

CHAPTER 165

ZONING REGULATIONS

165.01 Purpose and Intent
165.02 Rules and Definitions
165.03 General Provisions
165.04 Establishment of Zoning Districts
165.05 Agriculture District
165.06 Mining District
165.07 Residence District
165.07A Accessory Buildings
165.07B Accessory Buildings
165.07C Accessory Buildings
165.08 Commercial District

165.09 Light Industry District
165.10 Heavy Industry District
165.11 Nonconforming Buildings and Uses
165.12 Advertising Signs, Posters and Bulletin Boards
165.13 Exceptions and Variations of the Use, Height and Area Regulations
165.14 Board of Adjustment
165.15 Changes and Amendments
165.16 Building Permits
165.17 Enforcement, Legal Procedure, Penalties

165.01 PURPOSE AND INTENT. The Council deems it necessary to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence or other purpose in the City; to regulate and restrict the size of buildings and other structures, the proportion of lot that may be occupied, the size of yards and other open spaces; to provide a method of enforcement and administration of the regulations hereof; and to prescribe penalties for the violation of the provisions herein, in order to:

1. Promote the health, safety, morals and general welfare.
2. Lessen congestion in the streets.
3. Secure the safety from fire, panic, and other dangers.
4. Provide for adequate light and air.
5. Prevent overcrowding of land.
6. Avoid undue concentration of population.
7. Facilitate the adequate provisions for transportation, water, sewerage, schools, parks, and other public requirements.
8. Provide for regulations over nonconforming buildings, structures and uses.
9. Define and limit the powers and duties of administrative officers and bodies as provided hereinafter.
10. Prescribe penalties for violation of the provisions of these regulations or any amendment thereto.

165.02 RULES AND DEFINITIONS. The language set forth in the text of this chapter shall be interpreted with the following rules or construction. Whenever a word or term defined in this chapter appears in the text of the chapter, its meaning shall be construed as set forth in the definition thereof; and any word appearing in parentheses, directly after a word herein defined, shall be construed in the same sense as that word. All measured distances, expressed in feet, shall be to the nearest integral foot. If a fraction is one-half foot or more, the integral foot next above shall be taken. The following words and terms, wherever they occur in this chapter, shall be construed as herein defined:

1. “Administrative officer” means the person who is the official responsible for the administration and enforcement of this chapter.

2. "Alley" means a way or passage open to public travel which affords generally a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.
3. "Apartment house" means a dwelling, multiple-family.
4. "Basement" means a story, partly underground but having at least one-half ($\frac{1}{2}$) its height above the curb level or street grade and the highest level of the adjoining ground. A basement shall be counted as a story.
5. "Block" means that property abutting on one side of a street and lying within the two nearest intercepting or intersecting streets or nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.
6. "Board" means the Board of Adjustment established herein.
7. "Buildable width" means the distance between the inner boundaries of the two required side yards.
8. "Buildings" means any structure having a roof supported by walls or by columns intended for enclosure, shelter, or housing of persons, animals, or chattel. When any portion thereof is separated by party walls without any windows, door, or other openings, each portion so separated is deemed a separate building.
9. "Building accessory" means a subordinate building, the use of which is incidental to that of the main building on the same lot. Private garages are accessory buildings.
10. "Cellar" means a story partly underground and having more than one-half ($\frac{1}{2}$) of its clear height below the curb line or street grade. A cellar shall not be considered in determining the permissible number of stories.
11. "Commission" means the Planning and Zoning Commission as established in Chapter 22 of this Code of Ordinances.
12. "Dwelling" means a building which is designed for or occupied as an abode by one or more persons.
13. "Filling station" means a place where deliveries of gasoline, or any other fuel for operating motor vehicles, are made through measuring pumps or meters into the tanks of motor vehicles, and where such fuel is offered for sale to the public.
14. "Garage, private" means an accessory building or portion of a building in which one or more motor vehicles are housed, but in which no business, service or industry connected with motor vehicles is carried on, other than leasing of space for the housing of vehicles. Space for not more than three (3) motor vehicles may be leased to other than residents on the premises.
15. "Garage, public" means a space or building other than a private garage, used for storage, hiring, repairing, selling or equipping of motor-driven vehicles.
16. "Junk yard" means an area of any lot two hundred (200) square feet or more in size, which is used for the storage, abandonment, or keeping of junk, including scrap metals or scrap materials, or for the abandonment or dismantling of machinery, automobiles, or other vehicles, or parts thereof.
17. "Lot" means a parcel of land having its principal frontage on a public street, or on a private residence street whose area, occupied or to be occupied by a building and

its accessory buildings, is of sufficient size to meet the open space requirements of this chapter.

18. "Lot, corner" means a lot upon which at least two (2) adjacent sides abut upon a street.

19. "Lot depth" means the minimum horizontal distance between the front lot line and the mid-point of the rear lot line.

20. "Lot, interior" means a lot other than a corner lot.

21. "Lot lines" means property lines bounding a lot.

22. "Lot area" means total horizontal area within lot lines.

23. "Nonconforming use" means a lawful use of a building or land at the time of the enactment of these regulations or amendments thereto, which use does not conform with these regulations for the district in which it is located.

24. "Parking area" means a space open and unoccupied, required or permitted exclusively for automobile parking.

25. "Street" means any public or private thoroughfare other than an alley, which affords access to abutting property, including boulevard, highway, road, avenue, drive or lane.

26. "Structure" means anything erected or constructed, the use of which requires location on the ground or attachment to something having location on the ground.

27. "Structural alterations" means any change in the supporting members of a building, such as columns, bearing walls, girders or beams.

28. "Yard" means an open space other than a court, of uniform width or depth on the same lot with a building or group of buildings, which open space lies between buildings or groups of buildings and the nearest lot line and is unoccupied by a building or portion thereof from the ground upward. In measuring a yard to determine the depth of the front or rear yard, or the width of a side yard, the measurements shall be the shortest horizontal distance between the lot line and the main building.

29. "Yard, front" means a yard extending across the full width of the lot lying between the front line of the lot and the nearest line of the main building other than unenclosed porches, steps, or unenclosed balconies.

30. "Yard, rear" means a yard extending across the full width of the lot, and lying between the rear line of the lot and the nearest line of the main building, other than unenclosed porches, steps, or unenclosed balconies.

