated parks, playgrounds, open spaces, and swimming pools.
- o. *Pre-Kindergarten, Preschool, or Nursery School*: A private 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 a child care center and which received more than one child per attendant.
- p. *Primary/Secondary Educational Facilities*: A public, private, or parochial school offering instruction at the elementary, junior and senior high school levels.
- q. *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.
- r. *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.
- s. *Safety Services*: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
- t. *Transportation Terminal*: A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package between modes of transportation, including bus terminals, railroad stations, airport terminals, and public transit facilities.
- u. *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. Establishment of Districts; Official Zoning Map
- Section 3.2. Interpretation of Districts Boundaries
- Section 3.3. Road or Public Right-of-Way Vacation
- Section 3.4. Annexed Territory
- Section 3.5. Application of District Regulations

3.1. ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING 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. The map shall be kept up to date by the zoning administrator and will be placed in a convenient place in the municipal office of the city for reference at any time.

- 1) *Zoning Districts:* These districts are established as identified on the official zoning map which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be part of this ordinance.

- AG - Agricultural District
- CN - Conservation District
- SR - Suburban Residential
- RS - Single Family Residential District
- RM - Multiple Family Residential District
- MH - Mobile Home/Manufactured Housing District
- CR - Commercial Residential District
- AC - Arterial Commercial District
- BC - Business Commercial District
- BP - Business Park
- LI - Light Industrial District
- HI - Heavy Industrial District

- 2) *Boundaries:* The boundaries of these districts are indicated and established as shown upon maps designated as the official zoning map of Sheldon, Iowa, which, with all their 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 of the boundaries of districts as 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 as other ordinances and a certified copy thereof be attached to the official zoning map. 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 Zoning Map*: The official zoning map shall be on file in a convenient place in the municipal office of the city and all references hereafter to said official map shall mean the map just referred to, said map by this reference being made a part of this zoning title. The official zoning map shall be identified by the Mayor and attested by the City Clerk. It shall be the responsibility of the zoning administrator to update the zoning district map within thirty (30) days of any change of zoning.
- 4) *Replacement of Official Zoning Map*: In the event the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use or nature of the number of changes or additions, the city council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. A new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such corrections shall have the effect of amending the original official zoning ordinance or any subsequent amendments thereof.

The new official zoning map shall be identified by the Mayor, attested by the City Clerk, and bearing the Seal of the City. Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

- 5) *Two-mile Extraterritorial Zoning*: All regulations within this ordinance shall apply to lands within 2 miles of the City of Sheldon generally described and shown on the official zoning map of the city. The exemption from regulation granted by the Code of Iowa to property used for agricultural purposes shall apply to said unincorporated area. The specific regulations and districts created under this subsection hereunder shall be terminated within three months of the establishment of the administrative authority for county zoning, or at such date as mutually agreed upon by the municipality and county.

3.2. 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 following railroad lines shall be construed to be midway between the main tracks;
- 6) Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed as following such center lines;

- 7) Boundaries indicated as parallel to or extensions of features indicated in subsections 1-6 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- 8) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsection 1-7 above, the Board of Adjustment shall interpret the district boundaries.
- 9) Whenever a variance exists between the zoning map and the legal description on an amendment to this ordinance, the legal description applies.

3.3. 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 thenceforth be subject to all appropriate regulations of the extended district.

3.4. ANNEXED TERRITORY.

Upon the annexation of any land into the City of Sheldon, the city council, upon recommendation of the Planning and Zoning Commission, shall determine which zoning district shall be applicable to the annexed land.

3.5. APPLICATION OF DISTRICT REGULATIONS.

No structures, buildings, or parts thereof shall hereafter be erected, constructed, reconstructed; remodeled, converted, altered, enlarged, extended, raised, moved or used, and no land shall be used except in conformity with the regulations herein prescribed for the district in which such building or land is located and until a zoning compliance permit has been issued by the Zoning Administrator as provided herein. The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- 1) The principal building on a lot shall front on a street or a public place.
- 2) No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum required by this ordinance. No yard or part of a yard, off-street parking or loading space, or other open space provided about or in connection with any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard, off-street parking or loading space, or open space for any other building, structure, or use; nor shall the lot area per family be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located.
- 3) The depths of front yards or rear yards and width of side yards shall be measured from the lot line to the nearest point of the adjacent building wall of the building under consideration.
- 4) No yard or lot existing at the time of passage shall hereafter be reduced in dimension or area below the minimum requirements set forth herein. All yards or lots created after the effective date of the ordinance shall meet the minimum requirements established by the ordinance.

- 5) No accessory building in the yard of any principal building shall be used for residential purposes.
- 6) Any portion of a building that is covered by a roof shall be considered as a part of the building.
- 7) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building on one (1) lot unless otherwise provided in this ordinance.
- 8) No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of this ordinance.
- 9) All structures existing, as of the effective date of this ordinance and which comply with the terms and conditions of this ordinance, shall be considered lawful and be allowed to continue and exist or be constructed on the current perimeters of the existing structure.

These regulations shall be required in addition to any applicable state and city health and building regulations.

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 and Structures
- Section 4.5. Site Development Regulations
- Section 4.6. Off-Street Parking and Loading Space
- Section 4.7. Sign Regulations
- Section 4.8. Zoning Permits Required

4.1. INTENT.

The intent of the Agricultural District is to preserve land best suited for agriculture from the encroachment of incompatible uses and to preserve land suited to eventual development in other uses, pending proper timing for economical and practical provisions of streets, utilities and other community facilities may be provided or programmed as to ensure the orderly and beneficial conversion of these lands to non-agricultural use. However, uses which may be offensive to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic or physical appearance or other similar factors are not permitted.

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:

Agriculture Uses	Residential Uses	Civic Uses
Crop production Farm Horticulture Residential Animal Raising (recreational) Stables	Kennel, Private Support Housing Single Family Residential - when it is only the owner or renter of a farm or associated with agricultural purposes.	Cemetery Local Utility Services Railroad Facilities Government/Public Services Religious Assembly Safety Services

4.3. SPECIAL EXCEPTION USES:

The following uses may be permitted in the (AG) Agricultural District subject to provisions of Articles XXV and XXVI 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.

Agriculture Uses	Residential Uses	Industrial Uses
Commercial Farm Operation	Relocated Residential - when it is the owner or renter of a farm or associated with agricultural purposes.	Resource Extraction Scrap and Salvage Services

Commercial Uses	Civic Uses
Agricultural Sales and Services Commercial Recreation - Outdoor Sports and Recreation - Outdoor Entertainment Veterinary Services Kennel, public Communication Services	Aviation Facilities Major Utility Facilities Military Installations Park and Recreation Services

4.4. PERMITTED ACCESSORY USES AND STRUCTURES.

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. Private garage or carport
2. Barns and other agricultural related buildings
3. Private parking lots
4. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
5. One (1) single family residence including one (1) mobile home if used by; the farm owner or operator; member of the immediate family; or an employee working on the premises.
6. Private utility sheds or garden buildings not used for commercial purposes
7. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction.
8. Roadside stands for the sale of agricultural products or other products produced on the premises.
7. Kennel, private
8. Home occupations
9. Accessory uses of land or structures customarily incidental and subordinate to the principal 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 and structures in the (AG) Agricultural District, and subject to modifications contained in the Supplementary District Regulations.

- | | |
|-----------------------|--|
| Lot Area - | 5 acres - minimum lot area |
| Lot Width - | 300 feet - minimum lot width |
| Residential Density - | Not more than (2) two dwelling units per lot, including agricultural support housing |
| Height - | 35 feet maximum height for dwellings and non-farming buildings and structures |

No height limitations on agricultural buildings
(See Section 16.10 for further Height Modifications)

No structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any public airport.

Front Yard -	50 feet - minimum required setback
Side Yard -	25 feet - minimum required setback
Rear 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 Residential Dwelling Standards regulations outlined in Section 17.9.

4.6. Off-Street Parking and Loading Space.

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

4.7. Sign Regulations.

Sign regulations shall be required for activities in the Agricultural District in accordance with the provisions of Article XX of the ordinance.

4.8. Zoning Permits Required.

Zoning permits shall be required in accordance with the provisions of Section 23.3 of this ordinance.

ARTICLE V CN - Conservation District

Article 5: Conservation District

- Section 5.1. Intent
- Section 5.2. Principal Permitted Uses
- Section 5.3. Special Exception Uses
- Section 5.4. Permitted Accessory Uses
- Section 5.5. Site Development Regulations
- Section 5.6. Off-Street Parking and Loading Spaces
- Section 5.7. Sign Regulations
- Section 5.8. Zoning Permits Required

5.1 INTENT.

This district is intended 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 prevent, in those areas which are subject to periodic or potential flooding, such development as would result in a hazard to health or safety or be otherwise incompatible with the public welfare.

5.2. PRINCIPAL PERMITTED USES.

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

Conservation Uses	Civic Uses
Critical area Floodplain or marshlands Game refuge/preserve Undeveloped and unused land in its natural condition Water retention basins or retention ponds	Local Utility Services

5.3. SPECIAL EXCEPTION USES.

Certain uses may be permitted in the (CN) Conservation District subject to specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses. Special Exception Uses are also subject to the provision of Articles XXV and XXVI of this ordinance.

Agricultural Uses	Commercial Uses	Civic Uses
Crop production (agricultural) Farm Horticulture	Communication Services	Government/Public Services Park and Recreation Services

5.4. PERMITTED ACCESSORY USES AND STRUCTURES.

Uses of land or structure customarily incidental and subordinate to a permitted use in the CN district including, but not limited to, the following:

1. 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.
2. Parking lots.
3. Temporary uses for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 17.5.
4. Accessory uses and structures normally incidental and subordinate to the principal permitted uses and structures, as approved by the zoning officer, and in compliance with Section 17.3.

In any case, accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use.

5.5. SPECIAL CONDITIONS.

Along critical portions of water courses, wetlands, water settling basins and water detention ponds certain minimum requirements shall be established within the (CN) Conservation District. These minimum requirements include no development allowed within the designated floodway of any water course or within the 100 year floodplain as identified by FEMA (Federal Emergency Management Agency) on the city's floodplain map. However, these provisions are exclusive of bridges, elevated roadways, open space parks and flood control levees. Furthermore, land zoned within the Conservation District shall not be used to meet side or rear yard requirements of other zoning districts herein. The Conservation District shall include all areas designated as flood hazard areas by the Federal Emergency Management Agency.

5.6. SITE DEVELOPMENT REGULATIONS.

The following requirements shall provide for light and air around permitted uses and buildings in the Conservation District:

Lot Area -	2 acres - minimum lot area
Lot Width -	200 feet - minimum lot width
Height -	35 feet - maximum height No height limitations on agricultural buildings (See Section 16.10 for further Height Modifications)
Front Yard -	50 feet - minimum required setback
Side Yard -	15 feet - minimum required setback
Rear 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
Usable Open Space -	75 percent of the lot area – minimum coverage

No minimum requirements for local utility facilities and essential services

5.6. Off-Street Parking and Loading Space.

Off-street parking and loading requirements shall be required for activities in the Conservation (CN) district in accordance with the provisions of Article XIX of this ordinance.

5.7. Sign Regulations.

Sign regulations shall be required for activities in the Conservation (CN) district in accordance with the provisions of Article XX of the ordinance.

5.8. Zoning Permits Required.

Zoning permits shall be required in accordance with the provisions of Section 23.3 of this ordinance.

ARTICLE VI

SR - Suburban Residential District

Section 6: Suburban Residential District

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

6.1. INTENT.

The intent of the Suburban Residential District is to provide for a transitional area between agricultural and urban land uses to be applied in areas contiguous to or in close proximity to developed areas.

6.2. PRINCIPAL PERMITTED USES.

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

Residential Uses	Civic Uses	Agricultural Uses
Daycare Services (Limited) Family Home Kennel, Private Single Family Residential	Government/Public Services Local Utility Services Park and Recreation Services Religious Assembly	Crop Production Farm Horticulture

6.3. SPECIAL EXCEPTION USES.

These uses may be permitted in the (SR) Suburban Residential District subject to provisions of Articles XXV and XXVI 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.

Residential Uses	Civic Uses
Duplex Residential Relocated Residential Residential Health Care Facilities	Cemetery Daycare Center Major Utility Facilities Pre-Kindergarten, Preschool or Nursery School Primary/Secondary Educational Facility
Commercial Uses	Agricultural Uses
Commercial Recreation - Outdoor Sports & Recreation Communication Services	Residential Animal Raising (recreational) Stables

6.4. PERMITTED ACCESSORY USES AND STRUCTURES.

The following accessory uses and structures shall be permitted.

1. Private garages or carports
2. Private recreational facilities for use by residents (*swimming pools, trampolines, play equipment*).
3. Patios, cabanas, porches, gazebos, and incidental household storage buildings
4. Private greenhouses, not operated for commercial purposes
5. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
6. Solar collectors
7. Home occupations
8. Private Parking Lots
9. Kennel, private
10. Roadside stands for the sale of agricultural produce grown on the premises
11. Temporary buildings or uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction work, and in compliance with Section 17.5
12. Other necessary and customary accessory buildings or uses in compliance with Section 17.3, and as determined by the zoning administrator to be appropriate, incidental, and subordinate to a principal permitted and special exception uses and structures.

6.5. SITE DEVELOPMENT REGULATIONS.

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the (SR) Suburban Residential District, and subject to modifications contained in the Supplementary District Regulations.

Lot Area -	1 acre (43,560 square feet) - minimum lot area
Lot Width -	200 feet - minimum lot width except at entry points off cul-de-sacs
Residential Density -	Not more than one (1) dwelling unit per lot.
Height -	35 feet - maximum height
Front Yard -	50 feet - minimum required setback
Side Yard -	20 feet - minimum required setback
Rear 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 Residential Dwelling Standards as outlined in Section 17.9. 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 and Loading Space.

Off-street parking and loading requirements shall be required for activities in the (SR) Suburban Residential District in accordance with the provisions of Article XIX of this ordinance.

6.7. Sign Regulations.

Sign regulations shall be required for activities in the (SR) Suburban Residential District in accordance with the provisions of Article XX of the ordinance.

6.8. Zoning Permits Required.

Zoning permits shall be required in accordance with the provisions of Section 23.3 of this ordinance.

ARTICLE VII

RS - Single Family Residential District

Section 7: Single Family Residential District

- Section 7.1. Intent
- Section 7.2. Principal Permitted Uses
- Section 7.4. Special Exception Uses
- Section 7.4. Permitted Accessory Uses and Structures
- Section 7.5. Site Development Regulations
- Section 7.6. Off-Street Parking and Loading Space
- Section 7.7. Sign Regulations
- Section 7.8. Zoning Permits Required

7.1. INTENT.

The intent of the Single Family Residential District is to provide for low density residential development with a limited number of institutional or civic and recreational facilities permitted.

7.2. PRINCIPAL PERMITTED USES.

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

Residential Uses	Civic Uses
Single Family Residential Duplex Residential Family Home Kennel, Private	Day Care Services (Limited) Local Utility Services Religious Assembly

7.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the (RS) Single Family Residential District subject to provisions of Articles XXV and XXVI 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.

Residential Uses	Civic Uses	Commercial Uses
Private Parking Lots Relocated Residential Residential Health Care Facilities	College & University Facilities Cultural Facilities Government/Public Services Major Utility Facilities Pre-Kindergarten, Preschool or Nursery School Primary/Secondary Educational Facilities Safety Services Park and Recreation Services	Bed & Breakfast Inn Commercial Recreation - Outdoor Sports & Recreation Funeral Services

7.4. PERMITTED ACCESSORY USES AND STRUCTURES.

The following accessory uses and structures shall be permitted.

