CITY OF ORLEANS

ZONING ORDINANCE 2017

Prepared with Planning Assistance from
N*orth***w***est* **I***owa* **P***lanning &*
D*evelopment* **C***ommission*
Spencer, Iowa

(This page left blank intentionally)

Table of Contents

ARTICLE 1: BASIC PROVISIONS

1.1. Short Title 2
1.2. Interpretation of Regulations 2
1.3. Jurisdiction 2
1.4. Repeal and Saving Clause 2
1.5. Validity and Severability Clause 2
1.6. Conflict with Other Laws 2
1.7. General Purpose 3
1.8. Comprehensive Plan Relationship 3

ARTICLE 2: DEFINITIONS

2.1. General Zoning Definitions 4
2.2. Specific Land Use Definitions 17

ARTICLE 3: ZONING DISTRICTS ESTABLISHED

3.1. Zoning Districts 28
3.2. Boundaries and Official Map 28
3.3. Interpretation of District Boundaries 29
3.4. Road or Public Right-of-Way Vacation 29
3.5. Zoning of Annexed Land 29
3.6. General Regulations 30

ARTICLE 4: AGRICULTURE DISTRICT (AG)

4.1. Intent 31
4.2. Principal Permitted Uses 31
4.3. Conditional Uses 31
4.4. Accessory Uses and Buildings 32
4.5. Site Development Regulations 32
4.6. Supplemental District Regulations 33
4.7. Off-Street Parking 33
4.8. Sign Regulations 33
4.9. Zoning Permits Required 33

ARTICLE 5: CONSERVATION DISTRICT (CN)

5.1. Intent 34
5.2. Principal Permitted Uses 34
5.3. Conditional Uses 34
5.4. Accessory Uses and Buildings 35
5.5. Floodplain Conditions 35
5.6. Site Development Regulations 35
5.7. Supplemental District Regulations 36
5.8. Off-Street Parking 36
5.9. Sign Regulations 36
5.10. Zoning Permits Required 36

ARTICLE 6: LAKESHORE RESIDENTIAL DISTRICT (R-1)

6.1. Intent 37
6.2. Principal Permitted Uses 37

6.3. Conditional Uses 37
6.4. Accessory Uses and Buildings 37
6.5. Site Development Regulations....38
6.6. Lakeshore Yard (Front Yard) Setback Determination 39
6.7. Additional Requirements in R-1 District 41
6.8. Supplemental District Regulations....41
6.9. Off-Street Parking 41
6.10. Sign Regulations....41
6.11. Zoning Permits Required 41

ARTICLE 7: GENERAL RESIDENTIAL DISTRICT (R-2)
7.1. Intent 42
7.2. Principal Permitted Uses....42
7.3. Conditional Uses 42
7.4. Accessory Uses and Buildings 43
7.5. Site Development Regulations....43
7.6. Supplemental District Regulations....44
7.7. Off-Street Parking and Loading Space 44
7.8. Sign Regulations....44
7.9. Zoning Permits Required 44

ARTICLE 8: MOBILE & MANUFACTURED HOUSING DISTRICT (MH)
8.1. Intent 45
8.2. Principal Permitted Uses....45
8.3. Conditional Uses 45
8.4. Accessory Uses and Buildings 46
8.5. Site Development Regulations....46
8.6. Mobile & Manufactured Park Development Plans 47
8.7. Mobile & Manufactured Park Development Standards 47
8.8. Additional Mobile or Manufactured Housing Requirements 49
8.9. Nonconforming Mobile Home or Mobile Home Parks 50
8.10. Zoning Permits Required 50

ARTICLE 9: GENERAL COMMERCIAL DISTRICT (C)
9.1. Intent 51
9.2. Principal Permitted Uses....51
9.3. Conditional Uses 52
9.4. Accessory Uses and Buildings 52
9.5. Site Development Regulations....52
9.6. Additional Setback Regulations 53
9.7. Supplemental District Regulations....53
9.8. Off-Street Parking 53
9.9. Sign Regulations....53
9.10. Zoning Permits Required 53

ARTICLE 10: INDUSTRIAL DISTRICT (I)
10.1. Intent 54
10.2. Principal Permitted Uses....54
10.3. Conditional Uses 55
10.4. Accessory Uses and Buildings 55
10.5. Site Development Regulations....55
10.6. Supplemental District Regulations....56

10.7. Off-Street Parking 56
10.8. Sign Regulations 56
10.9. Zoning Permits Required 56
Quick Reference Guide – Zoning District Setback Regulations 57

ARTICLE 11: SITE PLANS

11.1. Intent 58
11.2. Scale 58
11.3. Legal Information 58
11.4. Site Plan 58

ARTICLE 12: SUPPLEMENTAL DISTRICT REGULATIONS

12.1. Intent 60
12.2. Lot of Record 60
12.3. One Residential Structure per Lot 60
12.4. Multiple Principal Structures per Lot 60
12.5. Relocated Residential Dwellings & Buildings 61
12.6. Yard Regulations 61
12.7. Tent Camping in Yards 62
12.8. Steps, Decks and Patios 62
12.9. Fences, Hedges, Walls and Retaining Walls 63
12.10. Buildings to Have Access 64
12.11. Use of Public Right-of-Ways 64
12.12. Lot Frontage Continuity 64
12.13. Height Exemptions 65

ARTICLE 13: ADDITIONAL USE REGULATIONS

13.1. Intent 66
13.2. Accessory Buildings 66
13.3. Portable Accessory Buildings and Storage Structures 68
13.4. Timeshare Rental Uses 69
13.5. Temporary Buildings and Uses 69
13.6. Recreational Vehicle Parking and Uses 70
13.7. Gas Stations/Service Stations/Convenience Stores 71
13.8. Home Occupations 71
13.9. Residential Dwelling Standards 72
13.10. Condominium and Townhouse Regulations 73
13.11. Zero Lot Line Regulations 73
13.12. Adult Entertainment Regulations 73
13.13. Wind Energy Regulations 76
13.14. Solar Collectors 79
13.15. Communication Towers 79
13.16. Erosion Control and Silt Control Plan 80
13.17. Construction within the Lakeshore Bank 81

ARTICLE 14: OFF STREET PARKING

14.1. Intent 83
14.2. General Parking Area and Surface Requirements 83
14.3. Off Street Parking Requirements 83
14.4. Computation of Parking Spaces 84
14.5. Location and Type of Parking 85
14.6. Off Street Loading Requirements 85

ARTICLE 15: SIGN REGULATIONS

15.1. Intent 86
15.2. Sign Definitions 86
15.3. Sign Types 87
15.4. Sign Permits 88
15.5. Exempt Signs 89
15.6. Sign Requirements 90
15.7. General Sign Provisions 91
15.8. Conditional Uses for Signs 93
15.9. Variances for Signs 93
15.10. Nonconforming Signs 93
15.11. Unsafe Signs and Removal of Signs 93

ARTICLE 16: NONCONFORMING BUILDINGS AND USES

16.1. Intent 94
16.2. Nonconforming Lot of Record 94
16.3. Nonconforming Uses of Land 94
16.4. Nonconforming Buildings and Structures 95
16.5. Repairs or Replacing Damaged Buildings and Structures 95
16.6. Change of Tenancy or Ownership 95