31. "Yard, side" means a yard between the side lot line and the building, extending from the front yard to the rear yard.

165.03 GENERAL PROVISIONS. General provisions are as follows:

1. **Conformance with Regulations.** Except as hereinafter provided, no building, structure or premises shall hereafter be used, and no building shall be erected, extended, converted, moved, rebuilt, or altered, except in conformity with all the district regulations established by this chapter for the district in which it is located.

2. **Minimum Area In Residence District.** No building shall be erected for or converted to residence purposes upon a lot, tract or parcel of land in the residence

district which is less than six thousand (6,000) square feet in area or of an average width of less than sixty (60) feet, or moved upon such lot, tract or parcel for such purpose.

3. Rear Accessory Buildings As Residences. No building in the rear of any principal building on the same interior lot shall hereafter be erected or reconverted for residence purposes.

4. Yards. No yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot, and no yards or other open space about an existing building or any building hereafter constructed for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building.

5. Vacant Land. Vacant land in the residence district shall be used only for cultivation purposes.

6. Continuing Existing Use. Should any use, structure, or building existing at the time of the adoption of these regulations be in nonconformity with these regulations for the district in which it is located, the same may be continued. Whenever a district shall be changed hereafter, the then existing lawful use may be continued.

7. Annexation of Territory. All territory annexed to the City after the effective date of these regulations, and which is not zoned by these regulations, shall automatically be classed as lying in the Agriculture District until such classification shall have been changed by an amendment to this chapter, as provided by law.

8. Regulations Minimum. These regulations shall be deemed to be minimum requirements, adopted for the purposes stated in Section 165.01. Wherever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing higher standards, shall govern.

9. Flood-prone Areas. In the continuous area adjacent to a stream or stream bed whose elevation is equal to or lower than the flood-crest elevation, including also any land of higher elevation, having an area of less than ten (10) acres, which is completely surrounded by land having an elevation equal to or lower than the flood-crest elevation, no building or structure shall be erected with the elevation of a habitable floor, including basement, lower than the flood-crest elevation as established by the Administrative Officer.

10. Utilities. These regulations shall not be construed to provide control over the type or location of poles, towers, wires, cables, conduits, or any similar distributing equipment of a telephone, telegraph, light, power, or railroad company, except as provided in the subdivision regulations contained in Chapter 166 of this Code of Ordinances. However, gas main construction shall be in alleys and back lot easements where possible.

11. Sexually Oriented Businesses. No sexually oriented businesses are allowed or permitted within the Commercial, Light Industry or Heavy Industry Districts. Sexually oriented businesses include, but are not limited to: adult arcades, adult book stores or adult video stores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, escort agencies, nude model studios and sexual encounter centers.

165.04 ESTABLISHMENT OF ZONING DISTRICTS. Zoning districts are established as follows:

1. Districts. For the purpose of these regulations, the City is hereby divided into six (6) districts which are as follows:
 - A. Agriculture District.
 - B. Mining District.
 - C. Residence District.
 - D. Commercial District.
 - E. Light Industry District.
 - F. Heavy Industry District.
2. Map. The boundaries of these districts are hereby established and designated on a map entitled, "Zoning Map of Sheffield, Iowa," which map shall be filed in the office of the Clerk. Said map, with all notations, data, and other information shown thereon, is hereby made a part of these regulations as if the same were fully set forth herein. Where there is uncertainty as to the boundaries of districts as shown on the Zoning Map of Sheffield, the following rules shall apply: [†]
 - A. Where boundaries are shown as approximately following street and alley lines, such street and alley lines shall be interpreted to be the boundaries.
 - B. Where boundaries are not shown as approximately following street and alley lines, and unless the boundary is indicated by dimensions shown on the Zoning Map, the boundary shall be determined by the use of the scale appearing thereon.

165.05 AGRICULTURE DISTRICT. Regulations for the Agriculture District are as follows:

1. Uses Permitted. Farms, including the usual farm buildings and structures.
2. Change in Use. When any intended use of land in the Agriculture District varies from any normal farm use, or height or use of buildings varies from any normally concerned with and considered as a normal farm use, such variation shall not be allowed until approved by the Council after receiving the recommendations of the Commission.
3. Dwelling. The owner of a farm may set aside a plot of ground on the farm and construct on said plot a single-family dwelling to be occupied only by a member of the immediate family or the family of a hired hand. Any other residence construction shall be governed by the regulations in Section 165.07.

165.06 MINING DISTRICT. Regulations for the Mining District are as follows:

1. Uses Permitted. Mining and extraction of minerals or raw materials, provided that active engagement shall not take place within three hundred (300) feet of any Residence District and provided that such use, if an extension of the established Mining District, is approved by the Council after receiving the recommendations of the Commission.
2. Height Regulations. No building or structure hereafter erected or structurally altered shall exceed two and one-half (2½) stories or thirty-five (35) feet.

[†] See Editor's Note at the end of this chapter for ordinances amending the Zoning Map.

3. Yard Regulations. No building shall be erected within fifty (50) feet of any property line, highway or street line; provided, however, no building from which a large amount of smoke, dust, odor, gas or noise will be emitted during the processing, treating, or storage of materials shall be erected until the location of same has been approved in the same manner that an extension of use is permitted as in subsection 1 above.