1. Private garages or carports.
2. Private recreational facilities for use by residents (*swimming pools, trampolines, play equipment*)
3. Patios, cabanas, porches, gazebos, and incidental household storage buildings
4. Private greenhouses, not operated for commercial purposes
5. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
6. Solar collectors
7. Home occupations
8. Kennel, private
9. Temporary uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction work, and in compliance with Section 17.5.
10. Other necessary and customary accessory buildings or uses in compliance with Section 17.3, and as determined by the zoning administrator to be appropriate, incidental, and subordinate to a principal permitted and special exception uses and structures.

7.5. SITE DEVELOPMENT REGULATIONS.

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the (RS) Single Family Residential District, and subject to modifications contained in the Supplementary District Regulations.

Lot Area -	Single Family 7,000 square feet - minimum lot area Two Family 10,000 square feet - minimum lot area
Lot Width -	80 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 duplex residential.
Height -	35 feet - maximum height
Front Yard -	25 feet - minimum required setback
Side Yard -	8 feet - minimum required setback
Rear Yard -	25 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 Residential Dwelling Standards as outlined in Section 17.9. 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 and Loading Space.

Off-street parking and loading requirements shall be required for activities in the (RS) Single Family Residential District in accordance with the provisions of Article XIX of this ordinance.

7.7. Sign Regulations.

Sign regulations shall be required for activities in the (RS) Single Family Residential District in accordance with the provisions of Article XX of this ordinance.

7.8. Zoning Permits Required.

Zoning permits shall be required in accordance with the provisions of Section 23.3 of this ordinance.

ARTICLE VIII

RM – Multiple Family Residential District

Section 8: Medium Density Residential District

- Section 8.1. Intent
- Section 8.2. Principal Permitted Uses
- Section 8.3. Special Exception Uses
- Section 8.4. Permitted Accessory Uses and Structures
- Section 8.5. Site Development Regulations
- Section 8.6. Off-Street Parking and Loading Space
- Section 8.7. Sign Regulations
- Section 8.8. Zoning Permits Required

8.1. INTENT.

The intent of the Multi-Family Residential District is to provide for a variety of multi-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare; in addition to providing for those areas within the community which are compatible in character and density with the multiple family residential environment.

8.2. PRINCIPAL PERMITTED USES.

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

Residential Uses	Civic Uses
Condominium Residential Duplex Residential Family Home Group Residential Kennel, Private Multiple Family Residential Residential Health Care Facilities Single Family Residential Townhouse Residential	Day Care Center Day Care Services (limited) Governmental/Public Services Local Utility Services Park and Recreation Services Religious Assembly

8.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the (RM) Multiple Family Residential District subject to provisions of Articles XXV and XXVI 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.

Residential Uses	Civic Uses	Commercial Uses
Relocated Residential Private Parking Lots	Cemetery College & University Facilities Cultural Services Major Utility Facilities Pre-Kindergarten, Preschool or Nursery School Primary/Secondary Educational Facilities Safety Services	Bed & Breakfast Inn Commercial Recreation - Outdoor Sports & Recreation Communication Services Funeral Services Personal Services

8.4. PERMITTED ACCESSORY USES AND STRUCTURES.

The following accessory uses and structures shall be permitted.

1. Private garages or carports
2. Private recreational facilities for use by residents (*swimming pools, trampolines, play equipment*)
3. Patios, cabanas, porches, gazebos, and incidental household storage buildings
4. Private greenhouses not operated for commercial purposes
5. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
6. Solar collectors
7. Home occupations
8. Kennel, private
9. Temporary uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction work, and in compliance with Section 17.5.
10. Other necessary and customary accessory buildings or uses in compliance with Section 17.3, and as determined by the zoning administrator to be appropriate, incidental, and subordinate to a principal permitted and special exception uses and structures.

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 (RM) Multiple Family Residential District, and subject to modifications contained in the Supplementary District Regulations.

- Minimum Lot Area - 10,000 square feet
+ 1,500 square feet for each additional dwelling unit
in excess of two dwelling units
- Minimum Lot Width - 100 feet
except at entry points off cul-de-sacs.
- Height - 35 feet

Front Yard -	25 feet - minimum required setback
Side Yard -	6 feet - minimum required setback
Rear Yard -	25 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 Residential Dwelling Standards as outlined in Section 17.9. 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.

8.6. Off-Street Parking and Loading Space.

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

8.7. Sign Regulations.

Sign regulations shall be required for activities in the (RM) Multiple Family Residential District in accordance with the provisions of Article XX of this ordinance.

8.8. Zoning Permits Required.

Zoning permits shall be required in accordance with the provisions of Section 23.3 of this ordinance.

ARTICLE IX

MH - Mobile Home/Manufactured Housing District

Section 9: Mobile Home/Manufactured Housing District

- Section 9.1. Intent
- Section 9.2. Principal Permitted Uses
- Section 9.3. Special Exception Uses
- Section 9.4. Permitted Accessory Uses and Structures
- Section 9.5. Site Development Regulations
- Section 9.6. Mobile Home Park Requirements
- Section 9.7. Zoning Permits Required

9.1. INTENT.

The intent of the Mobile Home/Manufactured Housing District is to regulate the location and placement of mobile homes, manufactured housing and mobile home parks or subdivisions within the City of Sheldon, and to provide for certain medium density residential areas now developed as mobile home 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.

9.2. PRINCIPAL PERMITTED USES.

Within the Mobile Home/Manufactured Housing District, unless otherwise provided in this Article, no building or land shall be used for other than one or more of the following principal permitted uses:

Residential Uses	Civic Uses
Mobile Home Residential	Daycare Services (Limited) Local Utility Services Park and Recreation Services

9.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the Mobile Home/Manufactured Housing District subject to provisions of Articles XXV and XXVI 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.

Civic Uses	Commercial Uses
Daycare Center Religious Assembly Pre-Kindergarten, Preschool or Nursery School Primary/Secondary Educational Facilities Safety Services	Communication Services

9.4. PERMITTED ACCESSORY USES AND STRUCTURES.

The following accessory uses and structures shall be permitted.

1. Private garage or carport
2. Storage shed.
3. Private recreational facilities for use by residents (*swimming pools, trampolines, play equipment*)
4. Patios, cabanas, porches, gazebos, and incidental household storage buildings
5. Private 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. Kennel, private
10. Temporary uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction work, and in compliance with Section 17.5.
11. Other necessary and customary accessory buildings or uses in compliance with Section 17.3, and as determined by the zoning administrator to be appropriate, incidental, and subordinate to a principal permitted and special exception uses and structures.

9.5. SITE DEVELOPMENT REGULATIONS.

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

Mobile Home Park Area -	Two (2) acres – minimum park area
Mobile Home Lot Area -	5,000 square feet - minimum lot area
Mobile Home Lot Width -	40 feet – minimum lot width
Residential Density -	Not more than one dwelling unit per mobile home lot
Height -	35 feet
Front Yard -	25 feet - minimum required setback
Side Yard -	8 feet – minimum required setback
Rear Yard -	15 feet - minimum required setback
Mobile Home Park boundary -	25 feet – minimum required setback for mobile homes

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 Home Park Requirements outlined in Section 9.6 below.

9.6. MOBILE HOME PARK (OR SUBDIVISION) REQUIREMENTS.

Each mobile home park and/or manufactured housing subdivision shall be developed in conformance with the regulations listed below.

- 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 home park;
 - b. Names, addresses and telephone numbers of the developer or his/her representative;
 - c. Location of the mobile home park, giving the subdivision and lot numbers;
 - d. A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding intended for subsequent development;
 - e. Location map showing the relationship of the proposed development and the adjacent tracts;
 - f. Present land use and existing zoning of the proposed development and adjacent tracts;
 - g. Interior streets, streets, street names, right-of-way and roadway widths;
 - h. All lot lines and open spaces with dimensions shown;
 - i. Delineation of all improvements required in this section.
 - j. Location, capacity, and design for the mobile home park's storm shelter, if such a shelter or safe room is to be provided in the park.

- 2) *Permitted accessory uses and requirements thereof:*
 - a. Accessory buildings or structures under park management supervision shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary service for park residents' use only. No accessory building or structure shall exceed twenty-five feet (25') in height; and shall meet the requirements of other applicable ordinances;
 - b. 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;
 - c. One (1) identification sign approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than sixty (60) square feet in surface area nor have any moving parts or stand higher than ten (10) feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than thirty (30) feet
 - d. 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 of the mobile home park. In no case shall the sign be larger than two (2) square feet in surface area, nor have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign

- 3) *Required development standards:*
 - a. Each mobile home site shall be provided with a stand consisting of a solid, 6-inch thick, poured Portland cement concrete apron not less than eight (8) feet wide and forty-five (45) feet long and a paved outdoor patio of at least one hundred eighty feet (180') located at the main entrance to the mobile home;

- b. Each mobile/manufactured home shall be anchored to the ground as provided in 661 IAC Chapter 16.626(103A);
- c. Storage of goods and articles underneath any mobile home shall be prohibited;
- d. A greenbelt, at least twenty-five feet (25') in width, shall be located along all boundaries of each mobile home park, except where it is crossed by driveways;
- e. Each street and parking area in any mobile home park shall be bounded by a sidewalk at least four feet (4') wide;
- f. Each mobile/manufactured home site shall have front, side and rear yards, and a double front yard setback will be required on corner lots;
- g. For the purpose of this section, yard width shall be determined by measurement from the building face (side) to its site boundary from which every point shall not be less than the minimum width herein provided. Open patios shall be disregarded in determining yard widths. Enclosed all weather patios and carports shall be included in determining yard widths. The front yard is that yard which runs from the hitch end of the mobile home to the nearest lot line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the front and rear ends;
- h. Each mobile/manufactured home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for attachment to appropriate external systems and so attached;
- i. Accessory structures may be no closer than 5 feet to any lot line;
- j. No accessory building shall be erected within 5 feet of another structure;
- k. 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, such skirting shall be of noncorrosive metal or aluminum or material of equal strength and so constructed and attached to the mobile home so as to prevent entry of rodents and insects;
- l. On-site outdoor laundry space of adequate area and suitable location shall be provided if park is not furnished with indoor dryers. Where outdoor drying space is required or desired, individual clothes drying facilities on each site of the collapsible umbrella type of hanging apparatus shall be allowed;
- m. All mobile homes within such parks shall be suitably connected to sewer and water services provided at each site. All sanitary sewer facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing, from bumping or from creating any type of nuisance or health hazard. Running water from a tested and approved supply shall be piped to each unit. All sanitary sewer and water facilities shall conform to minimum state and county health regulations;
- n. Community garbage and trash containers shall be placed in a conveniently located similarly designed enclosed structure(s) or dumpster;
- o. Every mobile/manufactured home shall be equipped at all times with fire extinguishing equipment and a smoke detector in good working order of such type and size so as to satisfy regulations of the State Fire Marshall and the local fire district;

- p. All electric, telephone, and other lines from supply poles outside the park or other sources to each mobile home site shall be underground;
- q. A recreation space of at least three hundred (300) square feet of land per mobile home site in the park shall be developed and maintained by management. Streets, sidewalks, parking areas and accessory buildings are not included as recreation space in computing the necessary area;
- r. All roads, driveways and motor vehicle parking spaces shall be paved and constructed as to handle all anticipated peak loads, and adequately drained and lighted for safety and ease of movement of pedestrians and vehicles;
- s. One (1) parking space shall be provided at each mobile home site. In such park there shall be provided additional parking spaces in number not less than the number of sites within such park for additional storage of recreational type vehicles and visitor parking. Said parking area shall be properly screened as not to be a nuisance, and each parking space shall be a minimum of 180 square feet in size;
- t. All streets intended for general public use shall be dedicated as a public right-of-way and subject to such improvements as may be required by the City of Sheldon;
- u. All streets intended for or approved as private streets shall maintain the following widths in mobile home parks:

<u>MOTOR VEHICLE PARKING</u>	<u>TRAFFIC USE</u>	<u>MIN. PAVEMENT WIDTH.</u> <i>(curb face to curb face)</i>
No Parking	1-way road	14 feet
No Parking	2-way road	22 feet
Parallel parking <i>(1 side only)</i>	1-way road	22 feet
Parallel parking <i>(1 side only)</i>	2-way road	30 feet
Parallel parking <i>(2 sides)</i>	1-way road	31 feet
Parallel parking <i>(2 sides)</i>	2-way road	36 feet

- v. When a cul-de-sac is provided, the radius of such roadway loop shall be a minimum of one hundred (100) feet, curb face to curb face, with the drive length a maximum of three hundred (300) feet;
- w. Mobile Home Park owners and management are required to maintain the physical and natural facilities and features of the park in neat, orderly, and safe manner;
- x. A written emergency plan submitted to the city and posted at sites within the mobile home park to advise all of the residents of safety measures. In the event that a storm shelter or safe room is provided, it should be adequate in size to accommodate all residents of the park;
- y. Adequate provisions shall be made to handle all surface drainage and storm water runoff as determined by the city’s engineer.

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

9.7. Zoning Permits Required.

Zoning permits shall be required in accordance with the provisions of Section 23.3 of this ordinance.

ARTICLE X

CR – Commercial Residential District

Section 10: Commercial Residential District

- Section 10.1. Intent
- Section 10.2. Principal Permitted Uses
- Section 10.3. Special Exception Uses
- Section 10.4. Permitted Accessory Uses and Structures
- Section 10.5. Site Development Regulations
- Section 10.6. Additional Regulations
- Section 10.7. Off-Street Parking and Loading Space
- Section 10.8. Sign Regulations
- Section 10.9. Zoning Permits Required

10.1. INTENT.

The intent of the Commercial Residential District is to provide for the establishment of businesses that are considered desirable located immediately accessible to single-family residential neighborhoods. Although it is convenient to have some types of business enterprises adjacent to residential areas it can be easily seen that other types, which by their intended nature, generate larger amounts of vehicular traffic can be better accommodated in the central business district, or along highways.

10.2. PRINCIPAL PERMITTED USES.

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

Residential Uses	Civic Uses	Commercial Uses
Single Family Residential Duplex Residential Private Parking Lots Residential Healthcare Facilities	Cultural Services Government/Public Services Local Utility Services Religious Assembly Safety Services	Administrative/Business Offices Financial Services Food Sales (except grocery stores) Hospital Services Medical Clinics/Offices Personal Improvement Services Personal Services Professional Office Restaurant (Convenience)

10.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the (CR) Commercial Residential District subject to provisions of Articles XXV and XXVI 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.

Commercial Uses	Civic Uses
Communication Services Funeral Services Restaurants (General) Visitor Habitation - Hotel/Motel - Bed & Breakfast Inn - Boarding House	Daycare (Limited) Daycare Center Major Utility Facilities

10.4. PERMITTED ACCESSORY USES AND STRUCTURES.

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Temporary uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the work, and in compliance with Section 17.5.
3. Accessory uses, buildings and structures customarily incidental and subordinate to the permitted principal uses or special exceptions, as permitted in Section 17.3.
4. 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 requirements shall be provided for light and open space around permitted and special exception uses and structures in the (CR) Commercial Residential District, and subject to modifications contained in the Supplementary District Regulations.

- Minimum Lot Area - 10,000 square feet
- Minimum Lot Width - 100 feet
- Maximum Height - 35 feet
- Front Yard - 25 feet - minimum required setback
- Side Yard - 10 feet - minimum required setback
- Rear Yard - 25 feet - minimum required setback
- Buffer Requirements - See Article XXI.

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 Residential Dwelling Standards as outlined in Section 17.9.

10.6. ADDITIONAL REGULATIONS

Any residential use properties permitted or allowed in the Commercial Residential District shall be subject to the site development regulations identified in Section 7.5 in lieu of any corresponding regulation identified above in Section 10.5.