ARTICLE 17: ZONING ENFORCEMENT

17.1. Zoning Administrator 96
17.2. Zoning Permit Required 96
17.3. Zoning Compliance 96
17.4. Application for Zoning Permit 96
17.5. Construction and Use to be provided in Application, Plans, and Permit 97
17.6. Fees 97
17.7. Conditional Uses 97
17.8. Interpretation 97
17.9. Administrative Appeals 97

ARTICLE 18: VIOLATION AND PENALTY

18.1. Violation and Penalty 99
18.2. Restraining Order 99

ARTICLE 19: PLANNING AND ZONING COMMISSION

19.1. Confirmation of the Planning and Zoning Commission 100
19.2. Terms of Office 100
19.3. Vacancies 100
19.4. Proceedings of the Planning and Zoning Commission 100
19.5. Compensation 100
19.6. Powers and Duties 100
19.7. Decisions of the Planning and Zoning Commission 101

ARTICLE 20: BOARD OF ADJUSTMENT

20.1. Confirmation of Existing Board of Adjustment 102
20.2. Proceedings of the Board of Adjustment 102
20.3. Hearings, Appeals, and Notice 102
20.4. Stay of Proceedings 103
20.5. Powers and Duties 103
22.6. Decisions of the Board of Adjustment 103
22.7. Appeals from the Board of Adjustment 104

ARTICLE 21: VARIANCES

21.1. Intent 105
21.2. Application 105
21.3. Proceedings 105
21.4. Lapse of Variance 107
21.5. Revocation of Variance 107
21.6. Appealing a Variance 107
21.7. Variance to Run with the Land or Structure 107

ARTICLE 22: CONDITIONAL USES

22.1. Requirements 108
22.2. Jurisdiction 108
22.3. Application for a Conditional Use Permit 108
22.4. Procedures 109
22.5. Standards 110
22.6. Conditional Use to Run with the Land 110
22.7. Revocation 111
22.8. Supplemental Standards 111

ARTICLE 23: CHANGES AND AMENDMENTS

23.1. Initiation of a Zoning District Change or Amendment 113
23.2. Application for Change in Zoning District Boundaries 113
23.3. Determination or Justification for Zoning Change 114
23.4. Procedures 114
23.5. Protest Provision 115
23.6. New Application 115

ARTICLE 24: EFFECTIVE DATE

24.1. Effective Date 116

REPLACES THE PREVIOUS CITY OF ORLEANS
ZONING ORDINANCE ADOPTED SEPTEMBER 2005
AND AMENDMENTS THERETO

ORDINANCE NO. 202

ZONING REGULATIONS
FOR THE INCORPORATED CITY OF ORLEANS, IOWA

AN ORDINANCE to regulate and restrict the location and use of buildings, structures, and land for commercial, industrial, civic, residential, conservation and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards and other open spaces; to establish minimum lot areas; to regulate the density of population and the percentage of lot that may be occupied; to require off-street parking; to regulate 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 existing Planning and Zoning Commission and Board of Adjustment; to prescribe penalties for the violation of its provisions, all in accordance with Chapter 414, Code of Iowa.

WHEREAS, the City Council of Orleans, Iowa deems it necessary to preserve and protect area lakes, wetlands, waterways and natural lands; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of the population; to facilitate the adequate provision of transportation, water, sewer, recreational open space, and other public requirements; to conserve the value of property and buildings; to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, and other dangers; to protect the public health and general welfare; to control land use in a way that will minimize the number of conflicting land uses while preserving the separate character of development areas; to recognize the community's economic development potential; and encourage the most appropriate use of land throughout the city, all in accordance with the City of Orleans Comprehensive Plan.

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

ARTICLE 1. BASIC PROVISIONS

Article 1: Basic Provisions
Section 1.1. Short Title
Section 1.2. Interpretation of Regulations
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
Section 1.7. General Purpose
Section 1.8. Comprehensive Plan Relationship

SECTION 1.1. SHORT TITLE.

This ordinance shall be known and may be cited as “The Orleans, Iowa Zoning ordinance."

SECTION 1.2. INTERPRETATION OF REGULATIONS.

In the interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes greater restrictions than are imposed or required by other provisions of law or other rules or regulations or ordinances, the provisions of this ordinance shall govern.

SECTION 1.3. JURISDICTION.

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

SECTION 1.4. REPEAL AND SAVINGS CLAUSE.

Effective on the Effective Date of this ordinance, the previously adopted Zoning ordinance is repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof. Such ordinance and all parts thereof shall be treated as remaining in force for instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

SECTION 1.5. VALIDITY AND SEVERABILITY CLAUSE.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction 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 any 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.

SECTION 1.6. CONFLICT WITH OTHER LAWS.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. 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 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.

SECTION 1.7. GENERAL PURPOSE.

The various zoning districts, created by this ordinance and the various articles and sections of this ordinance, are adopted for the purpose among others of:

1. Promote public health, safety, morals, comfort, general welfare, and preserving the natural resources, and historically significant areas of the community.
2. Achieve a greater efficiency and economy of land development by promoting the grouping of land use activities which are compatible.
3. Encourage classification of land use and distribution of land development within the city that facilitates adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements.
4. Ensure residential, commercial, industrial, and other structures will be accessible to firefighting, public safety, and other emergency equipment.
5. Promote the development of residential neighborhoods in which each dwelling is assured the provision of light, air, and open spaces.
6. Prohibit the formation or expression of nonconforming uses of land, buildings, and structures which negatively affect the character and value of development in each district.
7. Help prevent and minimize the effect of nuisance producing activities.
8. Defining powers and duties of the city council, board of adjustment and the zoning administrator.

SECTION 1.8. COMPREHENSIVE PLAN RELATIONSHIP.

These regulations are designed to implement various elements of the city's comprehensive land use plan as required by Iowa Code. Any amendment to the district regulations or map shall conform to the Orleans Comprehensive Plan.

ARTICLE 2. DEFINITIONS

Article 2: Definitions
Section 2.1. General Zoning Definitions
Section 2.2. Specific Land Use Definitions

SECTION 2.1. GENERAL ZONING DEFINITIONS.

For interpreting this ordinance, certain words, terms, and expressions shall be interpreted as follows:

- Words used in the present tense shall include the future tense;
- The singular shall include 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, limited liability company, business, or corporation as well as an individual;
- The words "used" or "occupied" include the words intended, designed, or arranged to be occupied;
- The word "lot" includes the words plot or parcel and all other words or phrases used to denote an individual building site that complies with the minimum provisions of this ordinance.
- The word "includes" means including but not limited to.