o o o o o o o o o o

165.07 RESIDENCE DISTRICT. Regulations for the Residence District are as follows:

1. Uses Permitted. Within any Residence District, as indicated on the Zoning Map, no livestock shall be harbored and no commercial crop raising permitted. Only the following uses shall be permitted.
 - A. Dwellings.
 - B. Public and parochial schools.
 - C. Golf courses, country clubs, tennis courts, and similar recreational uses, all non-commercial.
 - D. Churches, hospitals, public libraries, social or community center buildings (except those whose chief function is an activity conducted for gain).
 - E. Personal service occupations located in the private dwelling of the proprietor.
 - F. Public parks and public playgrounds.
 - G. Offices of professional persons, such as physicians, surgeons, dentists, lawyers, architects, engineers, accountants, chiropractors, osteopaths, and artists; provided such office is located in the building which is used as a private dwelling of the proprietor; and provided, further, there is no advertising on the premises other than a small sign not to exceed two (2) square feet in area and carrying only the name and occupation of the professional person; and provided, further, any building where such office is located includes no features of design not customary in buildings for residential use.
 - H. Accessory buildings, including a private garage or a private garage constructed as a part of the principal building.
 - I. Temporary buildings used incident to construction work and which shall be removed upon abandonment or completion of construction.
 - J. Real estate signs, announcement signs and bulletin boards as provided in Section 165.12.
 - K. Apartment houses.
 - L. Boarding houses and lodging houses, provided there is no advertising sign exceeding two (2) square feet in area.
 - M. Clubs and lodges, all non-commercial, provided the written consent of the owners of seventy-five percent (75%) of all the privately owned land within one hundred (100) feet of any part of the area to be actually covered by the structure of such club or lodge is on file in the office of the Clerk.
 - N. Clinics, sanitariums, dispensaries, convalescent homes, and charitable institutions (except penal or correctional institutions), provided that, before a permit is issued for any such use by the Administrative Officer, there shall be on file in the office of the Clerk the written consent of the owners of seventy-five percent (75%) of all the privately owned land within two hundred (200) feet of any portion of the premises to be occupied by such use, and further provided that after public hearing, the establishment of any such use with respect to location or site shall meet the approval of the Council.

- O. Mortuaries, provided that before a permit is issued for any such use by the Administrative Officer, there shall be on file in the office of the Clerk the written consent of the owners of seventy-five percent (75%) of all the privately owned land within two hundred (200) feet of any portion of the premises to be occupied by such use, and further provided that after public hearing, the establishment of any such use with respect to location or site shall meet the approval of the Council.
2. Height Regulation. No building hereafter erected or structurally altered shall exceed two and one-half (2½) stories or thirty-five (35) feet.
3. Required Lot Area. Required lot areas are:
- A. Single-Family Residence. Every building hereafter erected or structurally altered for dwelling purposes shall provide a lot area of not less than six thousand (6,000) square feet per family.
- B. Two-Family Dwellings. Every two-family dwelling hereafter erected or structurally altered shall provide a lot area of not less than three thousand (3,000) square feet per family.
- C. Apartments or Multiple Dwellings. Every building hereafter erected or structurally altered for multiple dwelling purposes shall provide a lot area of not less than one thousand (1,000) square feet per family; provided however, these regulations shall not apply to hotels or apartments where no cooking is done in an individual room, suite, or apartment.
4. Yards Required. Required yards are as follows:
- A. Front Yard. There shall be a front yard of not less than twenty-five (25) feet to the front line of the building and not less than fifteen (15) feet to the front line of an open porch or paved terrace. Bay windows, vestibules, or similar projections may be allowed in the front yard provided that such projection is not more than thirty (30) inches into the front yard. Open porches existing on the effective date of these regulations may be enclosed even though such porch extends into the front yard provided that sixty percent (60%) of the wall area of the enclosed porch is constructed of transparent material and provided the written consent of the property owners owning lots on either side is filed with the Clerk. Where lots comprising forty percent (40%) or more of the frontage are developed with buildings having front yards with a variation in depth of not more than ten (10) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established, provided that this regulation shall not be so interpreted as to require a front yard depth more than fifty (50) feet.
- B. Side Yard. On interior lots there shall be a side yard on each side of the building having a width of not less than seven and one-half percent (7½%) of the average width of the lot; provided, however, such side yard shall not be less than five (5) feet in width. Provided further, on lots having a width of twenty-five (25) feet or less, the side yard may be reduced to a width of not less than three (3) feet.
- C. Rear Yard. There shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot; provided, however, such rear yards

shall not be less than twenty-five (25) feet but need not exceed thirty-five (35) feet, except as provided in Section 165.14.

D. Yards on Corner Lots. On corner lots, the width of the side yard on that side of a lot adjoining an interior lot shall be the same as required for interior lots, and the width of the side yards adjoining a street shall be one-half ($\frac{1}{2}$) of the front yard requirements for the districts in which the lot is located; provided, however, these requirements shall not be construed to reduce the buildable width of any lot, if of record at the time of the passage of the ordinance codified in this chapter, to less than eighteen (18) feet.

5. Dwellings on Large Lots. There shall be only one-family dwellings on each lot or acreage of record, even when the erection of a second one-family dwelling on a particular lot or acreage would not violate the yard and area requirements of these regulations, except as stated in subsection 3 of 165.05.

165.07A ACCESSORY BUILDINGS. (Repealed by Ordinance No. 202 – Sep. 26 Supp.)

165.07B ACCESSORY BUILDINGS.

1. No accessory building shall be erected in any yard other than a legally required rear or side yard. The maximum allowable size of an accessory building on a single property shall not exceed 2000 square feet.

2. Accessory buildings shall be limited to 16ft sidewall height.

3. Accessory buildings shall obey all required offsets from property lines.

4. No accessory building shall be constructed on a lot until the principal building has been constructed, and no accessory building, built after August 2024, shall be used unless the principal building on the same lot is used.

5. Any existing accessory building, built before August 2024, may be replaced with the same square footage or less, in the exception for the primary residence as stated.

(Section 165.07B – Ord. 177 – Dec. 24 Supp.)

165.07C ACCESSORY BUILDINGS. (Repealed by Ordinance No. 202 – Sep. 26 Supp.)

165.08 COMMERCIAL DISTRICT. Regulations for the Commercial District are as follows:

1. Uses Permitted. Within any Commercial District, as indicated on the Zoning Map, only the following uses of land or building uses shall be permitted:

A. A retail or wholesale store or trade shop where goods are stored or displayed for sale, or services rendered.

B. Automobile parking lots.

C. Public garages.

D. Theaters.

E. Offices.

F. Automobile service stations for the sale of gasoline, oil, and accessories provided they meet the requirements of subsection 7 of this section.