10.7. Off-Street Parking and Loading Space.

Off-street parking and loading requirements shall be required for activities in the Commercial Residential District in accordance with the provisions of Article XIX of this ordinance.

10.8. Sign Regulations.

Sign regulations shall be required for activities in the Commercial Residential District in accordance with the provisions of Article XX of the ordinance.

10.9. Zoning Permits Required.

Zoning permits shall be required in accordance with the provisions of Section 23.3 of this ordinance.

ARTICLE XI AC – Arterial Commercial District

Article 11: Arterial Commercial District

- Section 11.1. Intent
- Section 11.2. Principal Permitted Uses
- Section 11.3. Special Exception Uses
- Section 11.4. Permitted Accessory Uses and Structures
- Section 11.5. Site Development Regulations
- Section 11.6. Additional Regulations – Nonconforming Uses of Residential Structures
- Section 11.7. Open-air Sales, Display and Storage
- Section 11.8. Off-Street Parking and Loading Space
- Section 11.9. Sign Regulations
- Section 11.10. Zoning Permits Required

11.1. INTENT.

The intent of the Arterial Commercial District is 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 and performance standards are intended to ensure larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares.

11.2. PRINCIPAL PERMITTED USES.

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

Commercial Uses	Civic Uses
Automotive Rentals Automotive Sales Automotive Repair Services Automotive Washing Building Maintenance Services Business Support Services Business or Trade School Commercial Off-Street Parking Commercial Recreation - Indoor Sports & Recreation - Indoor Entertainment - Outdoor Sports & Recreation - Outdoor Entertainment Condominium Storage Unit Construction Sales and Services Consumer Repair Services Convenience Storage Convenience Store Financial Services	Food Sales Funeral Services General Retail Sales Hospital Services Laundry Services Medical Clinics/Offices Personal Improvement Services Personal Services Pet Services Professional Offices Restaurant (Convenience) Restaurant (General) Retail Specialty Shop Service Station Visitor Habitation - Bed & Breakfast Inn - Hotel/Motel
	Club or Lodge College & University Facilities Government/Public Services Local Utility Services Park and Recreation Services Public Assembly Religious Assembly Safety Services
	<p style="text-align: center;">Agricultural Uses</p> Farm Horticulture Crop Product

11.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the (AC) Arterial Commercial District subject to provisions of Articles XXV and XXVI 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.

Commercial Uses	Civic Uses	Industrial Uses
Agricultural Sales & Services Cocktail Lounge Communications Services Equipment Repair Services Equipment Sales Liquor Sales Vehicle Storage Veterinary Services	Cemetery Cultural Services Day Care Center Detention Facilities Pre-Kindergarten, Preschool or Nursery School Primary/Secondary Educational Facilities Transportation Terminals Treatment Services	Custom Manufacturing Limited Warehousing/Distribution Research & Production Services

11.4. PERMITTED ACCESSORY USES AND STRUCTURES.

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Private garages or carports
3. Temporary uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of the work, and in compliance with Section 17.5.
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. Accessory buildings and structures normally incidental and subordinate to the permitted uses or special exceptions, as permitted in Section 17.3.
6. 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 requirements shall be provided for light and open space around permitted and special exception uses and structures in the (AC) Arterial Commercial District, and subject to modifications contained in the Supplementary District Regulations.

Minimum Lot Area -	7,500 square feet
Minimum Lot Width -	80 feet
Maximum Height -	35 feet - No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any public airport.
Front Yard -	50 feet - minimum required setback
Side Yard -	10 feet – minimum required setback Unless, if adjacent to a residential district, the side yard shall be 25 feet.
Rear Yard -	10 feet – minimum required setback Unless, if adjacent to as residential district, the rear yard shall be 25 feet.
Buffer Requirements -	See Article XXI.

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. ADDITIONAL REGULATIONS- Nonconforming Use of Residential Structures

Certain uses may be permitted in the Arterial Commercial (AC) District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent permitted uses. Nonconforming uses of residential structures may be permitted to be enlarged, extended, reconstructed or structurally altered if such non-conforming residential structure is beyond fifty feet (50') from the property line of an existing commercial use.

11.7. OPEN-AIR SALES, DISPLAY AND STORAGE.

All open-air sales display and storage for used auto sales and storage, new 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 comply with the following minimum requirements:

1. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty (50) percent solid and at least seven (7) feet in height. The fence shall not be required to extend beyond the front yard set back line;
2. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard;
3. No lighted flashing signs, or revolving beacon lights shall be permitted;
4. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

11.8. Off-Street Parking and Loading Space.

Off-street parking and loading requirements shall be required for activities in the Arterial Commercial District in accordance with the provisions of Article XIX of this ordinance.

11.9. Sign Regulations.

Sign regulations shall be required for activities in the Arterial Commercial District in accordance with the provisions of Article XX of the ordinance.

11.10. Zoning Permits Required.

Zoning permits shall be required in accordance with the provisions of Section 23.3 of this ordinance.

ARTICLE XII

BC – Business Commercial (Downtown) District

Section 12: Business Commercial District

- Section 12.1. Intent
- Section 12.2. Principal Permitted Uses
- Section 12.3. Special Exception Uses
- Section 12.4. Permitted Accessory Uses and Structures
- Section 12.5. Site Development Regulations
- Section 12.6. Additional Regulations – Nonconforming Uses of Residential Structures
- Section 12.7. Additional Regulations – Allowable Residential Uses in BC District
- Section 12.8. Open-air Sales, Display and Storage
- Section 12.9. Off-Street Parking and Loading Space
- Section 12.10. Sign Regulations
- Section 12.11. Zoning Permits Required

12.1. INTENT.

The intent of the Business Commercial District is to accommodate the central core of business and office concentration in Sheldon. It is characterized further by a variety of stores and related activities to serve the general shopping needs of the retail trade area and to permit uses which will strengthen the Central Business District as the center of trade, commerce, services, government, and cultural activity.

12.2. PRINCIPAL PERMITTED USES.

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

Commercial Uses		Civic Uses
Administrative/Business Offices Automotive Rentals Automotive Sales Automotive Washing Building Maintenance Services Business Support Services Commercial Recreation - Indoor Sports and Recreation - Indoor Entertainment Commercial Off-Street Parking Consumer Repair Services Convenience Store Construction Sales & Service Financial Services	Food Sales Funeral Services General Retail Sales Hospital Services Laundry Services Medical Clinics/Offices Personal Services Personal Improvement Services Professional Offices Research Services Restaurant (Convenience) Restaurant (General) Retail Specialty Shop Visitor Habitation - Hotel-Motel	Club or Lodge Cultural Services Day Care Center Government/Public Services Local Utility Services Maintenance/Service Facilities Park and Recreation Services Public Assembly Religious Assembly Safety Services
		Residential Uses
		Dwelling Units – upper floors and/or above commercial uses

12.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the (BC) Business Commercial District subject to provisions of Articles XXV and XXVI 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.

Commercial Uses	Civic Uses
Agricultural Sales and Services Automotive Repair Services Business or Trade School Cocktail Lounge Communication Services Convenience Storage Equipment Sales Equipment Repair Services Kennel, public Liquor Sales Pet Services Vehicle Storage Veterinary Services	Detention Facilities Pre-Kindergarten, Preschool or Nursery School Primary/Secondary Educational Facilities Convalescent Services Major Utility Facilities Transportation Terminal Treatment Services
	<p style="text-align: center;">Industrial Uses</p>
	Custom Manufacturing Limited Warehousing & Distribution

12.4. PERMITTED ACCESSORY USES AND STRUCTURES.

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Private garages or carports
3. Temporary uses incidental to construction in which buildings shall be removed upon the completion or abandonment of the work, and in compliance with Section 17.5.
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. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or special exceptions, as permitted in Section 17.3.
6. Other necessary and customary uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use, and nature.

12.5. SITE DEVELOPMENT REGULATIONS.

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the (BC) Business Commercial District, and subject to modifications contained in the Supplementary District Regulations.

Minimum Lot Area -	No minimum required
Minimum Lot Width -	50 feet
Maximum Height -	45 feet
Front Yard -	No minimum required setback
Side Yard -	None, except 5 feet minimum setback if a side yard is provided or abutting a residential district
Rear Yard -	None, except 6 feet minimum setback is a rear yard is provided or abutting a residential district, dedicated alley or public street.
Buffer Requirements -	See Articles XXI.

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.

12.6. ADDITIONAL REGULATIONS – Nonconforming Use of Residential Structures

Certain uses may be permitted in the Business Commercial (BC) District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent permitted uses. Nonconforming uses of residential structures may be permitted to be enlarged, extended, reconstructed or structurally altered if such non-conforming residential structure is beyond fifty feet (50') from the property line of an existing commercial use.

12.7. ADDITIONAL REGULATIONS – Allowable Residential Uses in BC District

Any residential use properties permitted or allowed in the (BC) Business Commercial District shall be subject to the site development regulations identified in Section 7.5 in lieu of any corresponding regulation identified above in Section 12.5.

12.8. OPEN-AIR SALES, DISPLAY AND STORAGE.

All open-air sales display and storage for used auto sales and storage, new 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 comply with the following minimum requirements:

1. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty (50) percent solid and at least seven (7) feet in height. The fence shall not be required to extend beyond the front yard set back line;
2. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard;
3. No lighted flashing signs, or revolving beacon lights shall be permitted;

4. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

12.9. Off-Street Parking and Loading Space.

Off-street parking and loading requirements shall be required for activities in the Business Commercial District in accordance with the provisions of Article XIX of this ordinance.

12.10. Sign Regulations.

Sign regulations shall be required for activities in the Business Commercial District in accordance with the provisions of Article XX of the ordinance.

12.11. Zoning Permits Required.

Zoning permits shall be required in accordance with the provisions of Section 23.3 of this ordinance.

ARTICLE XIII BP – Business Park District

Article 13: Business Park District

- Section 13.1. Intent
- Section 13.2. Principal Permitted Uses
- Section 13.3. Special Exception Uses
- Section 13.4. Permitted Accessory Uses and Structures
- Section 13.5. Site Development Bulk Regulations
- Section 13.6. Off-Street Parking and Loading Space
- Section 13.7. Sign Regulations
- Section 13.8. Zoning Permits Required

13.1. INTENT.

The intent of the Business Park District is to provide areas to attract desirable and stable professional/office developments to be constructed in harmony with adjacent properties and land uses.

13.2. PRINCIPAL PERMITTED USES.

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

Commercial Uses	Civic Uses
Administrative and Business Offices Financial Services Medical Clinics/Offices Personal Improvement Services Personal Services Professional Office	Government/Public Services Local Utility Services

13.3. SPECIAL EXCEPTION USES.

The following uses may be permitted in the (BP) Business Park District subject to provisions of Articles XXV and XXVI of this ordinance, with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Commercial Uses	Civic Uses
Retail Specialty Shop Restaurants (Convenience) Restaurants (General) Visitor Habitation - Hotel/Motel	Cultural Services Daycare Center Park and Recreation Services Public Assembly Major Utility Facilities Safety Services

13.4. PERMITTED ACCESSORY USES AND STRUCTURES.

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Temporary uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the work, and in compliance with Section 17.5.
3. Accessory buildings and structures normally incidental and subordinate to the permitted uses or special exceptions, as permitted in Section 17.3.
4. Other necessary and customary uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use, and nature.

13.5. SITE DEVELOPMENT REGULATIONS.

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the (BP) Business Park District, and subject to modifications contained in the Supplementary District Regulations.

Minimum Lot Area -	10,000 square feet
Minimum Lot Width -	100 feet
Maximum Height -	35 feet
Front Yard -	50 feet - minimum required setback
Side Yard -	10 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback
Buffer Requirements -	See Articles XXI.

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.

13.6. Off-Street Parking and Loading Space.

Off-street parking and loading requirements shall be required for activities in the Business Park District in accordance with the provisions of Article XIX of this ordinance.

13.7. Sign Regulations.

Sign regulations shall be required for activities in the Business Park District in accordance with the provisions of Article XX of the ordinance.

13.8. Zoning Permits Required.

Zoning permits shall be required in accordance with the provisions of Section 23.3 of this ordinance.

ARTICLE XIV LI – Light Industrial District

Article 14: Light Industrial District

- Section 14.1. Intent
- Section 14.2. Principal Permitted Uses
- Section 14.3. Special Exception Uses
- Section 14.4. Permitted Accessory Uses and Structures
- Section 14.5. Site Development Regulations
- Section 14.6. Additional Regulations
- Section 14.7. Open-air Sales, Display and Storage
- Section 14.8. Off-Street Parking and Loading Space
- Section 14.9. Sign Regulations
- Section 14.10. Zoning Permits Required

14.1. INTENT.

The intent of the Light Industrial District is to provide for a wide range of industrial uses and structures that have high standards of performance and can locate near certain residential and business uses. The district regulations are designed to permit the development of certain manufacturing or industrial operations which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, physical appearance or similar factors. Industrial operations must be in an enclosed building. No residential uses are permitted in this district.

14.2. PRINCIPAL PERMITTED USES.

The following uses and structures shall be permitted by right in the (LI) Light Industrial District except those uses which by reason of odor, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public health, safety, and general welfare of the community.

Commercial Uses	Industrial Uses
Administrative and Business Offices Agricultural Sales and Services Automotive Sales & Rentals Automotive Repair Services Automotive Washing Building Maintenance Services Business Support Services Business or Trade School Commercial Off-Street Parking Communications Services Condominium Storage Units Construction Sales and Service Convenience Storage Convenience Store Equipment Sales & Repair Services Laundry Services Service Station	Custom Manufacturing Light Manufacturing Limited Warehousing and Distribution Research and Production Services
	Civic Uses
	Administrative Services Local Utility Services Maintenance and Service Facilities Park and Recreation Services Safety Services

14.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the (LI) Light Industrial District subject to provisions of Articles XXV and XXVI 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.

Commercial Uses	Industrial Uses	Civic Uses
Commercial Recreation - Indoor Sports and Recreation - Indoor Entertainment - Outdoor Sports and Recreation - Outdoor Entertainment Kennels, public Scrap and Salvage Services Veterinary Services	General Warehousing and Distribution	Railroad Facilities Major Utility Service Public Assembly Transportation Terminals

14.4. PERMITTED ACCESSORY USES AND STRUCTURES.

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Temporary uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the construction work, and in compliance with Section 17.5.
3. Any 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 convenience of employees, clients, or customers of the principal use.
 - b. Occupies less than 25 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.
4. Accessory buildings, structures and uses normally incidental and subordinate to the permitted uses or special exceptions, as permitted in Section 17.3.
5. Other necessary and customary uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use, and nature.

14.5. SITE DEVELOPMENT REGULATIONS.

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

- Minimum Lot Area - 10,000 square feet
- Minimum Lot Width - 100 feet
- Maximum Height - None, except 35' if property abuts residential district
No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the

	protection of any airport.
Front Yard -	50 feet - minimum required setback
Side Yard -	10 feet - minimum required setback, except that if adjacent to any residential district, then 50'
Rear Yard -	25 feet - minimum required setback, except that if adjacent to any residential district, then 50'
Buffer Requirements -	See Article XXI

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.

14.6. ADDITIONAL REGULATIONS- Nonconforming Use of Residential Structures

Certain uses may be permitted in the Light Industrial (LI) District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent permitted uses. Nonconforming uses of residential structures may be permitted to be enlarged, extended, reconstructed or structurally altered if such non-conforming residential structure is beyond one hundred feet (100') from the property line of an existing industrial facility.