1. ACCESSORY BUILDING OR STRUCTURE: Any building or structure that is subordinate to the principal building(s) on the lot, not attached thereto, and used for purposes customarily incidental to those of the principal building or use of property. Private detached garages are considered accessory buildings.
2. ACCESSORY USE: A use which is subordinate to and serves a principal building or use; is subordinate in area, extent, or purpose to the principal building or use served; contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and is located on the same zoning lot as the principal building or use.
3. ADDITION: Any construction that increases the site coverage, height, length, width or floor area of a building or structure.
4. ALLEY: A public or private right-of-way which affords only a secondary means of access to abutting properties.
5. ALTERATION (STRUCTURAL): Any change in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders; as well as any enlargement to or diminution of the size or height of a building, or the moving of a building or structure from one location to another shall be construed to be a structural alteration.
6. ATTACHED: Sharing one or more walls in 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.
7. ATTIC: A space under a gable, hip or gambrel or other roof, the finished floor of which is or would be at or entirely above the level of the wall plates of at least two (2) exterior walls.
8. BASEMENT: That portion of a building either partly or completely below grade. *(Building Officials and Code Administrators (BOCA) Basic/National Building Code*

9. BLOCK: Property abutting 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.
10. BUILDABLE AREA: The portion of a lot or parcel remaining for allowable buildings after required yard setbacks are provided.
11. BUILDING: A roofed structure supported by columns, supports, walls or other structures for shelter, support or enclosure of persons, animals, or property of any kind. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building. The connection of two buildings by means of a roofed porch, breezeway, passageway, carport or other such structures with a roof and solid walls shall make them one building.
12. BUILDING HEIGHT: The vertical distance measured from the average natural grade at the building line to the highest point of the roof. Where a building or structure is situated on a lot with more than one grade or level, the measurements shall be taken from the main entrance elevation. In the R-1 Lakeshore Residential District, the building height shall be measured from the level of the adjacent ground of the rear wall facing the street.
13. BUILDING LINE: The setback distance from the front property line, rear lot line, and side lot lines to the nearest portion of a building as provided in this ordinance.
14. BUILDING WALL: A wall of the principal building forming a part of the main structure. The foundation walls of unenclosed porches, decks, steps, walks and retaining wall or similar structures shall not be considered as building walls under the provisions of this ordinance.
15. CARPORT: Space for storage or housing vehicles, enclosed by walls on not more than two sides by affixed or semi-permanent walls. Those structures identified as hoop buildings, portable or folding buildings, tent buildings, or fully enclosed steel buildings are not considered a carport for the purposes of this ordinance. Carports attached to the principal building are considered a part of the principal building. Freestanding carports are considered an accessory building.
16. CITY: The City of Orleans, Iowa.
17. COMMERCIAL USE: The engaging in the purchase, sale, or exchange of goods and/or services, or the operation for profit of offices or recreational amusement enterprises.
18. COMMISSION (PLANNING COMMISSION): The Orleans Planning and Zoning Commission.
19. COMPREHENSIVE PLAN (MASTER PLAN): A compilation of policy statements, goals, maps, and pertinent data relative to past, present, and future trends of Orleans, Iowa including, but not limited to population, housing, economics, social patterns, land use, transportation, utilities, and public facilities as prepared by the Planning Commission for the City Council.
20. COUNTY: Dickinson County, Iowa
21. COURT (OR COURTYARD): An open, unobstructed, and unoccupied, space other than a yard fully enclosed on at least three (3) adjacent sides by walls or a building on the same lot.
22. CRITICAL AREA: A natural feature in need of preservation from encroaching land uses. Such areas could but would not have to include prime agricultural soils, areas of excessive slope, natural marshes or wetlands, woodlands, and floodplains.

23. CURB LEVEL: The established curb grade adjacent to a lot.
24. DECK: A non-roofed structure open on two or more sides, twelve inches (12”) or more above the adjacent ground at any point. Decks shall be subject to required yard setback regulations.
25. DETACHED: Fully separated from any other building or structure.
26. DOMESTICATED ANIMALS: Those animals that are tame and made fit to live in a human environment.
27. DRIVEWAY: An impervious or pervious surfaced area providing vehicular access between a street and an off-street parking or structure (e.g. garage or carport), except that grass, dirt or other non-compacted materials will not be accepted as a suitable “surfaced” parking area.
28. DWELLING: Any building or portion thereof used or intended to be occupied primarily for residential purposes, either permanently or transiently, but not including a tent, cabin, trailer, or factory-built home not located in a manufactured home park. A dwelling shall include any factory-built home constructed to comply with the Iowa State Building Code for modular factory built structures.
29. DWELLING, SINGLE FAMILY: A dwelling that is arranged, and intended to be occupied as the residence of one (1) family, having no party wall in common with an adjacent dwelling and is surrounded by open space or yards.
30. DWELLING, TWO FAMILY: A dwelling that is arranged, and intended to be occupied as the residence of two (2) families living independently of each other with separate dwellings with separate entrances, cooking, and bathroom facilities for each.
31. DWELLING, MULTI-FAMILY: A building used or intended to be used or occupied as the residence of three (3) or more families living independently of each other with separate dwellings with separate entrances, cooking and bathroom facilities for each.
32. 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.
33. ENCROACHMENT: Any obstruction or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land.
34. EROSION: The detachment, transportation, and deposition of soil particles by water or wind. Sheet erosion, rill erosion, gully erosion, lake bank and stream bank erosion and streambed erosion are common types of erosion that create sediment-laden runoff, which moves sediment to a point of deposition down-gradient from its point of origin.
35. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by developers, public utilities, or governmental agencies of underground or overhead communications, gas, telephone, television, electrical, wastewater, stormwater systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such developers, public utilities or governmental agencies and/or for the public health and safety or general welfare. Essential services do not include towers, devices, or other structures defined as communication services and shall not include buildings or conditional uses as established by this ordinance.

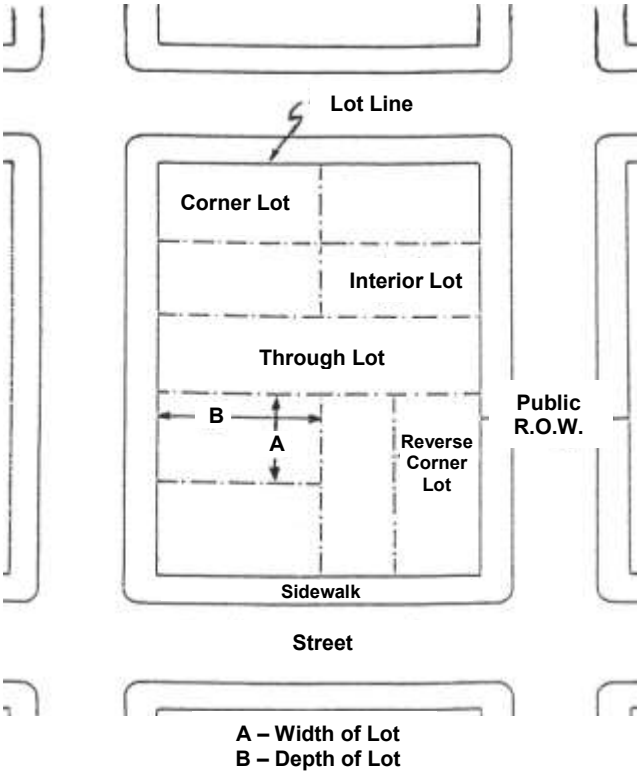
36. FAÇADE: The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.
37. FACTORY-BUILT STRUCTURE: Any structure, building, component, assembly, or system which is made or assembled in manufacturing facilities, on or off the building site, for installation or assembly on the building site. Factory built structures may also mean, at the option of the manufacturer, any structure or building made or assembled in a manufacturing facility away from the building site, for installation or assembly on the building site.
38. FAMILY: An individual living alone, or two or more persons related to the second degree of consanguinity by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship as verified by official public records such as driver's licenses, birth, or marriage certificates, living together in a dwelling and sharing common living, sleeping, cooking, and bathroom facilities; including not more than three (3) additional unrelated person.
39. FENCE: Any artificially constructed barrier of approved fencing materials or combination of materials, as established in Section 12.9 of this ordinance, and erected or located to enclose or screen areas of land.
40. FLOODPLAIN: The channel and relatively flat area adjoining the channel of a natural stream or river that has historically been or may have the potential to be covered by flood waters.
41. FLOOR AREA: The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include open porches, garages, or space in a basement that is not finished living space.
42. FRONTAGE: The property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of a street, or if the street is dead ended, then all the property abutting one side between an intersecting street and the dead end of the street. The frontage of a double fronted lot shall face the street upon which the property will be addressed.
43. FOUNDATION: The lowest and supporting part or member of a wall, including the base course and footing courses. The entire substructure.
44. FOUNDATION, PERMANENT: A Foundation which is constructed below the average normal frost level in the ground, or an approved frost free foundation that meets the support and anchorage requirements as recommended by the manufacturer and as required by the State of Iowa Building Code.
45. GARAGE: An accessory building or portion of a building used only for the parking of storage of one or more motor vehicles by the occupants of the principal building or the leasing of space as provided herein; but in which no business services or industry connected with motor vehicles is carried on other than leasing of space.
46. GRADE: The lowest horizontal elevation of the finished surface of the ground, paving, or sidewalk at a point where height is to be measured.
47. HEDGE: linear growths of organic vegetation located to form a barrier for the enclosure or screening of areas of land.
48. HIGH WATER MARK: Twelve (12) inches above the crest elevation of Big Spirit and/or thirty (30) inches above the crest elevation of East Okoboji Lake, as determined by the Iowa Department of Natural Resources or a land surveyor registered by the State of Iowa.