G. Restaurants and lunch counters.

- H. Machine and implement sales and repairs.
 - I. Pool halls, bowling alleys and other commercial recreation enterprises meeting requirements of this Code of Ordinances.
 - J. Hotels.
 - K. Soft drink manufacture and sales.
 - L. Animal hospital provided no outdoor kennels are installed.
 - M. Stone or monument works, display or sales only.
 - N. Funeral homes.
 - O. Clubs and lodges.
 - P. Motels.
 - Q. Bus depots.
 - R. Locker plants, provided that a use permit shall have been secured for such use from the Council.
 - S. Any uses similar to the above, provided that approval is granted by the Commission and a permit is granted by the Council.
- 2. Height Regulations. No building hereafter erected or structurally altered shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as provided in Section 165.14.
 - 3. Front Yard. None required.
 - 4. Side Yard. None required.
 - 5. Rear Yard. None required.
 - 6. Lot Area Per Family. Where dwellings are erected above stores, there shall be a lot area of not less than one thousand (1,000) square feet per family.
 - 7. Location of Filling Stations. No gasoline filling station shall be erected within the Commercial District or any other district so that any entrance or exit for vehicles is within fifty (50) feet of any Residential District or within two hundred (200) feet of any entrance or exit of any previously existing assembly hall, theater, public library, church, public or denominational or private school, public playground or community building, hospital, children's or old people's home or similar institution. Provided, however, the Board of Adjustment shall have authority to permit filling stations within such limits if the proprietors of the real estate used for any of the foregoing uses file written consent to the granting of such permit.

o o o o o o o o o o

165.09 LIGHT INDUSTRY DISTRICT. Regulations for the Light Industry District are as follows:

1. Uses Permitted. Permitted uses are as follows:
 - A. Animal hospital where open kennels are operated.
 - B. Stone or monument works.
 - C. Millworks.
 - D. Hatcheries.
 - E. Building and storage yards, including lumber and building material yards, but not junk yards.
 - F. Coal yards.
 - G. Grain elevators.
 - H. Granaries.
 - I. Creameries, milk collection depots, dairies and butter fat processing plants.
 - J. Railroad freight stations, passenger stations and service tracks.
 - K. Storage warehouses.
 - L. Produce procurement establishments.
 - M. Truck terminals.
 - N. Grist mills.
 - O. Wholesale establishments.
 - P. Blacksmith shops.
 - Q. Machine and implement sales and repairs.
 - R. Bulk oil and petroleum products storage.
 - S. Greenhouses and horticulture nurseries.
 - T. Any uses similar to the above, provided approval is granted by the Commission and a permit is secured from the Council.
2. Height Regulations. No building hereafter erected or structurally altered shall exceed a height of two and one-half (2½) stories or thirty-five (35) feet, except special consideration shall be given to the height of grain elevators and storage bins.
3. Yards Required. Each lot shall have front, side and rear yards not less than the depths or widths following:
 - A. Front yard depth - twenty (20) feet.
 - B. Side yard depth - ten (10) feet.
 - C. Rear yard depth - thirty (30) feet.

o o o o o o o o o o

165.10 HEAVY INDUSTRY DISTRICT. Regulations for the Heavy Industry District are as follows:

1. Uses Permitted. Permitted uses are as follows:
 - A. Fixed plants for processing stone, gravel or clay.
 - B. Ready-mix cement plants.
 - C. Junk yards or automobile wrecking yards, scrap iron, scrap paper and similar uses provided they are conducted within a building or where entirely enclosed within a wood painted fence or masonry wall not less than eight (8) feet in height.
 - D. Tank farms for wholesale storage of petroleum products, provided approval is granted by the Commission and a permit granted by the Council.
 - E. Stockyards.
 - F. Food processing plants.
 - G. Any other heavy industrial or manufacturing use, provided approval is granted by the Commission and a permit is secured from the Council.
2. Height Regulations. No building erected or structurally altered shall exceed three and one-half (3½) stories or fifty (50) feet.
3. Yards Required. Each lot shall have front, side and rear yards not less than the depths or width following:
 - A. Front yard depth - twenty (20) feet.
 - B. Side yard depth - ten (10) feet.
 - C. Rear yard depth - thirty (30) feet.

o o o o o o o o o o

165.11 NONCONFORMING BUILDINGS AND USES. The lawful use of any building or land existing at the time of the enactment of these regulations may be continued although such use does not conform with these regulations, except in the case of trailers used for dwelling or sleeping quarters and any trailer court or automobile wrecking or junk yard in existence in a district in which it is a nonconforming use.

1. Change. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. A nonconforming use of land existent at the time of these regulations may continue to be used for such nonconforming use. Upon cessation of this nonconforming use for a period of three (3) months, the use of the land shall revert to the regulations of the district in which it is located. Whenever a nonconforming use of a building or land has been changed to a more restrictive use or to a conforming use, such use shall not thereafter revert to a less restricted use.
2. Restoration. No building damaged by fire, act of God, or other causes to the extent of sixty percent (60%) of its value shall be restored except in conformity with the regulations of the district in which it is located.
3. Abandonment. Whenever a nonconforming use of a building has been discontinued for a period of one (1) year the use of the same shall thereafter conform to the use permitted in the district in which it is located.
4. Extension. A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of these regulations shall not be deemed the extension of such nonconforming use.
5. Special Permit. The Council may, by special permit after public hearing, authorize the location of any building or any use in any district from which they are prohibited by these regulations.

165.12 ADVERTISING SIGNS, POSTERS AND BULLETIN BOARDS. In the Residence District, real estate signs not exceeding nine (9) square feet in area, advertising the sale, lease or rental of premises or buildings on which they are located are permitted. Such signs shall be a distance of not less than twenty (20) feet from the street line or more than five (5) feet from the building line of the structure located on the lot. In the Residence District announcement signs or bulletin boards are permitted, provided such signs are erected upon the premises of a charitable, religious or public institution for its own use.

165.13 EXCEPTIONS AND VARIATIONS OF THE USE, HEIGHT AND AREA REGULATIONS. The district regulations appearing elsewhere in these regulations shall be subject to such exceptions, variations, additions and modifications as set forth in this section.

1. Height. Height exceptions and variations are:
 - A. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet and churches and temples may be erected to a height not exceeding seventy-five (75) feet, provided that the building is set back from side and rear yard lines an additional foot for each two (2) feet of building height above the height limit otherwise imposed in the district in which the building is located.