14.7. OPEN-AIR SALES, DISPLAY AND STORAGE.

All open-air sales display and storage for used auto sales and storage, new 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 comply with the following minimum requirements:

1. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty (50) percent solid and at least seven (7) feet in height. The fence shall not be required to extend beyond the front yard set back line;
2. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard;
3. No lighted flashing signs, or revolving beacon lights shall be permitted;
4. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

14.8. Off-Street Parking and Loading Space.

Off-street parking and loading requirements shall be required for activities in the Light Industrial District in accordance with the provisions of Article XIX of this ordinance.

14.9. Sign Regulations.

Sign regulations shall be required for activities in the Light Industrial District in accordance with the provisions of Article XX of the ordinance.

14.10. Zoning Permits Required.

Zoning permits shall be required in accordance with the provisions of Section 23.3 of this ordinance.

ARTICLE XV HI – Heavy Industrial District

Article 15: Heavy Industrial District

- Section 15.1. Intent
- Section 15.2. Principal Permitted Uses
- Section 15.3. Special Exception Uses
- Section 15.4. Permitted Accessory Uses and Structures
- Section 15.5. Site Development Regulations
- Section 15.6. Additional Regulations
- Section 15.7. Open-air Sales, Display and Storage
- Section 15.8. Off-Street Parking and Loading Space
- Section 15.9. Sign Regulations
- Section 15.10. Zoning Permits Required

15.1. INTENT.

The intent of the Heavy Industrial District is to provide areas for activities and uses of a heavy industrial character and is the least restrictive of any district. In the best interest of the city, certain uses in the HI district shall be subject to final city council approval, conditional approval, or denial to insure that proper safeguards are taken. No residential uses are permitted.

15.2. PRINCIPAL PERMITTED USES.

The following principal uses and structures shall be permitted by right in the (HI) Heavy Industrial District, except those uses which by reason of the emission of odor, dust, fumes, smoke, noise, and other obnoxious characteristics would be injurious to the public health, safety and general welfare of the community;

Commercial Uses	Industrial Uses	Civic Uses
Administrative/Business Offices Agricultural Sales and Services Automotive Washing Building Maintenance Services Business Support Services Communications Services Condominium Storage Units Construction Sales/Services Convenience Storage Equipment Sales Equipment Repair Services	Basic Industry Custom Manufacturing Light Manufacturing Limited Warehousing and Distribution Research/Production Services General Warehousing and Distribution	Aviation Facilities Local Utility Services Major Utility Services Maintenance/Service Facilities Park and Recreation Services Railroad Facilities

15.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the (HI) Heavy Industrial District subject to provisions of Articles XXV and XXVI 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.

Commercial Uses	Industrial Uses
Adult-oriented Establishments <i>(See Section 17.8. for regulations)</i>	Resource Extraction Stockyards

Before granting such separate approval, the zoning administrator shall refer applications to the Planning Commission for study, investigation and report. If no report is received in thirty (30) days, the Board of Adjustment may assume approval of the application. The Board of Adjustment shall then, after holding a public hearing, consider all of the following provisions in its determination upon the particular use at the location requested:

- 1) That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;
- 2) That such use shall not impair an adequate supply of light and air to surrounding property;
- 3) That such use shall not unduly increase congestion in the streets, or public danger of fire and safety;
- 4) That such use shall not diminish or impair established property values in adjoining or surrounding property; and
- 5) That such use shall be in accord with the intent, purpose and spirit of this ordinance and the comprehensive plan of the City of Sheldon.

Limited commercial/retail uses may be permitted by special exception use within the Heavy 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.

15.4. PERMITTED ACCESSORY USES AND STRUCTURES.

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Temporary uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the construction work, and in compliance with Section 17.5.
3. Any 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 convenience of employees, clients, or customers of the principal use.
 - b. Occupies less than 25 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.
4. Accessory buildings, structures and uses normally incidental and subordinate to the permitted uses or special exceptions, as permitted in Section 17.3.
5. Other necessary and customary uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use, and nature.

15.5. SITE DEVELOPMENT REGULATIONS.

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

Minimum Lot Area -	43,560 square feet (1 acre)
Minimum Lot Width -	150 feet
Maximum Height -	None, except 35 feet if property abuts a residential or mobile home district No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any airport.
Front Yard -	50 feet - minimum required setback
Side Yard -	10 feet - minimum required setback Except that if adjacent to any residential district, then 50 ft.
Rear Yard -	25 feet - minimum required setback Except that if adjacent to any residential district, then 50 ft.
Buffer Requirements -	See Article XXI.

All principal buildings and all accessory buildings or structures shall be located at least one hundred (100) feet from any residential district boundary, except where adjoining a railroad right-of-way, and fifty (50) feet from any commercial district boundary.

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.

15.6. ADDITIONAL REGULATIONS- Nonconforming Use of Residential Structures

Certain uses may be permitted in the (HI) Heavy Industrial District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent permitted uses. Nonconforming uses of residential structures may be permitted to be enlarged, extended, reconstructed or structurally altered if such non-conforming residential structure is beyond one hundred feet (100') from the property line of an existing industrial facility.

15.7. OPEN-AIR SALES, DISPLAY AND STORAGE

All open-air sales display and storage for used auto sales and storage, new 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 comply with the following minimum requirements:

1. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty (50) percent solid and at least seven (7) feet in height. The fence shall not be required to extend beyond the front yard set back line;
2. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard;

3. No lighted flashing signs, or revolving beacon lights shall be permitted;
4. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

15.8. Off-Street Parking and Loading Space.

Off-street parking and loading requirements shall be required for activities in the Heavy Industrial District in accordance with the provisions of Article XIX of this ordinance.

15.9. Sign Regulations.

Sign regulations shall be required for activities in the Heavy Industrial District in accordance with the provisions of Article XX of the ordinance.

15.10. Zoning Permits Required.

Zoning permits shall be required in accordance with the provisions of Section 23.3 of this ordinance.

ARTICLE XVI Supplementary District Regulations

Article 16: Supplementary District Regulations

- Section 16.1. Intent
- Section 16.2. Lot of Record
- Section 16.3. Yard Regulations
- Section 16.4. Steps, Decks and Patios
- Section 16.5. Fences and Hedges
- Section 16.6. Sidewalks
- Section 16.7. Buildings to Have Access
- Section 16.8. Use of Public Right-of-Way
- Section 16.9. Block Frontage Continuity
- Section 16.10. Height Requirements

16.1. INTENT.

The regulations set forth in this Article qualify, supplement and/or modify the zoning district regulations set forth elsewhere in this ordinance.

16.2. 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 required setbacks and further provisions of Article XXII, Nonconformities.

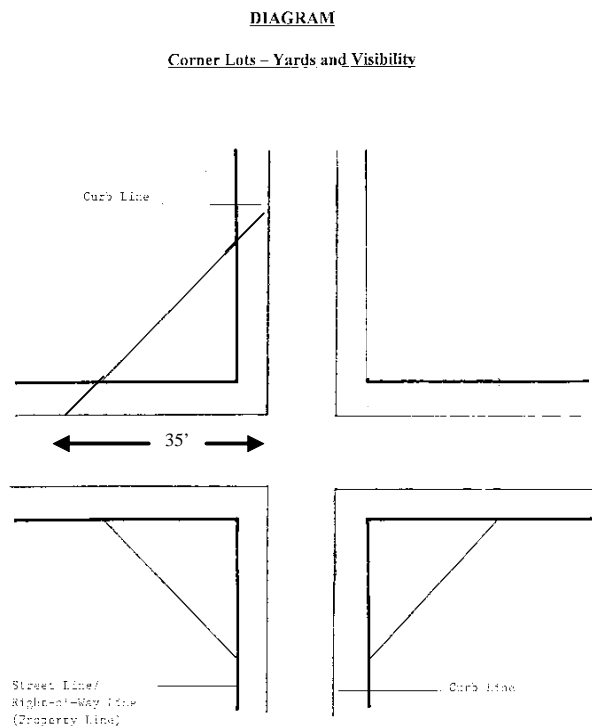
16.3. YARD REGULATIONS.

1) *Projecting Overhang or Structure.* The ordinary horizontal projection from buildings including eaves, sills, fascia, parapets, cornices, belt courses or other similar architectural and ornamental features, except for gutters, may not project or extend more than three feet (3') into a required yard.

2) *Yard Encroachments.* Air conditioning units, propane or other fuel 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) *Line of Site Visibility (at Intersections).* On a corner lot in any district, except the Business Commercial District, nothing shall be erected, placed, planted or allowed to grow in such a manner that will obstruct vision between a height of two feet (2') and ten feet (10') above the centerline grade of the intersecting streets within the triangular area formed, by connecting a point



at the center of the curb radius with two points that are thirty-five (35) feet from the center of the curb radius as measured along the curb. (*see diagram*)

- 5) *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.
- 6) *Utilities.* Nothing in this ordinance shall have the effect of prohibiting utility service lines.
- 7) *Swimming Pools.* Private swimming pools shall be allowed only in rear yards and shall not be closer than five (5) feet to side or rear lot lines.

16.4. STEPS, DECKS AND PATIOS.

- 1) Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half feet (3½') when so placed as not to obstruct light and ventilation, may be permitted by the zoning administrator.
- 2) Steps providing access to the ground level may encroach no more than three feet (3') into a required side yard. Steps may encroach no more than six feet (6') into a required front or rear yard.
- 3) 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 or required rear yard for a distance not exceeding ten feet (10').
- 4) Open uncovered porches, 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 to be constructed within the front, side or rear yards. Concrete slab structures built on the ground or uncovered patios shall be permitted to be built up to within two feet (2') of the side or rear lot lines. However, within the front yard, uncovered patios or other concrete slab structures shall not extend more than ten feet (10') beyond either side of a driveway, not inclusive of a sidewalk, stoop or entrance steps to the front entryway.

16.5. FENCES AND HEDGES.

- 1) No fence or hedge constructed more than fifty percent (50%) solid or more than three feet (3') in height may be located in any front yard. Fences less than three feet (3') in height may be located on any part of a lot. Please reference Section 16.3.4. when considering fences in front or side yards.
- 2) Except as provided above, fences less than six feet (6') in height may be erected in any required side or rear yards on those parts of a lot that are setback from the street as far as the main building is from the street. Fences in excess of six feet (6') will be allowed in the cases of tennis courts and swimming pools, and by special exception permit only.
- 3) Fences at least four feet (4') in height shall be required around the entire perimeter of swimming pools or water features or the yard area that swimming pools are located in for any swimming pool or water feature in excess of three feet (3') in depth.

- 4) Fences shall not be closer than one foot (1') to any property line and perennial plantings shall not be planted closer than two and one-half feet (2½') to any property line. Except that perennial plantings and fences may be placed up to the property line by mutual agreement of both adjacent property owners.
- 5) Fences shall not be constructed of non-treated or natural wood products; corrugated tin, metal, or fiberglass; or sheet metal or fiberglass. Fences may be constructed from chain link, non-decomposing wood products, molded plastic or wrought iron. The Planning Commission may approve other materials. Fences should be constructed in an orderly and neat manner as to accent and compliment the natural landscape of the property.

16.6. SIDEWALKS.

No zoning permit shall be issued for construction of a principal building upon any tract or platted lot in the SR, RS, RM, MH, CR, BC, or BP districts unless said tract or platted lot has sidewalks provided for in such application. In addition, if said tract or platted lot has sidewalks at the time of application for said permit, no zoning permit for a principal building shall be issued if the existing sidewalks are in a state of disrepair. Sidewalks shall be constructed according to the sidewalk standards as set forth in the Sheldon City Code of Ordinances, Section 136.08, or have a sidewalk agreement approved by the zoning administrator.

16.7. 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 with deeded access to a public or private street, and all structured shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

16.8. 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.

16.9. BLOCK FRONTAGE CONTINUITY.

In the case where the front yards in a given block improved with buildings amount to more than 30% of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, then the required minimum setbacks will be based on a line joining the two front corners of the buildings 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 setback greater than thirty-five feet (35') in any event. Where an official line has been established for future widening or opening of a street upon which a lot abuts, than 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 30% 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 enforced.

16.10. HEIGHT MODIFICATIONS.

The building height limitations of this ordinance shall be modified as follows:

- 1) No building shall exceed a height of thirty-five feet (35') except non-dwelling agricultural buildings, unless otherwise provided.
- 2) Height regulations shall not apply to television and radio towers, church spires or steeples, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatuses which may be erected to any height not in conflict with any other applicable regulations. These additional structures or accessories may be erected, provided however, 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 public.
- 3) Public, semi-public, or public service buildings, hospitals, sanitariums, 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 of additional building height above the height limit otherwise provided in the district in which the building is constructed.

ARTICLE XVII

Additional Use Regulations

Article 17: Additional Use Regulations

- Section 17.1. Intent
- Section 17.2. Multiple Principal Structures per Lot
- Section 17.3. Accessory Building Uses
- Section 17.4. Portable Accessory Buildings and Storage Structures
- Section 17.5. Temporary Uses
- Section 17.6. Home Occupation Uses
- Section 17.7. Recreational Vehicle Uses
- Section 17.8. Adult-Oriented Establishment Use Regulations
- Section 17.9. Residential Dwelling Standards
- Section 17.10. Architectural Design Standards
- Section 17.11. Planned Unit Development – Special Exception

17.1. INTENT.

These provisions apply to additional use regulations 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.

17.2. MULTIPLE PRINCIPAL STRUCTURES PER LOT.

Except in the SR, RS, and MH residential districts, more than one principal permitted or permissible structure or use, not intended to be a single family residential structure, may be erected on a single lot subject to the following conditions.

- 1) Provided that yard setbacks and other requirements of this article are met for each structure as though it were on an individual lot.
- 2) No principal building or structure shall be located closer than twenty-five feet (25') in relation to another principal building or structure on the same lot, so as to cause danger from fire;
- 3) All principal buildings or structures on a lot shall be served by access ways suitable for police, fire, and emergency vehicles.
- 4) All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking and emergency accesses for the premises, and to each principal building.

17.3. ACCESSORY BUILDINGS.

The purpose of these provisions is to establish the relationship among principal and accessory uses and to establish provisions governing the conduct of accessory uses.

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 that are structurally part of or attached to the principal building shall conform to the site development regulations of the principal building.
- 2) Accessory buildings shall not be erected in any front yard.
- 3) Accessory buildings located in the CR, AC, BC, BP, LI and HI zoning districts may be allowed as the only principal structure on a separate platted lot so long as the accessory building and property is located no more than 300 feet from the lot of the principal structure it is associated with.
- 4) Site development regulations for detached accessory buildings in residential districts are:
 - a. Residential accessory buildings shall be limited to a maximum of three (3) total buildings, including a detached garage, of which all total accessory buildings in any required yard area shall not occupy more than thirty percent (30%) of the required rear yard area or not more than 1,200 square feet for the principal accessory structure and one accessory storage building not to exceed 120 square feet. However, in the event of unusually small rear yards, the 30% regulation shall not prohibit the construction of at least one garage not to exceed 600 square feet and at least one accessory storage building not to exceed 120 square feet.
 - b. No detached accessory building on a corner lot may be placed in any rear or side yard nearer to a public street right-of-way than the principal building on the same lot.
 - c. Accessory buildings shall not be erected within five feet (5') of any main (principal) building or structure, or within five feet (5') of the side or rear property line. Accessory buildings may be built up to but not on or over any utility or permanent easement.
 - d. If a garage door directly faces an alley, there must be a fifteen (15) feet minimum setback.
- 5) No accessory building shall be constructed, including siding and roofing materials, from galvanized metal, but not to exclude the use of standing seam metal roofs or other fabricated or painted metal roof shingles. Accessory buildings should be built of similar materials and of a similar appearance to the principal building on the lot.
- 6) Detached accessory buildings shall not exceed a height of 18 feet.
- 7) No accessory building shall be constructed upon a lot or used until construction of the main building has been commenced, and no accessory building shall be used unless the main building on the lot is also being used.
- 8) Accessory buildings shall not be used for dwelling purposes.
- 9) For the purposes of this ordinance, a gasoline dispensing pump shall not be classified as an accessory structure.
- 10) Satellite dishes are subject to the accessory building rules above.