49. HOME OCCUPATION: An accessory business use or occupation conducted entirely within a dwelling or associated accessory building by the inhabitants thereof, and complies with the provisions of Section 13.8 of this ordinance.
50. HOUSEHOLD: A family living together in a dwelling unit, with common access to all living and eating areas and all facilities within the dwelling unit.
51. HOUSING UNIT: A unit that is part of a dwelling and is arranged, designed for, or occupied as a primary residence of a family living independently with separate entrance, cooking and bathroom facilities.
52. IMPERVIOUS SURFACE (OR COVERAGE): Any materials that prevent absorption of stormwater into the ground. Compacted gravel, crushed rock, brick, pavers, and stone are not impervious surfaces.
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, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, salvaged wood, dismantled vehicles, appliances, furniture, equipment, building demolition materials or structural steel materials. This definition shall also include junked, dismantled, or wrecked vehicles, or parts of motor vehicles, and iron, steel or other old or scrap ferrous or nonferrous material. Junk shall also mean waste, reclaimable material, or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Neatly stacked firewood in a side yard or rear yard is not considered junk.
57. JUNK VEHICLE OR JUNK MACHINERY: Any vehicle or portion 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 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 SCRAP YARD): Any open area of any lot or parcel where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled, including scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles, or other vehicles, or parts thereof. A solid waste transfer station is not considered a junk yard or salvage yard for the purposes of this ordinance.
59. KEYHOLING: The use of a waterfront property, (whether riparian or not) as a common open space giving waterfront access to a larger development located away from the waterfront. *(See also: Keyholing ordinance, City of Orleans, Iowa)*
60. LAND DISTURBING ACTIVITY: Any earth movements that alter the surface of land that may result in soil erosion from wind and water and the movement of sediment and sediment-related

pollutants off-site; including but not limited to grading, topsoil removal, road or bank cutting, waterway construction or enlargement, excavation, filling or stripping of vegetation. The following activities are excluded from this definition.

- Excavation, filling, or a combination thereof involving less than three (3) cubic yards, tilling, vegetation and/or tree cover removal from an area less than two hundred (200) square feet.
- Tilling, planting or harvesting of agricultural, horticultural or forest crops.
- Minor activities such as home gardening, landscaping, repairs, and maintenance work.
- Installation of public utility lines and connections, fence posts, sign posts, telephone poles, electric poles and other kinds of posts or poles.
- Installing septic tanks and drainage fields, unless these are to serve a building whose construction is a land-disturbing activity.
- Emergency work to protect life or property.
- Construction, relocation, alteration, or maintenance of public roads

61. LAND USE: A description of how land is occupied or utilized.
62. 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 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.
63. 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 in located.
64. LOT: A parcel of land as established by plat, subdivision, or as otherwise permitted by law, of which may be owned, used, developed, or built upon; and having frontage upon one or more streets or deeded access to a public street.
65. LOT, CORNER: A lot fronting on two (2) intersecting streets.
66. LOT, INTERIOR: A lot other than a corner lot.
67. LOT, THROUGH: An interior lot having frontage on two parallel or approximately parallel streets. Also known as a double frontage lot.
68. LOT AREA: The net horizontal area bounded by property lines and providing access to a street, but excluding any easement or right of way providing access to another lot.
69. LOT (or BUILDING) COVERAGE: The area of a lot covered by buildings, roofed areas, ground level concrete paving, patios, or any other impervious paving or decking surfaces; but excluding incidental projecting eaves and gutters.



70. LOT DEPTH: The distance from the front lot line to the rear lot line. In the case of a lot of irregular shape, mean depth shall be the lot depth.
71. LOT LINES: The lines of a tract, lot, or parcel.
72. LOT LINE, FRONT: In the case of an interior lot abutting only one street, the front lot line is the street line of such lot. In the case of any other lot, except for lakeshore lots, the front lot line will be such street line as elected by the property owner to be the front lot line for purposes of this ordinance.
73. LOT LINE, CORNER: The front property line of a corner lot shall be the shorter of the two lines adjacent to the streets as platted, subdivided, or laid out.
74. LOT LINE, THROUGH: The zoning administrator shall decide which property line fronting a street shall be determined as the front lot line. If a through lot exceeds 200 feet in depth, it shall be considered as being two separate lots with a front lot line abutting both streets.
75. LOT LINE, REAR: The boundary line that is opposite and most distant from the front lot line.
76. LOT LINE, SIDE: Any boundary lines which are not a front lot line or rear lot line.
77. LOT LINE, LAKESHORE: On any tract, lot or parcel abutting a lake, the property line abutting said lake shall be known as the Lakeshore Lot Line. Each lakeshore lot line shall be considered as the front lot line and shall have the requirements of such.
78. LOT OF RECORD: A lot which is part of a legal subdivision in Orleans; the plat of which is recorded in the office of the Dickinson County Recorder, or a lot or parcel of land, the deed or valid contract of sale of which is recorded in the office of the Dickinson County Recorder prior to the effective date of this ordinance.
79. LOT WIDTH: The perpendicular distance between the side lot lines. In the case of a lot of irregular shape, the mean width shall be the lot width.
80. MANUFACTURED HOME: A factory-built structure which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, which is constructed after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development (HUD) certifying that it complies with the Federal Manufactured Housing Construction Act of 1974.
81. MANUFACTURED HOME COMMUNITY: The same as land-leased community defined in Sections 335.30A and 414.28A Code of Iowa. Any site, lot, field, or tract of land under common ownership upon which two (2) or more occupied manufactured homes are parked and connected to utilities, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community. A manufactured home community or mobile home park shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students. The manufactured home community or a mobile home park must be classified as to whether it is a “residential” or “recreational” manufactured home community or mobile home park or both. The manufactured home community or mobile home parks residential landlord and tenant Act, Chapter 562B, Code of Iowa, only applies to “residential” manufactured home community or mobile home park.