- B. Single-family and two-family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.
 - C. Buildings that are to be used for storage purposes only may exceed the maximum number of stories permitted in the district in which they are located, but such buildings shall not exceed the number of feet of building height permitted in such district.
2. Yards. Yard exceptions and variations are:
- A. For the purpose of side yard regulations, a two-family dwelling or a multiple family dwelling shall be considered as one building occupying one lot.
 - B. Where more than thirty percent (30%) of the frontage in a block has been built up, then the building line of the buildings to be erected shall conform to the natural building line of the block as determined by the existing buildings.
 - C. Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in the rear yard, pergolas, gazebos, covered decks, and except for the ordinary projection of sills, belt course, cornices, and ornamental features projecting not to exceed twelve (12) inches.
3. Lots. A lot or tract having less area or width than herein required, and of record, may be occupied by only one main building and accessory buildings of the use or uses permitted for that district in which said lot or tract is located. The side and rear yards may be reduced, provided variation is obtained from the Board of Adjustment as set forth in Section 165.14.
4. Use. Use exceptions and variations are:
- A. Accessory buildings may be built in a required rear yard, but shall not occupy more than thirty percent (30%) of the rear yard.
 - B. No cellar shall be occupied for dwelling purposes and no basement shall be occupied for dwelling purposes unless at least one (1) story of the house above the basement has been completed.
 - C. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that work is under way, but such temporary buildings shall be removed upon the completion of the construction work as determined by the Administrative Officer.

165.14 BOARD OF ADJUSTMENT. Board of Adjustment provisions are as follows:

1. Establishment. A Board of Adjustment is hereby established. The Board shall consist of three members who are free-holders, and who are appointed by the Mayor, subject to the approval of the Council, for staggered terms of five (5) years. Members shall be removable for cause by the appointing authority upon written charges and after public hearing unless waived by the member or if the member shall resign. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant by appointment. All members of the Board shall serve without compensation. The Board shall adopt, from time to time, subject to the approval of the Council, such rules and regulations as it may deem necessary for the enforcement of these regulations. The Board shall elect its own Chairperson, who shall serve for one (1) year.

2. Meetings. Meetings of the Board shall be held at the call of the Chairperson and at such times as the Board may determine. Such Chairperson or, in the absence of the Chairperson, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicate such fact and shall keep record of its examinations and other official actions, all of which shall be filed in the office of the Clerk and shall be a public record. All meetings of the Board shall be open to the public.

3. Appeals. In cases in which the Board has original jurisdiction under the provisions of this chapter, an application to the Board may be taken by any property owner, including a tenant, or by any officer, department, board, or bureau of the City. Such application shall first be filed with the Clerk, who shall transmit to the Board such application, together with all the plans, specifications, and other papers pertaining to the application. An appeal to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decisions of any Administrative Officer administering any portion of this chapter. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken, and with the Board, a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of an appeal. It shall give public notice of such hearing, as well as due notice to the interested parties. At the hearing any party may appear in person or by an agent or attorney. The Board shall decide the application or appeal within a reasonable time. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal shall have been filed with such officer, that, by reason of facts stated in the certificate, a stay would, in the opinion of such officer, cause imminent peril to life or property. In such case proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board or by a court of record on notice to the officer from whom the appeal is taken, and on due cause shown.

4. Jurisdiction and Powers. The Board shall have the following powers:

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made in the enforcement of these regulations.

B. To permit the extension of a use district where the boundary line of a district divides a lot in a single ownership as shown of record.

C. To permit the erection and use of an accessory building on a lot which is to be used for residential purposes before the erection of the residence on such lot, provided such use is for a period of time not to exceed one (1) year.

D. To permit the erection and use of a building, or the use of a premises in any location for public utility purposes only, which the Board finds to be reasonably necessary for public convenience or welfare.

E. Where the street or lot layout on the ground actually varies from the street and lot lines as shown on the Zoning Map, the Board shall interpret the map and these regulations in such a way as to carry out the intent and purpose of these regulations for the particular district or section in question.

F. To authorize upon appeal in specific cases, such variance from the terms of these regulations as will not be contrary to public interest, where a property owner can show by reason of exceptional shallowness, narrowness, or shape, of a piece of property at the time of the passage of these regulations, or where, by reason of exceptional topographical conditions or other extraordinary situation, that the strict application of these regulations actually prohibit the use of said person's property in a manner similar to that of other property in the district. The Board shall be satisfied, by the evidence heard before it that the granting of such variation will alleviate a hardship approaching confiscation as distinguished from a special privilege sought by the owner; provided, however, all variations granted under this clause shall not be a direct and obvious amendment of any district boundaries or regulations.

G. To permit the extension or enlargement of an existing use located in a district restricted against such use, either by the extension or enlargement if necessary, incident to the trade, business, or industry existing at the time of the adoption of these regulations, provided that such extension or enlargement will not prove detrimental to or tend to alter the character of the neighborhood.

H. To permit the nonconforming use of a building to be changed to another nonconforming use of a more restricted classification.

I. To permit the reconstruction and use as before of a nonconforming building or structure damaged by fire, flood, explosion, or other similar cause.

J. To hear and decide special exceptions to the terms of these regulations upon which the Board is required to pass under this chapter.

K. In exercising the above mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

L. The concurring vote of three (3) members of the Board shall be necessary to reverse an order, requirement, decision, or determination of any such Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations, or to effect any variation in these regulations.

Any person or persons, jointly or severally, aggrieved by any decision of the Board, under these regulations, or any taxpayer or any officer, department, board, or bureau of the City may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality; such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

(Section 165.14 – Ord. 143 – Jul. 21 Supp.)

165.15 CHANGES AND AMENDMENTS. Provisions for changes and amendments are:

1. General Procedure. The Council may, from time to time, on its own motion, on petition, or on the recommendation of the Commission, supplement or change the regulations or the district boundaries herein or subsequently established. No such action shall be taken, however, until after the proposed change has been submitted to the

Commission and they have submitted their recommendation and report thereon, or until after public notice and hearing as provided by statute.

2. **Written Protest.** If a written protest against any proposed amendment, supplement, or change shall have been presented to the Council signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending the depth of one (1) lot or not to exceed two hundred (200) feet therefrom, or of those directly opposite thereto extending the depth of one (1) lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots, such amendment, supplement, or change shall not become effective except by the favorable vote of at least three-fourths (3/4) of all the members of the Council.

3. **Action on Petition.** Whenever a petition requesting an amendment, supplement, or change of any regulations prescribed by this chapter has been properly filed, it must be acted upon within one (1) year, and whenever it has been denied by the Council, such petition cannot be renewed for one (1) year thereafter.