17.4. PORTABLE ACCESSORY BUILDINGS AND STORAGE STRUCTURES.

- 1) “Storage Structure” shall mean one of the following definitions:

Membrane storage structure: A structure consisting of a frame covered with a plastic, fabric, canvas, aluminum or other non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles or other personal property. The term also applies to structures commonly known as hoop buildings, canopy carports or tent garages; but shall not apply to temporary tents or canopies used for special events such as weddings or celebrations.

On-demand or on-site storage structure: Any portable or permanent storage container, storage pod, storage unit, receptacle or other portable structure that is used for the storage of personal property, which is located outside an enclosed building. The term does not include normal sheds, garages, outbuildings or membrane storage structures.

- 2) The term “storage structure” shall not apply to a truck trailer or semi-trailer while it is actively being used for the transportation of materials, inventory or equipment and is temporarily located adjacent to a loading dock. A storage structure may be used as a construction site trailer but only during construction on the site.
- 3) *All Residential and Conservation Zoning Districts.*
Temporary membrane storage structures are not permitted on any residential properties. A permanent membrane storage structure with a hard roof (such as a carport structure) may be permitted on any property if the structure is permanently attached to the ground, concrete driveway or hard surface, or permanently attached to a principal or accessory structure. A temporary portable on demand or on-site storage structure may be kept within the yard areas on any residential property for a maximum of 7 days for purposes of packing, shipping or moving materials from a permanent structure.
- 4) *All Commercial, Industrial and Agricultural Zoning Districts.*
A permanent storage structure for other than residential or commercial purposes is permitted but shall be located on the property within the permitted rear or side yard areas so as not to obstruct any drive access or block required parking spaces.

17.5. TEMPORARY USES.

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

- 1) *Temporary Use Types:* The following types of temporary use may be authorized, 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 and servicing on the 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 the construction work.
 - b. Religious, patriotic, or historic assemblies, displays, or exhibits.

- c. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities not closer than 200 feet to an existing dwelling.
- d. Outdoor art and craft shows and exhibits.
- e. Christmas tree sale lots.
- f. Temporary signs relating to temporary uses.
- g. Outdoor special sales, including swap meets, flea markets, parking lot sales, or similar activities, limited to locations in commercial or industrial districts, and when operated not more than 3 days in the same week or more than 5 days in the same month.
- h. Temporary use of trailer units or similar portable structures for nonresidential uses, and limited to a maximum period of 6 months per calendar year.
- i. Additional similar uses determined to be temporary by the zoning administrator.

2) *Required Conditions of Temporary Use:*

- a. 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.
- b. The zoning administrator may establish such additional conditions as deemed necessary to ensure land use compatibility and to minimize potential 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 following temporary use.

3) *Determination:* The zoning administrator may authorize a temporary use only when, in his judgement, the following determination can be made:

- a. The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.
- b. The temporary use will be compatible with nearby uses in the general vicinity.
- c. The temporary use will not impact public health, safety, or convenience, or create traffic hazards or congestion or otherwise interrupt or interfere with the normal conduct of uses and activities in the vicinity.

4) *Application and Authorization:*

- a. Application to conduct a temporary use shall be made to the zoning administrator, and shall include a site plan and description of the use and such additional information as the zoning administrator may require to evaluate the use and to make the determination.
- b. Authorization of a temporary use shall be by issuance of a zoning permit.
- c. A temporary use authorized pursuant to these provisions shall not be exempt or relieved from compliance with any other ordinance, law, permit, or license applicable to such use.

17.6. HOME OCCUPATIONS.

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

- 1) The use must be clearly incidental and secondary to the use of the dwelling unit for residential purposes and in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term. The home occupation shall be conducted entirely within a residential dwelling unit that is the bona fide residence of the practitioner(s), or entirely within an attached or detached garage (not to include a carport, driveway, yard or outside area).
- 2) Is carried on by a member of the family residing in the dwelling unit.
- 3) Does not employ more than one (1) full time employee outside the immediate family residing on the premises, except by special exception by the Board of Adjustment;
- 4) Have no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.
- 5) Home occupations may have one (1) exterior, flush mounted, non-illuminated sign located on private property, off of the public right-of-way; in which sign shall not exceed four (4) square feet in area, shall not exceed four (4) feet in height.
- 6) The home occupation shall not occupy more than 30 percent of the main floor area. Any extension of the home occupation beyond 30 percent of the floor area shall only be approved by special exception of the Board of Adjustment. However, this regulation shall not apply to day care services.
- 7) Does not produce offensive or objectionable noise, vibration, fumes, smoke, dust, odors, heat, glare or waste run off rendering such building or premises objectionable to the residential character of the neighborhood.
- 8) No traffic shall be generated in greater volumes that would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard. No pedestrian traffic shall be generated into the home occupation more than the customer being served.
- 9) No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the premises.
- 10) 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.
- 11) 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, automotive repair, vehicle repair shops or massage parlors.

17.7. RECREATIONAL VEHICLES.

- 1) Recreational vehicles may be parked for seasonal use (short term use) on a driveway within a front yard, but not upon the right-of-way, in residential districts 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 not intended for permanent occupancy, may be parked or stored (long term use) within the side yard or rear yard of a residential lot, or within an enclosed garage.
- 2) For purposes of long term storage, all year long, 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.
- 3) Recreational vehicles shall be customarily or ordinarily used for vacation or recreation purposes and not used as a place of human habitation for more than fourteen (14) consecutive days in any three (3) month period.
- 4) Recreational vehicles shall not be used for permanent human occupancy in any district.
- 6) Recreational vehicle shall not be used for business purposes.

17.8. ADULT ENTERTAINMENT ESTABLISHMENT REGULATIONS.

- 1) *Purpose.* The City of Sheldon finds:
 - a. 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 Sheldon;
 - b. Adult entertainment establishments, because of their very nature, have a detrimental effect on both existing establishments around them and surrounding residential areas adjacent to them;
 - c. The concern over sexually transmitted diseases is a legitimate health concern of the city that demands reasonable regulation of adult entertainment establishments in order to protect the health and well-being of the community;
 - d. 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 area;
 - e. The City of Sheldon wants to prevent these adverse effects and thereby protect the health, safety, and welfare of its residents; protect residents from increased crime; preserve the quality of life; preserve the property values and character of the surrounding neighborhoods; and deter the spread of blight;
 - f. It is not the intent of this ordinance to suppress any 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 health problems associated with such establishments.

2) *Definitions Related to Adult Entertainment Establishments.*

- 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-in-trade for sale, rent, trade, lease, inspection, or viewing of books, films, video cassettes, magazines, 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 ESTABLISHMENT:** Any premises including, without limitation, "adult bookstores," or "adult motion picture theaters." It further means any premises to which public patrons or members are invited or admitted and 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 wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, where such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect. Adult Entertainment Establishment further includes, without limitation, any premises physically arranged and used as such whether advertised or represented as an adult entertainment studio, exotic dance studio, encounter studio, sensitivity studio, or any other term of like import.
- e. **OPERATORS:** Any person, partnership, or corporation operating, conducting, maintaining or owning any adult entertainment 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) *Location Restrictions.*

An adult entertainment establishments shall be permitted within the City of Sheldon only in the Heavy Industrial (HI) District upon receipt of a site plan (Article XVIII) and special exception use permit in accordance with the procedures set forth in Article XXVI, 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 entertainment establishments shall be prohibited in or within one thousand (1,000) feet of the borders of a residential district.
- b. Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any church, synagogue, mosque, temple, or other place of religious worship.
- c. Adult entertainment 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 entertainment establishments shall be prohibited within one thousand (1,000) feet of any daycare home or daycare business.
- e. Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any public park or playground. For purposes of this section, bike paths, trails, waterways, and boat launches shall not be deemed a public park.
- f. Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any other adult entertainment business.
- g. Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any existing establishment selling alcoholic beverages for consumption on premises.

4) *Development Design Standards.*

- a. *Exterior.* It shall be unlawful for an owner of an adult entertainment establishment to allow the merchandise or activities of the establishment to be visible from a point outside the establishment. Furthermore, the exterior portion of the adult-oriented establishment shall not have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any manner depicting specified anatomical areas or specified sexual activities.
- b. *Signage.* The operator shall comply with Article XX of this ordinance. Additionally, the display surfaces of 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.

5) *Responsibilities of the Operator.* Every act or omission by an employee constituting a violation of the provisions of this ordinance 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.

- 6) *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 must ensure that an attendant is stationed at each public entrance at all times during regular business hours. The attendant shall prohibit any person under the age of eighteen (18) from entering the establishment. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless a valid drivers license is asked for and furnished reflecting that person's age.

17.9. RESIDENTIAL DWELLING STANDARDS.

All structures intended for residential occupancy placed, erected, assembled or constructed in the City of Sheldon 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-two and one-half feet (22' 6") measured from outside of the dimension of three (3) or more exterior walls, exclusive of attached garages, porches, or other attached accessory structures. A structure may include porches, sunrooms, garages and wings of lesser dimensions and area, so long as the main body meets the minimum requirements.
- 2) *Minimum Floor Area:* All dwelling units shall provide for a minimum of eight hundred (800) square feet of floor space.
- 3) *Foundation:* All residential dwelling units, including attached structures shall be placed on a permanent frost free perimeter foundation, except that a perimeter foundation shall not be required for a mobile home or manufactured housing if a perimeter foundation is incompatible with the structural design of the mobile or manufactured home. For such a mobile home or manufactured housing, 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) *Detached Structures:* Any detached garage shall have a minimum of 18" depth perimeter footings.
- 5) *Exterior Wall and Roof Material:*
 - a. Exterior wall covering shall be wood or masonry finish, vertical or horizontal grooved siding, lap siding, log siding, wood shingles, or another approved material of similar appearance.
 - b. Roofing material shall be shingles (asphalt, fiberglass, 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.
 - d. 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.

- e. All dwelling units shall have a minimum roof pitch of 3:12. This requirement shall not apply to mobile home housing if the structure complies with 42 U.S.C., Section 5403.
- 6) *Wheels, Axles or Towing Device:* No residential structure shall have attached wheels, axles, or a towing device.
- 7) *Office Structures:* No mobile home, trailer, portable type building, etc., shall be used as an office or for other business purposes, unless by special exception granted by the Board of Adjustment.
- 8) *Exemption:* The provisions of this Article shall not apply to “mobile” or “manufactured” homes placed in a mobile home park in compliance with the remaining regulations in this zoning ordinance.

17.10. ARCHITECTURAL DESIGN STANDARDS

As part of the submittal of a site plan for development within any of the zoning districts and for any of the uses except one and two family dwellings, architectural plans for buildings shall be submitted for review and approval by the city staff as part of the permitting process. Documentation to be submitted shall include drawings showing the building’s design and a description of structural and exterior materials to be used, on all sides. The following standards shall be used by the city staff to review architectural plans:

- 1) *Non-Residential uses in any RESIDENTIAL District:* Any building used for a permitted or special exception non-residential use in any residential district, shall be designed and constructed with architecture and use of materials compatible with the residential uses within the neighborhood.
- 2) *All uses within the COMMERCIAL District:* Buildings within commercial districts shall be designed, having as a primary element of the building exterior: fascia glass, wood siding, stucco, vinyl, brick, concrete panels, finished or painted metal or aluminum siding, ribbed metal panels, textured concrete block or stone with all sides of any building consistent in design and use of materials. These materials shall make up at least a majority of the building walls of each side of the structure. No masonite, asphaltic wall material, galvanized sheet metal, non-textured concrete block, or other similar materials shall constitute a major portion of any building except as a trim material, unless city staff shall determine said material when used as a primary element, does not distract from the physical appearance of the building. The architectural design and use of materials for the construction shall be reviewed as part of any site plan.
- 3) *All uses within the INDUSTRIAL District:* The exterior material of the building’s front elevation shall be comprised of one or a combination of the building materials permitted in commercial districts. These materials shall be present on at least a majority of the building’s front facade. The use of galvanized metal shall not be considered acceptable for any facade. The architectural design and use of construction materials shall be reviewed as part of any site plan.

Buildings proposed in commercial or industrial areas that are adjacent to less intense uses (e.g. residential or civic uses) should be designed with an articulated roofline, giving emphasis to architectural elements that help divide the mass of a large building into smaller, identifiable parts. Commercial and industrial buildings shall incorporate facade modulation in all building elevations visible to the public or adjacent to other less intense uses in order to preserve building scale and reduce the effect of long, large or expansive wall surfaces. Variation of these surfaces can be accomplished by physical offsets or the use of color, pattern or texture. Buildings shall incorporate architectural design elements, materials, and colors into the side and rear building elevations similar to those used in the front building elevation.

17.11. 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 and to facilitate the adequate and economical provision of streets, utilities and public spaces; while simultaneously striving to preserve the natural and scenic qualities of open areas. PUD's 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 standard zoning regulations and how the proposed development is an improvement over the requirements of the city's zoning regulations.

1. To be eligible for PUD consideration, the proposed development must:
 - a. be in accordance with the comprehensive plan and with the regulations of 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 established on land zoned as one of the city's residential districts 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 established on land zoned as one of the city's commercial or industrial districts 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 zoned 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 eligible for consideration of 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: The proposed planned unit development is in conformance with the Sheldon 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. Enhancing the quality of new developments;
 - ii. Protecting the natural environment;
 - iii. Providing buffering between new developments and surrounding properties;
 - iv. Handling of storm water flows in natural channels;

- v. Maintaining existing vegetation along stream corridors as water quality filters; and
 - vi. Developing and sustaining low impact developments.
- d. *Common Open Space*: A minimum of twenty-five percent (25%) of every residential PUD shall be developed as public open space for the use and enjoyment of the residents. A minimum of fifteen percent (15%) 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 shall not be considered in calculating open space requirements. Common open space may qualify wholly or partially as recreation areas, recreational buildings, pedestrian open space system (permanently maintained walks and trails), or environmental features such as natural habitats or environmentally sensitive areas. If natural habitats or environmentally sensitive areas exist, the Planning Commission may require the area so defined to be left in an undisturbed state and adequately protected or incorporated into the design of the PUD as a natural resource or recreation area.
- 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. *Off-Street Parking and Loading*: Off-street parking and loading requirements shall be required for activities in the Planned Unit Development (PUD) District in accordance with the provisions of Article XIX of this ordinance, unless a deviation from those standards is specifically approved during the PUD approval process.
- i. *On-Site Utilities*: Underground utilities shall be provided wherever possible.
- h. *Streets*: Principal vehicular access to PUDs shall be from primary arterial or collector streets. Any PUD containing over 50 dwelling units and/or 30,000 square feet of nonresidential floor space shall provide at least 2 access points, where feasible. 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. *Pre-Application Meeting.*

Prior to submitting a PUD plan to the Board of Adjustment, the applicant shall meet with the zoning administrator and Board of Adjustment to discuss the proposed project. This includes the procedures for a special exception use permit and preliminary plat. The applicant may submit a simple sketch plan at this stage for informal review and discussion.

b. *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

c. *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.

d. *Development Plan Procedures.*

The applicant shall file a completed application for a special exception use with the zoning administrator. The zoning administrator shall review for conformity and 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

O'Brien County Recorder's Office by the developer within ninety (90) days. This shall include posting a performance bond or certified check with the City of Sheldon, Iowa, guaranteeing those required improvements will be constructed according to the approved implementation schedule. This shall be accomplished prior to the issuance of any zoning compliance permit. Once the development plan and final plat are approved, the city may issue the zoning compliance permit for the area. Said area shall then be designated on the official zoning map.

e. *Enforcing Development Schedule.*

The construction and provision of common open space and public or recreation facilities shown on the development plan must proceed at the same rate as construction of the dwelling units. If the rate of construction of dwelling units is faster than the rate of open space or public facilities, this information will be forwarded to Board of Adjustment of which then the special exception use permit may be revoked.

f. *Review and Amendments.*

The Board of Adjustment may make modifications, revisions or amendments to the special exception permit for the PUD including changes to the location, placement, and heights of buildings or structures if required by engineering or other 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 XVIII

Site Plans

Article 18: Site Plans

- Section 18.1. Intent
- Section 18.2. Scale
- Section 18.3. Legal Information
- Section 18.4. Site Plan

18.1. INTENT.

Site plans are required for new construction of permitted or special exception buildings and structures in any district, and shall comply with and illustrate the following. Accessory uses, buildings and structures, interior remodeling projects, and those exterior projects that do not change the size, cubic content or building footprint are exempt from site plan requirements. Although site plans according to this article are not required for such accessory uses or other remodeling or interior projects, it does not imply that such uses are exempt from the zoning permit process and any site drawings or plans required of the zoning permit application.