82. MANUFACTURED HOME CONVERTED TO REAL ESTATE: An unencumbered mobile or manufactured home which has been attached to a permanent foundation on real estate owned by the manufactured home owner, which has the vehicular or other transportation frame destroyed, rendering it impossible to reconvert it to a mobile manufactured home. If a manufactured home is placed in a manufactured home community or mobile home park, the home must be titled and is subject to the manufactured or mobile home square foot tax. If a manufactured home is placed outside of a manufactured home community or mobile home park, the home must be titled and is to be assessed and taxed as real estate *(Code of Iowa, Sec. 435.1)*. With that stated, manufactured housing may be placed outside of a manufactured home community or a mobile home park if such dwelling is located on private property as part of a retailer's or manufacturer's stock not used as a place of human habitation; or if a taxable mobile home or manufactured housing is located outside of a manufactured housing community or mobile home park prior to January 1, 1995, it shall be assessed and taxed as real estate but is exempt from the permanent foundation requirement until the home is relocated.
83. MANUFACTURED HOME SUBDIVISION: A subdivision designed per the Orleans Subdivision Regulations Ordinance, and designed only for the location of manufactured homes on lots owned by the manufactured home owner.
84. 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 in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.
85. MOBILE HOME PARK: Any site, lot, field, or tract of land upon which two (2) or more occupied mobile homes or manufactured home, or a combination thereof, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.
86. MODULAR HOME: A factory-built structure manufactured or constructed to be used as a place of human habitation, and is constructed to comply with the Iowa State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7, Code of Iowa, and must display the seal issued by the state building code commissioner. If a modular home is placed in a manufactured housing community or mobile home park, the home is subject to the annual tax as required by Section 435.22 Code of Iowa. If a modular home is placed outside a manufactured housing community or mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate.
87. NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES): Section 402 of the U.S. Clean Water Act contains the National Pollution Discharge Elimination System (NPDES) regulations. The key aspect of this section is that any land disturbing activity that impacts one (1) acre or more is required to get a NPDES permit from DNR. The application process requires that the applicant certify that an adequate Storm Water Pollution Prevention Plan (SWPPP) has been developed for the site.

88. NONCONFORMING LOT (OR SUBSTANDARD LOT): A lot of record that does not comply with applicable minimum area, width, or depth requirements for the zoning district in which it is located, but which previously complied or was conforming with applicable requirements when it was placed on record prior to the enactment of this zoning ordinance.
89. NONCONFORMING STRUCTURE (OR BUILDING): 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 fails to conform to the present requirements of the zoning district.
90. NONCONFORMING USE: A lawful use of any land, building, structure, or sign that does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time such use was established.
91. OCCUPANCY (or OCCUPIED): The residing of a person or group of individuals overnight in a dwelling or the storage or use of equipment, merchandise, or machinery in any principal building. A change of occupancy is not intended to include a change of tenants or proprietors.
92. OPEN SPACE (GREENSPACE): Any area of land essentially unimproved and set aside, designated or reserved for the use or enjoyment of the owners, occupants, neighbors, or the public. Such open space areas are not occupied by any structures or impervious surfaces.
93. PARKING AREA: An area on a lot or within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this ordinance. Parking areas shall include parking lots, garages, carports, and parking structures.
94. PARKING LOT: An off-street, ground level open area surfaced for the temporary storage of motor vehicles. *See* PARKING AREA.
95. PARKING SPACE: An area, enclosed or unenclosed, having an area of not less than two hundred square feet (200 sq.ft.) plus necessary maneuvering space for the parking of a motor vehicle, and connected with a street or alley by a driveway which affords satisfactory ingress and egress for vehicles. Driveways for one or more dwellings may be considered as parking spaces. (See Article 14 for additional off street parking requirements).
96. PATIO (or TERRACE): An unenclosed, roofless structure with no walls either freestanding in the yard or adjoined to the principal building, less than twelve inches (12”) above the adjacent ground at any point.
97. PERGOLA: An above ground structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters. Pergolas over decks, patios, lawn, or any other surface shall be subject to the yard setback regulations of the zoning district in which it is located.
98. PERSONAL STORAGE: Storage for personal effects and household goods within enclosed storage areas having individual access, and including use as personal workshops and hobby shops, but excluding manufacturing or commercial activity. (*See also: Sec. 2.2: Specific Land Use Definitions and Sec. 13.2 Accessory Buildings*)
99. PORCH, OPEN: A roofed structure, open or screened on two (2) or more sides, projecting from the front, side, or rear wall of the building. An open porch may be enclosed only upon obtaining an approved zoning permit.
100. PRINCIPAL BUILDING: A building or structure in which the primary use of the lot or parcel is

conducted.

101. PROHIBITED USE: Any use that is not permitted by right or conditional use in a zoning district.
102. PROJECTING OVERHANG OR STRUCTURE: That part of a roof, or other accessory structures, located on or attached to the roof, exclusive of roof gutters, which extends beyond the facade of a primary building wall.
103. PROPERTY: Any lot, parcel, or tract of land together with the buildings and structures located thereon.
104. PUBLIC NOTICE: A publication of the time and place of any public hearing not less than four (4) or not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the city. In the instances of publications amending or adopting changes to this zoning ordinance, the public notice notification period is not less than seven (7) days and not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the city as provided in the Code of Iowa.
105. RECREATIONAL VEHICLE: A vehicle or structure so designed and constructed in such a manner as will permit occupancy for one or more persons, or the conduct of any business or profession, occupation, or trade. A recreational vehicle may be towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for occupancy, recreational or sporting purposes. Recreational vehicles shall include, but not limited to, travel trailers, pick-up campers, camping trailers, mobile homes, motor coach homes, converted trucks and buses, boats and trailers, snowmobiles, off road vehicles, ATV's, personal watercraft, etc.
106. RECREATIONAL VEHICLE PARK: Any area designated specifically as or providing for three (3) or more travel trailers, motor homes, camping trailers, campers, or tent sites for temporary occupancy for revenue purposes.
107. 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.
108. RESIDENTIAL PURPOSES: The intent to use and/or the use of a room or group of rooms for the sleeping, living and housekeeping activities for the same person or group of persons on a permanent or semi-permanent basis of an intended tenure of one month or more.
109. RESORT: A lodging facility or group of lodging units such a hotel, motel, cottages, cabins, or non-resident condominium or timeshare complex which is frequented for fee by the vacationing public. A resort provides accommodations, leisure activity facilities, and vacation amenities such as swimming beaches, marinas, golf courses, and other active and passive recreation pastimes. A resort does not include commercial recreation or amusement parks.
110. RIGHT-OF-WAY LINE: The dividing line between a lot, tract, or parcel of land and the right-of-way line of a contiguous road, street, or alley.
111. SETBACK: The required distance between any lot line and the exterior building walls or structures of any building or deck more than 12" above grade.
112. SETBACK LINE: A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures on the lot.