4. **Fee.** Every petition requesting an amendment shall be accompanied by a deposit of ten dollars (\$10.00) to cover publication costs of notices in connection with such petition. Any balance remaining after payments of such costs shall be refunded to the petitioner.

165.16 BUILDING PERMITS. Before any building or structure is erected, constructed, reconstructed, reconditioned, or converted in the City, and before any building or structure is moved into the City, the plan therefor, together with the description and dimensions of the lot, tract or parcel of land to be occupied and statement of the proposed use shall be submitted to the Administrative Officer, who shall, if said proposal is in accordance with the provision of this chapter, issue a permit therefor. In the event that construction covered by a building permit is not completed within one (1) year from the date of issuance of the permit, such permit shall be deemed void and of no effect.

1. **Excluded From Permit Requirements.** Replacement of existing windows with no modifications to the structure. Replacement of existing exterior siding with no modifications to the structure. Replacement of existing roofing materials with no modifications to the structure. Such excluded items should be replaced with similar materials, but not are required to be of the same materials as those being replaced. Structures under 100 square feet may also be considered for exclusion from permit requirements.

(Section 165.16 – Ord. 2020C – Jul. 21 Supp.)

165.17 ENFORCEMENT, LEGAL PROCEDURE, PENALTIES. It is the duty of the Administrative Officer to enforce this chapter. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter is in violation of this Code of Ordinances. Each day that a violation is permitted to exist shall constitute a separate offense. 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 chapter, the proper authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, to prevent any illegal act, conduct, business, or use in or about such premises.

EDITOR'S NOTE			
The following ordinances have been adopted amending the Official Zoning Map described in Section 165.04 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.			
ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED
78	January 24, 1978		
82	November 7, 1978		
84	May 1, 1979		
	May 4, 1982		
1-00	January 11, 2000		
	August 1, 2000		
	August 1, 2000		
	August 23, 2000		
5-2-01	May 1, 2001		
5-2-01	May 1, 2001		
	April 1, 2003		
2020-1	October 12, 2020		
2020A	July 8, 2019		
2020D	December 9, 2019		

[The next page is 601]

CHAPTER 166

SUBDIVISION REGULATIONS

166.01 Title	166.09 Preliminary Plat Requirements
166.02 Purpose	166.10 Final Plat Requirements
166.03 Jurisdiction	166.11 Design Standards
166.04 Definitions	166.12 Improvements Required
166.05 Preliminary Plat Procedures	166.13 Fees
166.06 Final Plat Procedures	166.14 Variances
166.07 Plats Outside Corporate Limits	166.15 Enforcement
166.08 Professional Assistance	166.16 Amendments

166.01 TITLE. This chapter shall be known and may be cited as the “Subdivision Regulations Ordinance of the City of Sheffield, Iowa.”

166.02 PURPOSE. The purpose of this chapter is to provide for the harmonious development of the City and adjacent territory by establishing appropriate standards for streets, blocks, lots, utilities and other improvements, by promoting coordination with existing development, and by establishing procedures and conditions for the approval of subdivisions of land, all in the interest of the health, safety and general welfare of the community.

166.03 JURISDICTION. All plats, replats or subdivision of land into three or more parts for the purpose of laying out a portion of the City, addition thereto or, pursuant to Section 354.9 of the *Code of Iowa*, suburban lots within one (1) mile of the corporate limits of the City, for other than agricultural purposes shall be submitted to the Council and Planning and Zoning Commission of the City in accordance with the provisions of this chapter and shall be subject to the requirements established herein.

166.04 DEFINITIONS. For the purpose of this chapter, certain terms and words are hereby defined. Also, as used herein, the word “building” includes the word “structure.”

1. “Alley” means a permanent service way providing a secondary means of access to abutting lands.
2. “Building line” means a line established on a plat as a restrictive covenant, beyond which no building may be placed. The building lines need not correspond to the front, side, or rear yard requirement established in the Zoning Ordinance, and where they do not, the most restrictive requirement will control.
3. “Commission” means the Planning and Zoning Commission of the City.
4. “Cul-de-sac” means a short minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
5. “Easement” means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of said person’s property.
6. “Final plat” means the map or drawing, on which the subdivision plan is presented in the form which, if approved by the Council and Commission, will be filed and recorded with the County Recorder.

7. "Preliminary plat" means a study, or drawings indicating the proposed manner or layout of the subdivision which is submitted to the Council and Commission for consideration.
8. "Separate tract" means a parcel of land or a group of contiguous parcels of land under one ownership.
9. "Street" means a right-of-way dedicated to and accepted for the public use, which affords the principal means of access to abutting property.
 - A. "Street, thoroughfare" means a street intended for cross-town or through traffic.
 - B. "Street, collector" means a street intended to carry vehicular traffic from residential streets to traffic generators or thoroughfares.
 - C. "Street, residential" means a street used primarily for access to abutting property.
10. "Street pavement" means the wearing or exposed surface of the street right-of-way used by vehicular traffic. The pavement width is measured from the back of the curb on one side to the back of the curb on the other side.
11. "Street right-of-way" means the area measured between property lines dedicated to and accepted for public use and providing access to abutting properties.
12. "Subdivider" means any person, firm, corporation, partnership, or association who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for himself or others.
13. "Subdivision" means the division of a separate tract of land into three (3) or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved any division of a parcel of land.
14. "Substantial hardship" means a condition unique to the property under consideration and a condition under which an action by the Commission would force the applicant to suffer practical difficulty and denial of the reason able use of the property. Monetary cost is not a substantial hardship. *(Ord. 147 – Nov. 21 Supp.)*

166.05 PRELIMINARY PLAT PROCEDURES.

1. The owner or developer of any tract of land to be subdivided shall cause a preliminary plat to be prepared of the subdivision containing the information specified herein and shall file three (3) copies and a reproducible sepia or tracing of plat with the Clerk.
2. The Clerk shall immediately transmit two (2) copies of the preliminary plat to the Commission for study and recommendation.
3. The Commission shall examine the plat as to the compliance with this chapter, and the comprehensive plan of the City and shall have thirty (30) days within which to submit a recommendation to the Council, provided that the owner or developer may agree to an extension of time not to exceed sixty (60) days.
4. The Council, upon receipt of the Commission's recommendation, or after thirty (30) days, or any extension thereof shall have passed, shall by resolution grant approval of or reject the preliminary plat. Approval of the preliminary plat by the Council shall constitute approval to proceed with preparation of the final plat but shall not be deemed approval of the subdivision.