18.2. SCALE.

All site plans shall be drawn at a scale not smaller than 1"=10' for individual lot plans and not smaller than 1"=100' for subdivision plans. If review is required by the Planning Commission and/or Board of Adjustment, ten (10) copies of the site plan shall be submitted with the zoning permit application. Otherwise, 1 copy of the site plan shall be submitted to the city.

18.3. LEGAL INFORMATION.

The final site plan required 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.

18.4. SITE PLAN.

The final site plan shall clearly illustrate the following information:

- a. Property boundary lines, dimensions and total area.
- b. If substantial topographic change is proposed, contour lines at intervals of not more than two feet (2') may be requested by city staff.
- c. The availability and location of existing utilities.
- d. The proposed location, size, shape and type of all buildings or structures.
- e. The total square feet of all proposed buildings, both individually and collectively.
- f. The number of dwelling units, bedrooms, offices, etc.
- g. Existing buildings, rights-of-way, street improvements, utilities, easements, or drainage ways.
- h. Parking areas, number of parking spaces proposed and type of surfacing to be used.
- i. Walkways, lighting, walls, fences, signs, monuments and other man-made features.
- j. Location and type of hard landscaping and plantings, fences or walls to be used for screening purposes shall be illustrated in elevation as well as in the plan, if required.
- k. Traffic considerations, architectural themes, and any other considerations pertinent to the proposed use may be requested by city staff.

ARTICLE XIX

Off Street Parking and Loading Space

Article 19: Off Street Parking and Loading Space

Section 19.1.	Intent
Section 19.2.	General Parking Area and Surface Requirements
Section 19.3.	Off Street Parking Requirements
Section 19.4.	Computation of Parking Spaces
Section 19.5.	Location and Type of Parking
Section 19.6.	Off Street Loading Requirements

19.1. 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. Therefore, after the effective date of this ordinance, in all districts, there shall be provided at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements set forth herein. The requirements of this Article are minimum standards, and in certain uses these requirements may be inadequate. Where review of the site plans and intended land use indicate through the application of proven standards or experienced statistics that the requirements herein are inadequate for the specific land use adaptation, a greater requirement for off-street parking may be required to preserve the intent of this ordinance.

19.2. GENERAL PARKING AREA AND SURFACE REQUIREMENTS.

All off-street parking areas as required in this section shall comply with the following minimum area and surface requirements.

- 1) 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, leases, or contract documents to establish such joint area of use;
- 2) A parking space shall be not less than 180 square feet (typically 9' x 20').
- 3) Parking spaces shall be surfaced with portland cement, concrete, asphaltic concrete, or other such hard surface as approved by the planning commission.
- 4) Enclosed parking areas or garages shall qualify to meet the minimum parking space requirements under this section.
- 5) Requirements as to number and size of parking space in this section are minimum requirements only and shall not be construed as limitations.
- 6) 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 XXIV, Violation and Penalty.
- 7) Within all residential districts, parking of vehicles is permitted within the front yard portion of property; however, no parking is allowed on that portion of the front yard considered to be the public right-of-way.
- 8) All commercial uses located within the Business Commercial (BC) District shall be exempt from off-street parking requirements.

19.3. 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.

- | | |
|--|--|
| A. Agricultural Dwellings/Rural Residential: | 2 spaces per each dwelling unit |
| B. Roadside Stands: | 1 space per each 50 square feet of enclosed floor area |
| C. Greenhouses/Nurseries: | 1 space per each 1,000 square feet of enclosed floor area. |
| D. Single Family Residential: | 2 spaces per dwelling unit |
| E. Multiple Family Residential: | 1.5 spaces per dwelling unit |
| F. Mobile Home Residential: | 2 spaces per mobile home |
| G. Hotel / Motel: | 1 space per room plus 1 space per employee |
| H. Professional Office/Medical Clinic: | 1 space per 300 square feet of gross floor area |
| I. Hospital: | 1 space for each four hospital beds, plus 1 space for each two employees on the major shift |
| J. Convalescent/Nursing Home: | 1 Space for each eight beds, plus 1 space for each 3 employees on the largest shift. |
| K. Public Assembly:
- Churches, Auditoriums, Stadiums, Etc.
Schools (see requirements below) | 1 space for each six (6) seats of seating capacity provided |
| L. Public Government or Community Facilities: | 1 space per each six (6) seats in the main assembly area; or 1 space per each 500 square feet of gross floor area. |
| M. Bowling Alley: | 3 spaces per alley |
| N. Skating rinks, dance halls or other places of general indoor recreational activities: | 1 space per 300 sq. ft. of gross floor area |
| O. General Retail Sales/General Commercial: | 1 space per 300 sq. ft. of gross floor area. |
| P. Restaurants: | 1 space for each four (4) seats, plus 1 space for each two (2) employees |
| Q. Lounges/Bars/Taverns/Nightclubs: | 1 space for each two (2) seats or 1 space per 300 sq. ft. of gross floor area, whichever is greater |

- | | |
|--|--|
| R. Daycare Centers/Preschools/Nurseries: | 1 space for each employee |
| S. Primary Educational Facility: | 1 space per regular employee and 1 space for every ten (10) seats in the largest facility for public assembly. |
| T. Secondary Education/College Facilities: | 1 space per regular employee and 1 space for every six (6) seats in the largest facility for public assembly. |
| U. Industry/Manufacturing/Research: | 1 space for every two (2) employees of maximum number employed. |
| V. 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 five hundred (500) square feet of floor space on the same lot as the principal building. |

19.4. COMPUTATION OF PARKING SPACES.

- 1) In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply, as determined by the zoning administrator.
- 2) Where fractional spaces occur, the parking spaces required shall be construed to be the nearest whole number.
- 3) Whenever a building or use constructed or established after the effective date of this ordinance is changed, altered, or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. 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.
- 4) 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.

19.5. 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. Required parking spaces may be located and maintained no more than three hundred feet (300') from institutional or other non-residential buildings.

- 1) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a

written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution, and shall be filed with the application for a zoning permit.

- 2) Off-street parking spaces may be located within the required front yard of any multiple family residential, commercial or industrial zoning districts.
- 3) Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in completely enclosed buildings.
- 4) No automotive vehicle or trailers of any kind shall be stored, for long term purposes (in excess of 7 days), on the front yard within any residential district. No vehicle of any kind shall be parked or stored on public or private property so as to create a safety hazard with pedestrian or vehicular traffic.
- 5) All required off-street parking areas of more than five (5) spaces shall be surfaced with asphalt, concrete, or other such surface as shall be approved by the zoning administrator so as to provide a durable surface. They shall be graded and drained to dispose of all surface water accumulation within the lot, and shall be arranged and marked to provide for orderly and safe loading or unloading.
- 6) Any lighting used to illuminate any off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land.
- 7) In case commercial or other non-residential parking lots adjoin a residential district, it shall be at least five feet from the property line and effectively screened by the use of a fence, hedge, or other similar methods.
- 8) Parking in any district is not permitted on right-of-ways.

19.6. OFF STREET LOADING REQUIREMENTS.

Any commercial or industrial activity allowed in any zoning district shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot. 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 a minimum of one 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) No truck or trailer, for purposes of loading, unloading or parking will be permitted to be located on or block any street or other public right-of-way.
- 3) Such space may occupy all or any part of any required side or rear yard, 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.

ARTICLE XX

Sign Regulations

Article 20: Sign Regulations

Section 20.1.	Intent
Section 20.2.	Definitions
Section 20.3.	Parking Requirements
Section 20.4.	Special Exceptions
Section 20.5.	Additional Regulations
Section 20.6.	General Sign Provisions
Section 20.7.	Permits Required
Section 20.8.	Exempt Signs
Section 20.9.	Unsafe Signs and Removal of Signs
Section 20.10.	Nonconforming Signs

20.1. INTENT.

This article is established to protect and promote health, safety, general welfare and order within the City of Sheldon through the establishment of comprehensive and 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 communications media to persons situated within or upon public rights-of-way or private properties. The provisions of this article are intended to encourage opportunity for effective, aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or indiscriminate use of communications facilities. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this article.

20.2. DEFINITIONS.

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

- 20.2.1 **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 when not in use.
- 20.2.2 **ERECT:** To build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
- 20.2.3 **FACING (or SURFACE):** The surface of the sign upon; against or through which the message is displayed or illustrated on the sign.
- 20.2.4 **INCOMBUSTIBLE MATERIAL:** Any material that will not ignite at or below a temperature of 120° F and will not continue to burn or glow at that temperature.
- 20.2.5 **ON-PREMISE SIGN:** An advertising device concerning the sale or lease of the property upon which it is located, and/or advertising devices concerning activities conducted or products sold on the property upon which it is located.
- 20.2.6 **OFF-PREMISE SIGN:** An advertising device including the supporting structure which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include: On-premises signs, directional or other official sign or

signs which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.)

20.2.7 PERSON: Any one being, firm, partnership, association, corporation, company or organization of any kind.

20.2.8 SIGN: The use of any words, numerals, pictures, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession or business, and are visible to the general public.

- a. ABANDONED SIGN: A sign which no longer correctly directs any person, advertises a bona fide business, lessor, owner, product, or activity conducted on the premises where such sign is displayed.
- b. ADDRESS SIGN: A sign communicating street address only, whether written or in numerical form.
- c. AWNING SIGN: A sign consisting of either an operating or permanently affixed awning containing letters, graphics, pictures, or other images which portray the business or other advertising of the establishment in which it is attached to. Awning signs shall not encroach more than four (4) feet out in front of a building, but shall meet all other size requirements addressed in this ordinance. Permanent awnings may be lighted (from the backside); however, awning signs shall not have any flashing, strobe, or otherwise intermittent light emitting from the awning 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. A scrolling marquee sign or signs with animated, digital or video screens are not considered flashing signs.
- 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 or amendments thereto but which does not conform to the regulation of this ordinance.
 - n. **POLE 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:** A sign erected upon or above a roof or parapet of a building or 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 of solid face construction 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".
- 20.2.9 **SIGN AREA:** That area within the marginal lines of the surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building; that area which is included in the smallest connecting geometric figures which can be made to circumscribe the message, figure or symbol displayed thereon. Only changeable copy areas of marquee or canopies shall be considered in determining the total sign area.
- 20.2.10 **SIGN STRUCTURE:** The supports, uprights, bracing and framework for a sign including the sign area.
- 20.2.11 **STREET LINE (or PROPERTY LINE):** The place where the street right of way line begins and the private property line ends.
- 20.2.12 **STRUCTURAL TRIM:** The molding, battens, capping, nailing strips, laticing and

platforms that are attached to the sign structure.

20.2.13 TEMPORARY SIGN: Any sign which is erected or displayed for a specified period of time.

20.3. SIGN REQUIREMENTS.

Billboards and signs in conjunction with principal permitted uses are allowed subject to the following regulations. Only signs specifically permitted shall be allowed in the various districts.

1) *All Residential Districts (SR, RS, RM & MH) and Conservation District.*

Signs pertaining to principal permitted uses are allowed subject to the following regulations.

- a. On-premise signs are permitted. On-premise signs for residential businesses and home occupations, shall be attached to permanent mountings and no sign shall be in excess of nine (9) square feet appurtenant to a permitted use of the property on which displayed.
- b. On-premise signs for non-residential businesses located in residential areas shall be limited to no more than twenty (20) square feet on one (1) free standing sign not to exceed a height of five (5) feet from the ground to the top of the sign structure. One (1) additional wall mounted sign not to exceed nine (9) square feet is also permitted for non-residential businesses.
- c. One (1) on-premise sign pertaining only to the sale or lease of the land or building upon which displayed shall be allowed.
- d. Off-premises signs and flashing signs are not permitted.
- e. Permitted Sign Types:

1. Address signs	4. Joint Identification signs	7. Real Estate signs
2. Wall signs	5. Government signs	8. Ground signs
3. Campaign signs	6. Awning signs	

2) *Commercial Residential (CR) District.*

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

- a. Signs shall be limited to: (i) identifying uses conducted within the building; (ii) necessary for directional purposes; (iii) used to advertise the sale or lease of real property on buildings on which displayed; (iv) identifying the commercial enterprise by name or symbol.
- b. On-premise signs are permitted. The total aggregate area of all on-premise signs shall not exceed 150 square feet. Signs shall be attached to permanent mountings. Only one permanent type sign will be allowed for each principal use, except for corner lots or double frontage lots in which case one permanent sign shall be permitted per each street frontage.
- c. Signs incorporated as part of the building façade, or signs attached to buildings or erected upon the premises in such a manner as deemed adequate for the protection of public health and safety are permitted.