113. SIGHT TRIANGLE: An area forming a triangle bounded by the street right of way lines or lot lines of a corner lot and a straight line joining points on the curb line thirty-five feet (35') from the point of intersection of the right-of-way or lot lines.
114. 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.
115. SITE PLAN: A plan, prepared to scale, showing accurately and with complete dimensioning, all buildings, structures, uses, all on-site paving or other impervious surfaces and principal site development features including parking, access, landscaping, decking or screening proposed for a specific parcel of land.
116. 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.
117. SPRAWL: Uncontrolled growth, usually of a low-density nature, in previously rural areas and some distance from existing development and infrastructure.
118. STORY: That portion of a building included between any floor and the surface of the floor above it; or if there is no floor above it then the space between the floor and the ceiling above it.
119. STREET: A public thoroughfare that affords a primary means of access to abutting property.
120. STREET LINE: The dividing line between a lot, tract or parcel of land and a contiguous road, street, alley, or place.
121. STRUCTURE: Anything which is built, constructed, moved, located, or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to buildings, mobile homes, billboards, decks, and carports. Attached uncovered steps and planters are not considered structures.
122. SUBDIVISION: The division of any parcel of land into three (3) or more lots or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land.
123. TEMPORARY STRUCTURE: A structure without any foundation or footings and that is removed when the designated time, activity, or use has ceased.
124. TINY HOUSE: Any residential dwelling that is diminutive or very small in size and square feet. For purposes of this ordinance any place other than a motor vehicle or recreational vehicle used or intended to be used as a place of residential dwelling on a permanent basis that is less than 800 square feet is considered a tiny house.
125. USE: The conduct of an activity or the performance of a function or operation, on a site or in a building or facility.
    a. Principal Use: Any use which is the primary function of a lot, building or structure.
    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. Conditional Use: A use allowable solely on a discretionary and conditional basis subject to a Conditional Use Permit, and to all other regulations established by this ordinance.

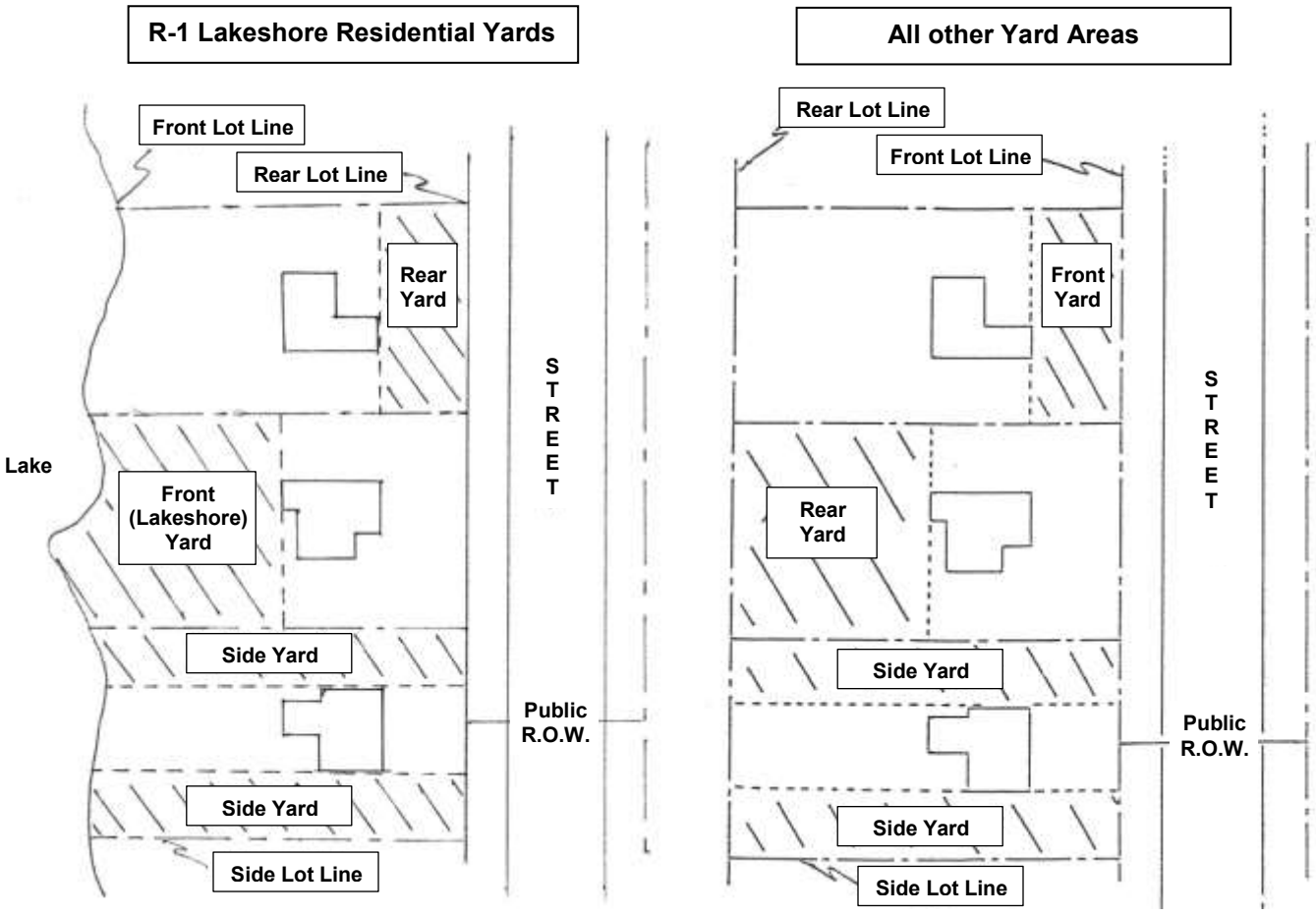
d. Accessory Use: A use or activity located on the same site and is incidental to and customarily associated with a specific principal use.

126. UTILITY: A utility owned and operated by the City of Orleans, Iowa or any private utility franchised by the City of Orleans, or any privately owned utility.

127. VACANCY: Any unoccupied land, structure, or part thereof that is available for occupancy.

128. VALUATION: One hundred percent (100%) valuation of a building or structure, as determined by the Dickinson County Assessor.

129. VARIANCE: A 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 land and not the results of actions of the applicant; and whereas as a literal enforcement of the zoning regulations would result in an undue hardship. Variances will not be considered for the change or modification to the use of the property.



130. YARD: Any open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure.

a. Front Yard: An area of yard extending the full width of the lot and measured between the front lot line and the building, exclusive of eave or overhang projections of not more than two (2) feet. In the case of corner lots, the front yard shall be the shorter of the two lines adjacent to the streets as platted, subdivided, or laid out.

b. Lakeshore Yard (R-1 District Only): An area of yard extending the full width of the lot and measured between the front lot line which is also the ordinary high water mark of Spirit Lake or East Okoboji Lake unless otherwise noted on a plat of survey, and the closest principal use building on the property. In the instance of establishing the required yard area, the Lakeshore Yard setback is that area of land measured between the front lot line or ordinary high water mark and the line of sight determination established for the subject property.

c. Rear Yard: An area of yard extending across the full width of a lot and measured between the rear lot line and the structure or any projections other than uncovered steps, decks, balconies, or eaves. On both corner lots and interior lots, the opposite end of the lot from the front yard shall be considered the rear yard.

d. Side Yard: An area of yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest principal building, exclusive or eave or overhang projections of not more than two (2) feet. The side yard shall extend from the front yard to the rear yard.

131. ZERO LOT LINE: A development concept wherein a wall, typically a side wall, of the building is located directly on or immediately adjacent to the property line of the real property.