166.06 FINAL PLAT PROCEDURES.

1. A final plat shall be submitted within twelve (12) months of the approval of the preliminary plat, or such approval shall expire and the preliminary plat shall be re-submitted for approval prior to preparation of a final plat.
2. Procedures for final plats shall be the same as set out for preliminary plats in Section 166.05.
3. Upon approval of the final plat, a certification of approval signed by the Mayor, and attested by the Clerk, shall be affixed to the original tracing of the final plat and copies of same filed with the Clerk, County Auditor, and County Recorder, along with such other certifications and instruments as may be required by law.

166.07 PLATS OUTSIDE CORPORATE LIMITS. The procedure for approval of preliminary and final plats of land within one (1) mile of the corporate limits shall be the same as set out in Sections 166.05 and 166.06, except that five (5) copies of the plat shall be filed with the Clerk and the Clerk shall refer one (1) copy to the County Engineer and one (1) copy to the County Planning and Zoning Commission and request their recommendations to be submitted to the City Planning and Zoning Commission. The Commission shall not take action on the plat prior to receiving the recommendations of the County.

166.08 PROFESSIONAL ASSISTANCE. The Council or Commission may request such professional assistance as it deems necessary to properly evaluate the plats as submitted.

166.09 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat shall contain the following information:

1. A location map showing:
 - A. The subdivision name.
 - B. An outline of the area to be subdivided.
 - C. The existing streets and City utilities on adjoining property.
 - D. North point and scale.
2. A preliminary plat of the subdivision drawn to the scale of one hundred (100) feet to one (1) inch, said preliminary plat to show:
 - A. Legal description, acreage and name of proposed subdivision.
 - B. Name and address of the owner.
 - C. Name of person who prepared the plat, and date thereof.
 - D. North point and graphic scale.
 - E. Contours at five (5) foot intervals, or less.
 - F. Location of existing lot lines, streets, public utilities, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads and buildings in the proposed subdivision.
 - G. Layout of proposed blocks (if used) and lots including the dimension of each, and the lot and block number in numerical order.

- H. Location and widths, other dimensions and names of the proposed streets, alleys, roads, utility and other easements, parks and other open spaces or reserved areas.
- I. Names of adjacent property owners.
- J. Grades of proposed streets and alleys.
- K. A cross-section of the proposed streets showing the roadway location, the type of curb and gutter, the paving and sidewalks to be installed.
- L. The location of proposed water mains and sanitary sewer.
- M. The proposed drainage of the land including proposed storm sewers, ditches, culverts, bridges and other structures.
- N. Proposed building lines, if different than the yard requirements established in the Zoning Ordinance.
- O. Copy of restrictive covenants proposed by the subdivider.

166.10 FINAL PLAT REQUIREMENTS. The final plat shall meet the following specifications:

- 1. It may include all or only part of the preliminary plat.
- 2. The plat shall be drawn to the scale of one hundred (100) feet to one (1) inch.
- 3. The final plat shall contain the following:
 - A. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in three thousand (3,000) feet.
 - B. Accurate references to known or permanent monuments, giving the bearing and distance from some corner of the congressional division of which Sheffield, or the addition thereto is a part.
 - C. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - D. Accurate legal description of the boundary.
 - E. Street names.
 - F. Complete curve notes for all curves included in the plan.
 - G. Street and alley lines with accurate dimensions in feet and hundredths of feet with angles of street, alley and lot lines.
 - H. Lot numbers and dimensions.
 - I. Block numbers, if used.
 - J. Building lines if different than yard requirements of the Zoning Ordinance.
 - K. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
 - L. Location, type, material and size of all markers.
 - M. Name of the subdivision.

- N. Name and address of owner and subdivider.
 - O. North pint, scale and date.
 - P. Certification by a land surveyor of the State of Iowa.
 - Q. Certification of dedication of streets and alleys and other public property.
 - R. Resolution and certificate for approval by the Council and signatures of the Mayor and City Clerk.
 - S. Location and dimensions of utility easements and certificate of utility easement dedication.
4. The final plat shall also be accompanied by the following instruments:
- A. A certified statement from the owner and spouse, if any, that the subdivision as it appears on the plat is with their free consent and is in accordance with the desires of the proprietor and spouse.
 - B. One of the following options:
 - (1) A certificate bearing the approval of the City Council stating that all improvements and installations in the subdivision required by this chapter have been made or installed in accordance with the City specifications, or
 - (2) A surety bond with the City which will insure the City that the improvements required shall be completed by the subdivider or property owner within two (2) years after official acceptance of the plat, provided, however, that the developer may request and the Council may agree to stage the installation of improvements, on an annual basis to serve those lots to be offered for sale or development in that particular year, in which case a bond may be required only for improvement to those lots so designated. The form and type of bond shall be approved by the City Attorney and the amount of the bond shall not be less than the estimated costs of the improvement plus ten percent (10%). The amount of the estimate must be approved by the Council. If the improvements are not completed within a specified time, the Council may use the bond or any necessary portion thereof to complete the same, or
 - (3) A petition by the developer to the Council to provide the necessary improvements and to assess the costs thereof against the subdivided property in accordance with the requirements regarding special assessments, provided however, that the subdivider or property owners shall furnish the necessary waivers to permit the assessment of the entire cost of the improvement plus the necessary and reasonable costs of the assessment proceedings against the platted property even though the total amount exceeds the statutory limitations.

If option (2) or (3) above is chosen, the final plat shall state that the developer, its grantees, assignees, and successors in interest agree that public services including but not limited to street maintenance, snow and ice removal, rubbish, refuse, and garbage collection, will not be extended to this subdivision until the pavement is completed and accepted by the City.

- C. Copy of Restrictive Covenants to be attached to the lots of the subdivision.
- 5. The final plat shall also be accompanied by the following instruments at the time it is presented for filing with the County Recorder.
 - A. A complete abstract of title and an opinion from an attorney at law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by a bond as provided in Section 354.11 of the Code of Iowa.
 - B. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
 - C. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.

The Council or Commission may request drafts or copies of any of the above instruments for examination at the time of processing the final plat if in their opinion the review of such instruments is deemed necessary to properly evaluate the proposed subdivision.