- d. 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.
- e. All signs shall be fixed and shall not be audible. No illumination shall be intermittent, flashing, or scintillating, nor shall any sign or illumination be revolving or animated. No signs shall have moving parts including devices set in motion by movement of air.
- f. Wall-mounted signs are permitted, but shall not project out from a wall or face of a building more than twelve inches (12”) nor project above the roofline more than four (4) feet.
- g. Service stations shall be limited to two hundred fifty (250) square feet of sign area. Where a service station has frontage on more than one street, both street frontages may be used to compute the allowable sign area. In no case however, shall the total of all signs for any one service station exceed 250 square feet per each street frontage.
- h. One (1) temporary, on-premise sign for lots with no structure or building development, no greater than four (4) square feet in area and advertising the sale or rental of property, shall be permitted.
- i. Off-premises signs and flashing or lighted signs are not permitted.
- j. Permitted Sign Types:

1. Real Estate signs	5. Informational signs	9. Temporary or Portable signs
2. Government signs	6. Directional signs	10. Awning signs
3. Address signs	7. Joint Identification signs	11. Pole signs
4. Campaign signs	8. Wall signs	12. Ground Signs

3) *Business Commercial (BC) District (Downtown).*

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

- a. Signs shall be limited to: (i) identifying uses conducted within the building; (ii) necessary for directional purposes; (iii) used to advertise the sale or lease of real property on buildings on which displayed; (iv) identifying the commercial enterprise by name or symbol.
- b. On-premise signs are permitted. The total aggregate area of all on-premise signs shall not exceed 150 square feet. Signs shall be attached to permanent mountings. Only one permanent type sign will be allowed for each principal use, except for corner lots or double frontage lots in which case one permanent sign shall be permitted per each street frontage.
- c. Signs incorporated as part of the building façade, or signs attached to buildings or erected upon the premises in such a manner as deemed adequate for the protection of public health and safety are permitted.
- d. 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.
 - e. All signs shall be fixed and shall not be audible. No illumination shall be intermittent, flashing, or scintillating, nor shall any sign or illumination be revolving or animated. No signs shall have moving parts including devices set in motion by movement of air.
 - f. Wall-mounted signs are permitted, but shall not project out from a wall or face of a building more than twelve inches (12”) nor project above the roofline more than four (4) feet.
 - g. Service stations shall be limited to two hundred fifty (250) square feet of sign area. Where a service station has frontage on more than one street, both street frontages may be used to compute the allowable sign area. In no case however, shall the total of all signs for any one service station exceed 250 square feet per each street frontage.
 - h. Portable signs (sidewalk signs) shall be allowed. Portable signs shall be granted for any consecutive twelve (12) month period. Such portable signs shall be required to be two (2) feet by three (3) feet in size and placed within three (3) feet of the applicant’s place of business. The applicant shall be required to indemnify and hold the city harmless from any liability costs, including attorney fees. The applicant shall provide proof of liability insurance.
 - i. Traveling or marquee shall be allowed. Such traveling or marquee type signs shall be attached to permanent mountings.
 - j. Off-premises signs and flashing or lighted signs are not permitted.
 - k. Permitted Sign Types:

1. Real Estate signs	5. Informational signs	9. Temporary or Portable signs
2. Government signs	6. Directional signs	10. Awning signs
3. Address signs	7. Joint Identification signs	11. Pole signs
4. Campaign signs	8. Wall signs	12. Ground Signs
- 4) *Business Park (BP), Arterial Commercial (AC), Light Industrial (LI), Heavy Industrial (HI), and Agriculture (A) Districts.* Signs and billboards in conjunction with principal permitted uses are allowed subject to the following regulations.
- a. Signs shall be limited to: (i) identifying uses conducted within the building; (ii) necessary for directional purposes; (iii) used to advertise the sale or lease of real property on buildings on which displayed; (iv) identifying the commercial enterprise by name or symbol.
 - b. On-premise signs are permitted. The total aggregate area of an independent structure sign shall not exceed 200 square feet. Only two permanent type signs will be permitted; one must be a wall sign, and one may be an independent structure located not more than 150 feet from the principal building;
 - c. Off-premise (billboard type) signs are permitted, and will be limited to one hundred (100)

square feet, and must not impair sight distance or create a traffic hazard. Off-premise signs shall comply with the setbacks and height requirements of the district they are located in. Other bulk regulations do not apply. Off-premise signs are governed by State and Federal regulations along highways, where zoning exists. Off-premise sign shall not be allowed in Agricultural Districts.

- d. 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.
- e. All signs shall be fixed and shall not be audible. No illumination shall be intermittent, flashing, or scintillating, nor shall any sign or illumination be revolving or animated. No signs shall have moving parts including devices set in motion by movement of air.
- f. Wall-mounted signs are permitted, but shall not project out from a wall or face of a building more than twelve inches (12”) nor project above the roofline more than four (4) feet.
- g. Service stations shall be limited to two hundred fifty (250) square feet of sign area. Where a service station has frontage on more than one street, both street frontages may be used to compute the allowable sign area. In no case however, shall the total of all signs for any one service station exceed 250 square feet per each street frontage.
- h. Portable signs (sidewalk signs) shall be allowed. Portable signs shall be granted for any consecutive twelve (12) month period. Such portable signs shall be required to be two (2) feet by three (3) feet in size and placed within three (3) feet of the applicant’s place of business. The applicant shall be required to indemnify and hold the city harmless from any liability costs, including attorney fees. The applicant shall provide proof of liability insurance.
- i. Traveling or marquee shall be allowed. Such traveling or marquee type signs shall be attached to permanent mountings.
- j. Off-premises signs and flashing or lighted signs are not permitted.
- k. Permitted Sign Types:

1. Real Estate signs	5. Informational signs	9. Temporary or Portable signs
2. Government signs	6. Directional signs	10. Awning signs
3. Address signs	7. Joint Identification signs	11. Pole signs
4. Campaign signs	8. Wall signs	12. Ground signs

20.4. 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.

20.5. ADDITIONAL REGULATIONS.

In all districts, signs and billboards shall adhere to pertinent state regulations and other local ordinances.

20.6. GENERAL SIGN PROVISIONS.1) *Safety*

- a. *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.
- b. *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 therefrom, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.
- c. *Signs not to constitute a traffic hazard.* No sign or other advertising structure, as permitted by this ordinance shall, by reason of its location, lighting, size, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic or obscure or physically interfere with an official traffic control sign, signal or device. No signs shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision. No private sign shall contain words which might be construed as traffic controls, or be confused with any authorized traffic sign, signal or device; or which makes use of the words “STOP”, “LOOK”, “WARNING”, “CAUTION”, “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.
- d. *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 and adjacent property.

2) *Sign Maintenance:* All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. In addition, 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 of the property upon which the sign is located, within thirty (30) days after written notice by the City of Sheldon.

3) *Interference:* No sign, nor any guys, stay or attachment thereto shall be posted, erected, placed or maintained by any person on rocks, fences, trees or other perennial plants; 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.

4) *Signs in Right-of Way:* No signs, other than government signs, shall encroach or extend over the public right-of-way, except as specifically provided herein.

5) *Temporary Signs:* The temporary use of portable or moveable signs, search lights, banners, pendants, and similar devices shall be allowed only by permit granted by the zoning administrator. The sign permit shall be granted in excess of and in addition to the sign limitations of this Article effective for periods of thirty (30) consecutive days and no more than

two (2) permits shall be granted for a property during any consecutive twelve (12) month period.

- 6) *Banners:* The following banner regulations shall apply within the Arterial Commercial (AC) and Business Commercial (BC) Districts.
 - a. Banners shall be allowed on by permit granted by the zoning administrator. Said permit shall be effective for a period of thirty (30) days per event.
 - b. During any period in which a permit has been granted by the zoning administrator, only one (1) banner shall be allowed per business.
 - c. Off-premise and on-premise banners are permitted. Off-premise banners shall comply with the setbacks of the district in which they are located.
 - d. No banner shall be lighted or obstructing the view of any highway or railroad.
 - e. The banner shall not encroach or extend over the public right-of-way.
 - f. No banner may obscure or physically interfere with an official traffic control sign, signal or device. No banner shall be posted or maintained on rocks, fences, trees or other perennial plants or on poles maintained by public utilities. All banners must be attached to a permanent structure.
 - g. All banners must be maintained by the business owner making the application. In the event the sign is damaged due to weather conditions or other events, the applicant and owner must repair, reattach or remove such banner within twenty-four (24) hours.
- 7) *Clearance:* All signs located over public rights-of-way or any public or private access route (sidewalk, mall, etc.) shall be located a minimum of fourteen (14) feet above grade.
- 8) *Safe Ingress and Egress:* No sign or part thereof shall be erected or maintained so as to prevent or deter free ingress and egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
- 9) *Signs Required by Law:* All signs required by law shall be permitted in all districts.
- 10) *Back to Back Signs:* If a free-standing 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 thirty 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 when debited against the total number of signs permitted on one zoning lot.
- 11) *Roof Signs:* Roof signs shall not be permitted except for a business sign that is attached to the parapet wall and extending above the building height except where no alternative is available as determined by the Board of Adjustment.
- 12) *Illumination:* All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets. No sign may be lighted in a manner which impairs the vision of a driver of a motor vehicle.

- 13) *Animated Signs:* Animated signs may be allowed as a special exception requiring a hearing before the Board of Adjustment. Scrolling marquees, digital or video electronic signs shall not be considered animated signs.
- 14) *Double Frontage:* Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each of the opposite ends of said lot, provided however, that not more than the maximum number of square feet of signs per frontage may be viewed simultaneously.

20.7. PERMITS REQUIRED.

It shall be unlawful for any person to erect, alter, or relocate within the city any sign or other advertising structure as defined in this ordinance, without first obtaining a sign permit and making payment of the required fee.

- 1) *Application for Sign Permit.* Application for sign permits shall be made available by the Zoning Administrator and contain or have attached thereto the following information:
- Name, address and telephone number of the applicant.
 - Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 - Position of the sign or other advertising structure in relation to nearby buildings or structures.
 - One sketch of the plan, method of construction, and attachment to the building or ground.
 - Name of person, firm, corporation or association erecting structure.
 - Inscription of what the sign will say.
 - For signs located along a state highway, a state sign permit will also need to be included.
 - Other such information as the zoning administrator shall require showing full compliance with this ordinance and all other ordinances of the city.
- 2) *Permit Issued.* It shall be the duty of the zoning administrator, upon the filing of an application for a sign permit to examine such plans and the premises upon which it is proposed to erect the sign or other advertising structure. If it appears the proposed structure is in compliance with all the requirements of this ordinance and all other ordinances of city, the sign permit shall then be issued.
- 3) *Permit Revocation.* Any permit holder who fails to comply with a valid order of the Zoning Administrator, or who fails to pay reasonable removal or repair expenses shall have the permit as to such sign or signs revoked. Another permit for the erection of such sign shall not be issued to said permit holder for a period of one (1) year from the date of revocation.

20.8. EXEMPT SIGNS.

The following signs are allowed without a permit but shall comply with all other applicable provisions of this ordinance.

- 1) **Real estate signs (on-site)** Announcing the owner, manager, realtor or other person directly involved in the sale or rental of the property on which the sign is located. At the date of closing, signs shall be removed within 48 hours. Signs shall not measure more than four (4) square feet

in the residential districts or twenty (20) square feet in the other districts.

- 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) **Address Signs** identifying street address only, whether in written or numerical form.
- 4) **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 (but not including any advertisement of any product). Such signs shall be confined to the site of the construction, alteration or repair and shall be removed within 18 months of the date of issuance of the first zoning permit or when the particular project is completed, whichever is later. One (1) sign, not to exceed 32 sq. ft. is permitted on the project site.
- 5) **Traffic or municipal signs**, legal notices, railroad crossing signs, danger signs, and other such temporary, emergency or non-advertising signs are permitted.
- 6) **Temporary signs** up to a maximum of thirty-two (32) square feet on owned property or with owner's consent, to be removed within 72 hours following the advertised event.
- 7) **Campaign signs** as allowed by Section 68A.406-yard signs, Code of Iowa.
- 8) **Government signs** of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by order of a public officer or employee in the performance of official duty.
- 9) **Directory 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.

20.9. UNSAFE SIGNS AND REMOVAL OF 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 of the property upon which the sign is located within thirty (30) days after written notice by the City of Sheldon. Such notice shall include a statement explaining the 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 of adjustment's decision on the matter. If, however, the zoning administrator finds that any sign or other advertising structure poses a serious and immediate threat to the health or safety of any person, the removal of such sign may be ordered without notice to the permit holder.

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 ninety (90) days from date of notice provided by the city. The owner of the property on which the sign is located shall have ninety (90) days from date of notice to remove any such sign. If after the expiration of the ninety (90) day period, the sign has not been removed, the city may cause the sign to be removed and any expenses may be charged back to the property owner.

20.10. NONCONFORMING SIGNS.

To avoid any undue hardship, any owner of a nonconforming sign in existence at the effective date of the 2009 Sheldon Zoning Ordinance shall not be required to comply with the regulations concerning signs as outlined within this Article. Such nonconformity shall not be enlarged upon, expanded or extended. In the event such nonconforming sign is removed, discontinued or abandoned for a period for twelve (12) consecutive months, the sign shall not thereafter be used except in conformity with regulations provided for in this Article.

ARTICLE XXI

District Buffers Required

Article 21: District Buffers Required

Section 21.1	Intent
Section 21.2	Conditions for Requiring a Buffer
Section 21.3	Permissive Buffers
Section 21.4	Burden of Provision of a Buffer
Section 21.5	Waiver of Buffer Requirement

21.1. INTENT.

It is recognized that the transition from one district to another district of contrasting and conflicting uses, is across a barrier and line in theory and not in existence. Therefore, it shall be the intent of this article to require the actual provision of a physical barrier so as to reduce any possible harmful or detrimental influence one district use may or may not have to abutting and conflicting district use.

21.2. CONDITIONS FOR REQUIRING A BUFFER.

The following conditions shall require a buffer between abutting districts:

- 1) All industrial districts that abut any residential district shall be buffered as required in this Article.
- 2) Any lot located in the Business Park, Commercial Residential, Arterial Commercial, Business Commercial, Light Industrial or Heavy Industrial district having both its front and rear lines abutting a public thoroughfare (a double frontage lot) shall be buffered from the thoroughfare abutting its rear line by one of the buffer methods set forth in this Article.
- 3) Any storage facility, storage yard, loading yard, or equipment storage/staging area in any commercial or industrial district which abuts a public thoroughfare shall be restricted from public view by a buffer.
- 4) Any other uses or districts abutting residential properties determined to be more intensive in nature or as recommended by the Board of Adjustment.

21.3. PERMISSIVE BUFFERS.

Buffers required under the provisions of this article or elsewhere in this ordinance shall be accomplished by any one or approved combination of the following methods:

- 1) *A Man-made Buffer:*
Such shall be not less than six (6) feet in height; constructed of a permanent low maintenance material. The wall shall be designed for both structural adequacy and aesthetic quality. The use of weather resistant wood, metal, concrete products, brick, tile, or other manufactured substitutes shall be used as a primary material for aesthetic quality, as long as the buffer is solid and opaquely screened.
- 2) *A Natural Buffer:*
 - a. *Natural Buffer Park:* Such park shall be not less than sixty (60) feet in width; designed and landscaped with evergreen type trees, shrubs and plants so as to assure year around effective screening.

- b. *Natural Buffer Screen*: Such natural screen shall not be less than 6 feet in height and comprised of natural plantings; and shall maintain a density of planting adequate to serve as a solid and unpenetrable screen.
- c. *Natural Buffer Berm*: Such natural berm or berm in combination with natural plantings shall not be less than 6 feet in height. If a berm is used in combination with natural plantings, the earthen berm shall be at least 3 feet in height.

21.4. BURDEN OF PROVISION OF A BUFFER.

The burden of provision and selection of the buffer shall be as follows:

- 1) Where two different districts, requiring a buffer between them, are both in an existing improved condition, the above requirement is not retroactive and should a buffer be desired, it shall be by mutual agreement between property owners or as otherwise provided by law. However, in the event of any or all of the improved property is abandoned, destroyed, demolished, etc., for the purpose of renewal, redevelopment, etc., that portion of such property being renewed, redeveloped, etc. shall be considered vacant land subject to the requirements herein.
- 2) Where one of two different districts requiring a buffer between them is partially developed, the developer of the vacant land shall assume the burden.
- 3) Where both districts requiring a buffer between them are vacant or undeveloped, except for agricultural use, the developer shall assume the burden as the land is improved or developed.

21.5. WAIVER OF BUFFER REQUIREMENT.

Where the line between two districts requiring a buffer follows a railroad, stream, or other similar natural or man-made barrier, the requirement for a buffer may be waived. Waiver of a buffer requirement may be incorporated into and considered during the subdivision platting process.

ARTICLE XXII Nonconformities

Article 22: Nonconformities

Section 22.1	Intent
Section 22.2	Nonconforming Uses of Land
Section 22.3.	Nonconforming Lot of Record
Section 22.4.	Nonconforming Structures
Section 22.5.	Nonconforming Uses of Structures and Land
Section 22.6	Repairs and Maintenance
Section 22.7	Uses Under Exception Provisions Not Nonconforming Uses
Section 22.8	Change of Tenancy or Ownership

22.1. INTENT.

It is the intent of this Article to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival. There exists within the districts established by this ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

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

22.2. NONCONFORMING USES OF LAND (or Land with Minor Structures Only).

Where at the time of passage effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended. Such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- 1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

- 2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
- 3) If such nonconforming use of land ceases for any reason for a period of twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- 4) No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

22.3. 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. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width or both, if the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the action of the Board of Adjustment.