132. ZONING: The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

133. ZONING ADMINISTRATOR: The person or firm appointed by the city council to administer and ensure compliance with the zoning ordinance and to issue zoning permits.

134. ZONING DISTRICT: A designated land classification within the city within which all building sites are subject to a unified group of use and site development regulations set forth in this ordinance.

135. ZONING MAP: An ordinance in map form adopted by the city council that conclusively shows the location of zoning district boundaries, proposed streets, public areas, and other information referencing the distinction and separation of zoned land uses.

136. ZONING PERMIT: A permit issued and enforced by the zoning administrator, as required in this ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building; acknowledging the proposed use, building, or structure complies with the provisions of the zoning ordinance or authorized variance.

SECTION 2.2. SPECIFIC LAND USE DEFINITIONS.

The purpose of the land use definitions is to provide a consistent set of terms encompassing and defining uses permitted or conditional use in the various districts, and to provide a procedure for determination of the applicable land use definition of any activity not clearly within any defined land use definition. In event of any question as to the appropriate land use definition of any existing or proposed use or activity, the zoning administrator shall have the authority to determine the appropriate definition subject to the right of appeal. In making such determinations, the zoning administrator shall consider the characteristics of the use in question, and shall consider any functional, product, service, or physical requirements common with or similar to uses cited as examples of land use definitions.

2.2.1 AGRICULTURAL & CONSERVATION LAND USE DEFINITIONS

Agricultural uses include the on-site production of plant and animal products by agricultural methods and purposes related to agriculture, dairying, pasturage, horticulture, floriculture, viticulture, and animal husbandry. Conservation uses include environmentally sensitive areas or uniqueness that may be designated or protected from other development or activities that may alter the ecological integrity, balance, or character of the site.

1. *Animal Production*: The care and breeding of domestic animals, cattle, swine, poultry, horses, sheep, goats, or other similar animals. This use also includes the harvesting of animal byproducts such as eggs, dairy or wool on an agricultural or commercial basis. Typical uses include but are not limited to grazing, ranching, dairy farming, poultry farming, and raising of fur bearing animals.
2. *Animal Raising (Recreational)*: The keeping of animals only on a non-commercial, non-profit basis. It is unlawful for a person to keep livestock within the city limits except by written consent of the city council. This does not prohibit the keeping or incidental raising of customary or ordinary domesticated pets.
3. *Critical Area*: A critical area is a natural feature in need of preservation from encroaching land uses. Such areas may include sensitive or prime agricultural soils as defined by the Natural Resource Conservation Service, areas of excessive slope, natural marshes, sloughs, woodlands, and floodplains.
4. *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.
5. *Farm:* An area which is used for the growing of the usual farm products and commodities such as vegetables, fruits, seed crops, crops and grains and their storage on the premises. 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 accessory uses shall be secondary to the primary farming activities. The terms “farm” or “farming” does not mean commercial animal or poultry feeding or confined animal operations.
6. *Farm Dwelling, Principal:* A dwelling located on a farm and occupied by the owner or operator of the farm or renter.
7. *Farm Dwelling, Support Housing*: The occupancy of any living accommodations by one (1) agricultural employee and their family on the same property as the principal permitted residence, without regard to duration, which occurs exclusively in association with the

performance of agricultural labor, on the same property as the support housing

8. *Horticulture*: The growing of horticultural and floricultural plants flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales. Typical uses include but are not limited to wholesale plant nurseries and greenhouses.
9. *Stables*: Boarding, breeding or raising of horses not owned by the occupants of the property 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. It is unlawful for a person to keep livestock within the city except by written consent of the City Council.
10. *Undeveloped or Unimproved Land:* Land in its natural state before development.
11. *Water Control Structures, Irrigation, or Retention Basins*: Man-made structures intended to direct and/or control the water flow, drainage, and percolation rate to aid in the prevention of flooding or direct water away from developments or agricultural land.
12. *Wildlife Management Area/Refuge/Preserv*e: Uses of land designated for the protection and sustaining of wildlife habitat in which human activities are limited and the natural environment is protected. Typical uses include but are not limited to prairies, marshes, lakes, woodlands, wetlands, etc.

2.2.2. RESIDENTIAL LAND USE DEFINITIONS

Residential uses include living accommodations on a primarily non-transient basis or institutional basis, but exclude those uses providing forced residence such as prisons or detention centers.

1. *Apartment:* A structure containing three (3) or more housing units with private bath and kitchen facilities comprising a series of independent, self-contained housing units in a single building. *See also: Multiple Family Residential.*
2. *Condominium Residential*: The use of a site for three (3) or more multiple family housing units intended for separate ownership, together with common area serving all the housing units; whereas the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.
3. *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, Iowa Code, or as a child foster care facility under Chapter 237, 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.
4. *Group Residential*: The residential occupancy of living accommodations by groups of more than three (3) persons not defined as a family on a weekly or longer basis. Typical uses include but are not limited to fraternity or sorority houses, dormitories, or residence halls.
5. *Guest House:* A guest house is a separate accessory structure or portion thereof which is used by members of the family residing in the primary dwelling or for non-paying guests or employees on the property. A guest house shall be a temporary place of residence and shall not be used for boarders. Although this zoning ordinance only permits one single family dwelling

per property, the Guest House is a special exception to this rule.

6. *Mobile Home or Manufactured Housing:* The residential occupancy of mobile homes or manufactured housing by families on a weekly or longer basis. Mobile or manufactured housing is created and assembled in a factory and can be classified as temporary or permanently built. Mobile or manufactured homes are designed to be moved from one place to another with ease. Uses only include mobile home parks or manufactured home subdivisions.
7. *Multiple Family Residential*: The use of a site for three (3) or more housing units within one or more buildings.
8. *Personal Recreational Facilities (as an accessory use to residential uses)*: Recreational uses and facilities provided as an accessory use on the same lot as the principal use and intended to be used primarily by the occupants of the principal use and their guests. Such facilities may include but not limited to swimming pools, trampolines, play equipment, swings, and slides.
9. *Relocated Residential*: An existing, previously inhabited residential structure intended for occupancy, which is moved into the community from a location outside of Orleans, or an existing residential dwelling relocated from another location from within the community to a new residential site. A relocated residential dwelling does not include the moving of a new manufactured, modular, or mobile home into the city. Relocated residential properties shall submit a route plan, photographs of the building to be moved, and a zoning permit prior to moving a building or structure into Orleans.
10. *Residential Convenience Service:* A use or activity of a commercial nature conducted as an accessory use to multiple family residential, mobile home park or manufactured housing community uses, and intended solely for the convenience of residents thereof. Typical uses may be permitted by conditional use within the above-mentioned districts and include but are not limited to eatery, café, health club, barbershop/stylist, post office substation, or other appropriate and incidental uses as determined by the Board of Adjustment.
11. *Residential Off-Site Accessory Buildings:* Accessory buildings used for the parking or storage of automobiles, recreational vehicles, watercraft, or other goods, products or machinery intended for and used solely for private residential purposes. Commercial storage rental units are not considered residential accessory buildings. Residential off-site accessory buildings may be allowed as the principal structure on the lot so long as the accessory building is owned by the owner of the principal structure and is located no more than 300 feet from the lot of the principal structure it is associated with.
12. *Residential Healthcare Facilities*: Includes residential care services, intermediate care facility or skilled nursing home.
    a. *Residential Care Services*: A use, other than a hospital, nursing, or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or extended care.
    b. *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. These facilities are sometimes combined with other types of housing such as congregate housing or senior housing.

c. *Nursing or Convalescent Facility:* A building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent, or physically disabled or injured persons, not of the immediate family are received, kept, and provided with food, and shelter for compensation. This shall not include facilities for the insane, mental, or contagious persons.