166.11 DESIGN STANDARDS.

- 1. Streets.
 - A. New subdivisions shall make provision for continuation and extension of thoroughfare and collector streets.
 - B. Minimum streets rights-of-way to be provided shall be as follows:
 - (1) Thoroughfare streets - 80 feet.
 - (2) Collector streets - 70 feet.
 - (3) Residential streets - 60 feet.
 - (4) Minor residential streets - 50 feet.
 - (5) Cul-de-sacs - 110 feet in diameter.
 - (6) Alleys, residential - 16 feet.
 - (7) Alleys, commercial or industrial - 20 feet.
 - C. Minimum pavement widths to be provided shall be as follows:
 - (1) Thoroughfare streets - 45 feet.
 - (2) Collector streets - 41 feet.
 - (3) Residential streets - 29 feet.

- (4) Minor residential streets - 25 feet.
 - (5) Cul-de-sacs - 85 feet in diameter.
 - (6) Alleys - 16 feet.
 - (7) Sidewalks - 4 feet.
 - D. Grades. No street grade shall be less than one-half ($\frac{1}{2}$) of one (1) percent and shall not exceed the following limits:
 - (1) Thoroughfare streets - 4 percent.
 - (2) Collector streets - 6 percent.
 - (3) Residential streets - 8 percent.
 - E. General considerations:
 - (1) Intersections of more than two (2) streets at a point shall not be permitted.
 - (2) Jogs of less than one hundred twenty-five (125) feet shall be avoided.
 - (3) Intersection of street centerlines shall be between eighty (80) degrees and one hundred (100) degrees.
 - (4) No dead-end streets and alleys will be permitted except at subdivision boundaries.
 - (5) Cul-de-sacs shall not exceed five hundred (500) feet in length.
 - (6) Thoroughfare and collector streets in a subdivision shall extend through to the boundaries thereof.
 - (7) Alleys shall be discouraged in residential districts but shall be provided in commercial and industrial districts.
- 2. Blocks.
 - A. The length of blocks shall be not less than six hundred (600) feet and not more than nine hundred (900) feet. The width of the block shall be sufficient to permit two (2) tiers of lots but in no case shall the width be less than two hundred twenty (220) feet.
 - B. Crosswalks may be required in blocks over seven hundred (700) feet long or in areas where curved streets require excessive out of distance travel. If required, they shall be constructed by the developer.
- 3. Lots.
 - A. Corner lots which abut on a thoroughfare or collector street shall have a minimum radius of fifteen (15) feet at the intersection.
 - B. Lots with double frontage shall be avoided, except in specific locations where good platting indicates their use.
 - C. Side lines of lots shall approximate right angles to straight street lines and radial angles to curved street lines except where a variation will provide better street and lot layout.

D. Corner lots shall not be less than eighty (80) feet in width, and interior lots shall not be less than seventy (70) feet in width at the building line.

166.12 IMPROVEMENTS REQUIRED.

1. Sanitary Sewers. The subdivider shall provide the subdivision with a complete sanitary sewer system which shall connect with a sanitary sewer outlet approved by the Council. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers by adjacent property.
2. Storm Drains. The developer shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes, and manholes, to provide for collection and removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.
3. Water. The subdivider shall provide the subdivision with a complete water main system including hydrants, valves, and all other appurtenances which shall be extended into and through the subdivision to the boundary lines, and which shall provide for a water connection for each lot, and shall be connected to the City water system.
4. Sidewalks. A four (4) foot wide concrete sidewalk shall be provided adjacent to each lot frontage.
5. Markers. An iron rod not less than one-half ($\frac{1}{2}$) inch in diameter and twenty-four (24) inches in length shall be placed as follows:
 - A. Set in concrete three (3) feet deep at the intersection of all lines forming angles in the boundary of the subdivision, and at all street intersections.
 - B. At lot corners and changes in direction of block and lot boundaries.
6. Grading. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Council.
7. Curb and Gutter. Curb and gutter shall be installed on all streets in the plat being dedicated for public use and shall be constructed of Portland Cement Concrete in accordance with designs and specifications approved by the Council and at grades established by the Council.
8. Surfacing. All streets being dedicated for public use shall be surfaced from curb to curb. Surfacing shall be asphaltic concrete or Portland Cement Concrete as determined by the Council and shall be constructed in accordance with designs and specifications approved by the Council at grades established by the Council.
9. Specifications. The type of construction, the materials, the methods and standards of subdivision improvements shall be equal to the current specifications of the City for like work. Plans and specifications shall be submitted to the Council for approval prior to construction and construction shall not be started until the plans and specifications have been approved.
10. Inspection. The Council shall cause the installation of all improvements to be inspected to insure a compliance with the requirements of this chapter. The cost of said inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City.

166.13 FEES. Each preliminary plat submitted for approval shall be accompanied by a fee of ten dollars (\$10.00), which shall be credited to the General Fund of the City.

166.14 VARIANCES. Where the strict application of standards or requirements established by this chapter would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations, not created by the owner or developer, the Commission may recommend and the Council may grant such variances from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this chapter.

166.15 ENFORCEMENT.

1. No plat or subdivision in the City or within one mile thereof shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter and has been approved by the Council as prescribed herein.
2. Not more than two building permits shall be issued for each separate tract existing at the effective date of this chapter unless the tract shall have been platted in accordance with the provisions of this chapter.
3. No public improvements over which the Council has control shall be made with City funds, nor shall any City funds be expended for street maintenance, street improvements, or other services in any area that has been subdivided after the date of adoption of the regulations contained in this chapter unless such subdivision and streets have been approved in accordance with the provisions of this chapter and the street accepted by the Council as a public street.
4. Penalty. Any person who shall hereafter dispose of or offer for sale or lease any lots in the City or addition thereto unless the plat thereof has been approved in accordance with this chapter and recorded, shall forfeit and pay five hundred dollars (\$500.00) for each lot or part of lot sold or disposed of, leased, or offered for sale.

166.16 AMENDMENTS. This chapter may be amended from time to time by the Council. Such amendments as may be proposed shall first be submitted to the Commission for study and recommendation. The Commission shall report within thirty (30) days, after which the Council shall give notice of and hold a public hearing on the proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.

o o o o o o o o o o