22.4. 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) All nonconforming structures may continue to exist as long as the structure is not enlarged in the amount of square feet, cubic feet or building perimeter; or altered in any other way which increases its nonconformity. Such structure or portion thereof may be altered in a way which does not increase its nonconformity.
- 2) Should such nonconforming structure or nonconforming portion of a 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) Discontinuance. In the event that a non-conforming building or structure or premises is discontinued for a period of twelve (12) months, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

22.5. 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 to a permitted use 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 structure and land in combination, may as a special exception be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Adjustment either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing 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 structure and land in combination 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, in or 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, and the nonconforming use may not thereafter be resumed.
- 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 twelve (12) consecutive 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.
- 6) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction, for the purpose of this subsection, is defined as damage to an extent of more than fifty (50) percent of its replacement value. Replacement shall begin within twelve (12) months of the time of destruction or the nonconforming status shall expire.

22.6. REPAIRS AND MAINTENANCE.

On any building devoted in whole or in part to any nonconforming use, work may be done in on ordinary repairs, 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. 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.

22.7. 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.

22.8. 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.

ARTICLE XXIII

Zoning Administration and Enforcement

Article 23: Zoning Administration and Enforcement

Section 23.1	Zoning Administrator
Section 23.2	Zoning Compliance
Section 23.3	Zoning/Building Permits Required
Section 23.4	Application for Zoning/Building Permit
Section 23.5	Construction and Use to be provided in Application, Plans, and Permit
Section 23.6	Fees
Section 23.7	Special Exceptions
Section 23.8	Administrative Appeals

23.1. ZONING ADMINISTRATOR.

The purpose of this section is to confirm the existing zoning administrator, and it shall be the duty of said officer to enforce this ordinance. Such officer may be a person holding other appointive office in the city, or another governmental agency. All questions of interpretation and enforcement shall be first presented to the zoning administrator, or that person's assistant, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the zoning administrator, and recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by Chapter 414, Code of Iowa.

23.2. 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 use 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 violation of its provisions.

23.3. ZONING/BUILDING PERMITS REQUIRED.

Buildings or other structures shall not be erected, moved, added to, or structurally altered without a zoning/building permit issued by the zoning administrator. Zoning/building permits shall be issued in conformance with the provisions of this ordinance, or upon written order from the Board of Adjustment. Permits shall become null and void twelve (12) months after the date of issuance if the purpose for which the permit is issued has not commenced.

23.4. APPLICATION FOR ZONING/BUILDING PERMIT.

Zoning/building permits shall be obtained from the zoning administrator before starting or proceeding with the erection, construction, moving into, or the structural alteration of a building or structure. A separate sign permit shall be obtained prior to the erection or construction of signs and billboards. Permits shall be kept on file in the office of the zoning administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. Zoning/building permits shall be issued to complying applicants within seven (7) days after application is made. Each application for zoning/building permit for a new permitted or special exception use or any addition adding square feet or changing the building footprint of an existing permitted or special exception use shall be accompanied by a site plan prepared in accordance with

Article XVIII. In the case of moving an existing building, the zoning/building permit application shall be accompanied by moving permit and photos of the structure to be moved.

23.5. 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, arrangement and construction. Any use, arrangement or construction that alters or is at variance with that authorized by the zoning administrator shall be deemed a violation of this ordinance and punishable as provided by Article XXIV.

23.6. SCHEDULE OF FEES, CHARGES AND EXPENSES.

The city council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, zoning/building permits, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the zoning administrator, and the City Clerk, and may be altered or amended only by the city council, as recommended by the Planning Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Before receiving a zoning/building permit the owner or their agent shall pay to the city the permit fee as provided by resolution of the council. Fees for permits issued after the construction, or moving, in the case of house moving, has begun shall double. All public governmental entities including but not limited to the city, county, state and federal governments and schools, colleges and other educational institutions shall be exempt from paying any scheduled fees.

23.7. SPECIAL EXCEPTIONS.

The zoning administrator may issue a zoning/building permit for a special exception after review by the Planning Commission and upon order of the Board of Adjustment.

23.8. ADMINISTRATIVE APPEALS.

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the zoning administrator. The administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance. This procedure is intended to afford review of administrative actions taken pursuant to the zoning ordinance where such actions may be in error.

ARTICLE XXIV Violation and Penalty

Article 24:	Violation and Penalty
Section 24.1.	Violation and Penalty
Section 24.2.	Restraining Order

24.1. 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 permit, or violating the Sheldon 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 Sheldon is punishable under the following civil penalties: (*Code of Iowa, Sec. 364.22 [1]*)

1. First Offense – Not less than \$100 but not to exceed \$750.00 plus court costs
2. Second Repeat Offense – Not less than \$100 but not to exceed \$1,000.00 plus court costs

Each day that a violation occurs or is permitted to exist constitutes a separate offense.

24.2. RESTRAINING ORDER.

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 this ordinance, the city attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City of Sheldon to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

ARTICLE XXV

Board of Adjustment

Article 25: Board of Adjustment

- Section 25.1. Confirmation of Existing Board of Adjustment
- Section 25.2. Proceedings of the Board of Adjustment
- Section 25.3. Hearings, Appeals, and Notice
- Section 25.4. Stay of Proceedings
- Section 25.5. Powers and Duties
- Section 25.6. Variances
- Section 25.7. Decisions of the Board of Adjustment
- Section 25.8. Appeals from the Board of Adjustment

25.1. CONFIRMATION OF EXISTING BOARD OF ADJUSTMENT.

The members of the existing Board of Adjustment are hereby confirmed to continue their appointed terms of office. The Board shall consist of seven (7) members. Five (5) members shall be residents of the City of Sheldon and appointed by the Mayor and city council. Two (2) members shall be residents of the area outside the city over which the zoning jurisdiction of the city has been extended. These two (2) members shall be appointed by the Board of Supervisors of the county in which such extended area is located. Future members shall be appointed for overlapping terms of five (5) years. Members of the Board of Adjustment may be removed from office by the city council for cause upon written charges and after a public hearing. Vacancies shall be filled in the same manner as the original appointment for the unexpired term of the resigning member. A majority of the members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling of real estate.

25.2. 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 in that person's absence, the acting chairperson may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment, through its secretary, 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 and be immediately filed in the office of the Board. Said action shall take effect upon the Board receiving sufficient confirmation of the recording in the office of the O'Brien County Recorder. A copy of said action shall also be filed in the office of the zoning administrator. The presence of four (4) members shall constitute a quorum.

25.3. HEARINGS, APPEALS, AND NOTICE.

Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer, or bureau of the City of Sheldon affected by a decision of the zoning administrator. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days, by filing with the zoning administrator, 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, not less than seven (7) days nor more than twenty (20) days public notice in a

newspaper of general circulation in Sheldon, as well as notifying the owners of all property within two hundred (200) feet of the proposed special exception not less than seven (7) days prior to the hearing. The Board shall then decide the same within a reasonable time, typically not more than thirty (30) days. At the hearing any party may appear in person or by agent or attorney. 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 action as ought to be made, and shall have all the powers of the zoning administrator from whose action the appeal was taken. The concurring vote of the majority of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator.

25.4. STAY OF PROCEEDINGS.

An appeal stays all proceedings in furtherance of the action which was appealed, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would cause imminent peril 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 on the application, on notice to the zoning administrator from whom the appeal is taken and on due cause shown.

25.5. 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 only such exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance, and as provided for in Article XXVI.
- 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, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

25.6. 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 with the zoning administrator. The 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 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 within 200 feet of the subject property.
 - f. Site plans, as prepared in accordance with Article XVIII
- 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) The Board of Adjustment shall schedule a public hearing in regards to the 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. Notice shall be given to a complete list of persons provided by the applicant who are all of the owners of property within two hundred (200) feet of the property in question.
 - 4) The board shall fix a reasonable time for the hearing of the variance, and give not less than seven (7) days or more than twenty (20) days public notice in a newspaper of general circulation in Sheldon, thereof, and decide the same within thirty (30) days.
 - 5) The public hearing shall be held. Any party may appear in person or by agent or attorney.
 - 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 the 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.
 - e. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming uses of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
 - 7) The Board of Adjustment shall make findings that the applicant for a variance has met the requirements of this section.
 - 8) 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.
 - 9) 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.

- 10) A fee to be determined by resolution of city council shall accompany the application for a variance.
- 11) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved or any use expressly or by implication prohibited by the terms of this ordinance in said district.

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 XXIV.

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 or 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 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.

25.7. DECISIONS OF THE BOARD OF ADJUSTMENT.

- 1) In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is 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 administrative officer from whom the appeal is taken. The concurring vote of four (4) members or the majority of the entire 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 under this ordinance; or to affect any variation in application of this ordinance.
- 2) The action of the board shall not become effective until it has a written decision describing such action, the vote of each member participating therein and the reasons for such action, specifying the manner in which the applicant either satisfied or failed to satisfy each of the applicable standards, conditions or elements set forth in this Article. Decisions shall be filed promptly following the board's action and shall be open to public inspection. Every variation and exception granted or denied by the board shall be supported by a written testimony or evidence submitted in connection therewith.

- 3) If any application for a variance or exception shall have been denied by the Board of Adjustment, no new application for the same relief shall be considered for one (1) year by the board unless the board shall find that conditions have changed.
- 4) Any taxpayer or any officer, department, board, or bureau of the city or persons jointly or severally aggrieved by any decision of the board 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 of the board, except decisions granting use variances or a variance from any separation requirement shall be final immediately upon filing.

25.8. 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.

ARTICLE XXVI Special Exceptions

Article 26: Special Exceptions

Section 26.1	Requirements
Section 26.2	Jurisdiction
Section 26.3.	Application for a Special Exception Permit
Section 26.4.	Procedures
Section 26.5.	Standards
Section 26.6	Revocation
Section 26.7.	Supplemental Standards

26.1. 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 will 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 conditions, safeguards, or a specified time limit for performance of the special exception use.

26.2. JURISDICTION.

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

26.3. APPLICATION FOR SPECIAL EXCEPTION PERMIT.

A request for a special exception use permit for a special exception use or modification of a special exception use may be initiated by a property owner or his or her authorized agent by filing an application with the zoning administrator upon forms prescribed for the purpose. The application shall be accompanied by a site plan and other such data showing dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. A fee as determined by resolution of the city council shall also accompany the application.

Application and Fee: Application for a special exception use permit shall be filed with the zoning administrator. The Board of Adjustment shall provide a copy of the application for special exception for review and comment of the Planning and Zoning Commission within five (5) days after receipt of the application. The 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 of the property.
- d. 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.
- e. Site plans as prepared in accordance with Article XVIII

26.4. PROCEDURES.

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

- 1) The Board of Adjustment shall schedule a public hearing in relation to the 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. Notice shall be given to a complete list of persons provided by the applicant who are all of the owners of property within two hundred (200) feet of the property in question.
- 2) The Board of Adjustment shall determine that it is empowered under this ordinance to grant the special exception as described in the application, and that the granting of the special exception will not adversely affect the public interest pursuant to testimony presented at the public hearing.
- 3) 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 XXIV.
- 4) The concurring vote of three members of the Board of Adjustment grants a special exception use permit. No order of the Board of Adjustment granting a special exception use permit shall be valid for a period longer than six (6) months from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a zoning permit is obtained within the six (6) month period and construction is commenced.

26.5. STANDARDS.

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

- 1) That the establishment, maintenance, or operation of the special exception use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
- 2) That 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 diminish and impair property values within the neighborhood.
- 3) That in the case of existing relocated single family dwellings, that the proposed use aesthetically blend 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 in 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 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.

- 8) The use shall not include noise that is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
- 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 movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
- 14) 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.
- 15) That the use will not be in conflict with the city's comprehensive plan.
- 16) 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 (up to 500 feet) from property lines or screening of incompatible use by the use of fences or hedges.
- 17) The ground coverage shall be such that no additional dust or storm run-off is generated by the special exception use.
- 18) 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.
- 19) The use shall not cause any permanent, irreparable environmental damage to the parcel or neighboring lands.
- 20) The special exception use permit may be reviewed after a specified period of time for compliance and for possible additional conditions.

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.

26.6. REVOCATION.

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 he 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, does expressly grant to the city, for the enforcement of this ordinance, 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 for which a special

exception use permit has been issued, 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. In addition to all other remedies provided herein, in the event that such special exception shall become null and void, any bonds, if any, given by the owner under the provisions of this ordinance shall be forfeited.

26.7. SUPPLEMENTAL STANDARDS.

In addition to the general standards outlined in Section 26.5 above, certain specified uses shall adhere to the following standards:

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 Heavy Industrial (HI) 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:

1. The yards shall be at least three hundred (300) feet distant in all directions from any residential building;
2. Outdoor 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 coniferous trees or large shrubs to provide a solid landscape screen at least ten (10) feet high;
3. No waste materials, salvage, scrap, or other junk materials may be visible above the top of the solid wall or solid landscape buffer.
4. Off-street parking or service areas may be located outside of the screened-in area.

ARTICLE XXVII

Changes and Amendments

Article 27: Changes and Amendments

- Section 27.1. Procedures
- Section 27.2. Initiation
- Section 27.3. Application for Change in Zoning District Boundaries
- Section 27.4. Protest Provision
- Section 27.5. New Application

27.1. PROCEDURES.

This ordinance and the 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 Planning and Zoning Commission shall have forty-five (45) days from receipt of the requested amendment in which to submit its recommendation to the city council. Prior to making recommendation to the city council, the Planning Commission shall hold at least one public hearing on the text amendment or rezoning request. At least once during the public hearing process, either at the Planning Commission or city council meeting, property owners within two hundred feet (200') of the subject property shall be notified by mail. 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 30 days following receipt of the recommendation of the Planning and Zoning Commission, the city council shall hold at least one public hearing before adoption of any text amendment or a rezoning request. A notice of such public hearing shall be published not less than 7 and no more than 20 days prior to the date established for such hearing along with notification of 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 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 not consistent, it shall deny the application. The city council shall not modify a recommendation of the Planning and Zoning 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 city council request shall be deemed concurrence. 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.

Notwithstanding Chapter 414.2 of the Iowa Code, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner

before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change.

27.2. INITIATION.

Requests for rezoning of property or zoning 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.

27.3. 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 resolution by the city council and shall contain the following information:
 - a. The name and address of the owner and applicant.
 - a. The 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 within two hundred (200) feet of 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.
 - h. A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within two-hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.

The zoning administrator may require additional information or maps if they are necessary to enable the Planning Commission to determine whether the change is consistent with the objectives of this ordinance.

- 2) All fees shall be deposited to the general revenue fund of the city. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.
- 3) Upon receipt of the application by the administrative officer a copy shall be forwarded immediately to the Planning Commission for study and recommendation. The commission

shall, prior to making a recommendation, determine the following:

- a. Whether or not the current district 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.

27.4. PROTEST PROVISION.

In case the Planning Commission does not approve the change, or in a case of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of twenty percent (20%) or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent (20%) or more of the property which is located within two hundred feet (200') of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-quarters of all the members of the council. The protest, if filed, must be filed before or at the public hearing. Any amendment to this ordinance shall be recorded in the office of the O'Brien County Recorder.

27.5. NEW APPLICATION.

Whenever a petition requesting an amendment, supplement or change of any regulations prescribed by this article 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 XXVIII
Effective Date**

28.1 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 XXIX
Adoption**

ORDINANCE NO. 10-3195

ZONING ORDINANCE OF THE CITY OF SHELDON, IOWA

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

Passed and approved this 3rd day of March, 2010.

Katricia Rider
Mayor, City of Sheldon

Arlene Budden
Sheldon City Clerk

I hereby certify that the foregoing was published as Ordinance No. 10-3195 in the City of Sheldon, Iowa on the 31st day of March, 2010.

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.

AMENDMENT ORDINANCE NUMBER	DATE ADOPTED