13. *Single Family Residential*: The use of a site for only one single family housing unit.
14. *Townhouse Residential*: The use of a site for three (3) or more housing units, constructed with common or adjacent fire-resistant walls; each located on a separate parcel within the total development site.
15. *Two Family Residential (also duplex or twin home)*: The use of a site for two (2) housing units within a single building separated from each other by a vertical common wall, and located on a single lot or parcel.

2.2.3. COMMERCIAL LAND USE DEFINITIONS

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.

1. *Administrative and Business Offices*: Offices of private firms or organizations primarily used for the provision of executive, management, or administrative services. Typical uses include but are not limited to administrative and professional offices including real estate, insurance, lawyers, engineers, architects, property management, investment, personnel, travel, secretarial, telemarketing, photocopying, etc.
2. *Agricultural Sales and Services*: Places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or services with incidental storage on lots other than where the service is rendered. Typical uses include but are not limited to nurseries, hay, feed and grain stores, and tree service firms.
3. *Automotive Rentals*: Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles including incidental parking and servicing of vehicles available for rent or lease. Typical uses include but are not limited to auto rental agencies, trailer rental agencies, and taxicab parking and dispatching.
4. *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 are not limited to new and used car repair businesses, motorcycle, boat, trailer, and recreational vehicle repair businesses.
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 are not limited to new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.
6. *Automotive Washing*: Washing and cleaning of automobiles, related light equipment, recreation vehicles, and trucks. Typical uses include but are not limited to auto laundries, car washes, or truck washes. Does not include large truck cleanouts or wash outs.

7. *Bar:* Any use, building or facility engaged in the serving or retail sales of alcoholic beverages for consumption on the premises. Typical uses include but are not limited to cocktail lounges, taverns, night clubs and similar uses.
8. *Building Maintenance Services*: Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include but are not limited to janitorial, landscape maintenance, or window cleaning services.
9. *Business Support Services*: Establishments or businesses primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments; but exclude automotive, construction and farm equipment. Typical uses include but are not limited to office equipment, business machine repair or hotel equipment and supply businesses.
10. *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.
11. *Commercial Auction Yards and Barns*: A place or structure where primarily, but not exclusively, livestock, fowl, poultry, other animals, and hay or other agricultural commodities are offered for sale to persons who bid in competition with each other.
12. *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.
13. *Commercial Recreation*: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators.
    a. *Indoor Entertainment and Recreation*: Uses conducted within an enclosed building. Typical uses include but are not limited to bowling alleys, billiard parlors, ice and roller skating rinks, arcades, motion picture theatres, dance halls, etc.
    b. *Outdoor Entertainment and Recreation*: Uses conducted in open, partially enclosed or screened facilities. Typical uses include but are not limited to sporting arenas, pools, tennis or racquetball courts, racing/go-kart track, amusement park, drive-in theatre, miniature golf, or driving range.
14. *Communications Services*: Establishments primarily engaged in the provision of broadcasting and information relay services accomplished using electronic and telephonic mechanisms but exclude those classified as Major Utility Facilities. Typical uses include but are not limited to telecommunication services; radio, television, cellular and other similar receiving antennas, towers, or structures; and fiber optic lines and transmission facilities.
15. *Condominium or Business 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 the owners on a proportional, undivided basis or by single or business ownership. These storage units are designed for individually owned, rented, leased, or sub-let 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. Condominium storage units shall not be used to conduct business or be the location for any business, establishment, or occupation.

16. *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 are not limited to building materials stores, tool and equipment rental or sales, or building contractors.
17. *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 are limited to appliance repair, watch/jewelry repair, computer repair or instrument repair.
18. *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 any commercial activity. Typical uses include but are not limited to mini-storage or mini-warehousing.
19. *Convenience Store*: An establishment engaged in the retail sale of food and household products, including gasoline. The repair, storage or servicing of vehicles shall be prohibited.
20. *Equipment Repair Services*: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include but are not limited to truck repair and farm implement repair services, and machine shops, but exclude dismantling or salvage.
21. *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 are not limited to truck dealerships, construction equipment dealerships, farm implement dealerships and mobile home sales.
22. *Financial Services*: Establishments primarily engaged in the provision of financial and banking services. Typical uses include but are not limited to banks, savings and loan institutions, loan and lending activities, and similar services.
23. *Funeral Services*: Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include but are not limited to funeral homes, crematoriums, or mortuaries.
24. *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 are not limited to department stores, apparel stores, furniture stores, grocery or other specialty food stores, meat markets, retail bakeries, delis, café's, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, 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, office supplies; bicycles; and automotive parts and accessories (excluding service and installation)

25. *Golf Course*: Land area and buildings containing golf courses and incidental associated uses such as club house, restaurant and lounge, swimming pool, tennis courts, etc.
26. *Health Recreation Services*: An indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa or sauna, and athletic or recreation clubs.
27. *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. Additionally, this definition includes those support or accessory commercial & retail uses located within the same building as the principal hospital or medical use.
28. *Kennel, public*: Any establishment in which dogs, cats, or the usual domesticated animals at least six months of age are housed, groomed, bred, boarded, trained, or sold for business purposes and for a fee or compensation. Typical uses include but are not limited to boarding kennels, pet motels, dog training centers, or private in-home animal breeding for profit.
29. *Kennel, private*: A structure including a fenced-in area or series of enclosures intended for the keeping, housing, and general care of the usual domesticated and household animals, not including livestock, at least six months of age; and where no fee or compensation is received.
30. *Laundry, Self Service*: Establishments primarily engaged in the provision of home-type washing, drying, or ironing facilities for customers on the premises.
31. *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 are not limited to bulk laundry and cleaning facilities, diaper services, or linen supply services.
32. *Liquor Sales*: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include but are not limited to liquor stores, bottle shops, or any licensed sales for off-site consumption.
33. *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.
34. *Personal Improvement Services*: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of nonprofessional nature. Typical uses include but are not limited to photography studios, driving schools, health or physical fitness studios, weight loss facilities, dance studios, or hobby instruction.
35. *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 are not limited to beauty and barbershops, tailor, shoe repair, laundromat, apparel services, tanning, tattoo parlors, piercing studios, or massage parlors.
36. *Pet Services*: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include but are not limited to pet stores, animal bathing facilities, or pet grooming shops.
37. *Professional Office*: Any building or structure or part thereof used by one or more persons engaged in the practice of law, accounting, architecture, medicine, engineering, planning, or other occupation customarily considered as a profession.

38. *Restaurant*: 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 restaurant may include live entertainment. Typical uses include but are not limited to restaurants, bars & grills, sandwich shops, coffee shops, and other similar establishments.
39. *Service Station*: Any building or property used for the retail sale of fuel, lubricants, parts and accessories, and incidental services to motor vehicles, but not for the purpose of making other than minor repairs. When the dispensing or retail sale of products becomes incidental to the conduct of a commercial garage, the property shall be classified as an Automotive Repair Service.
40. *Shopping center or strip mall*: A grouping of retail business and service uses on a single site with common parking facilities.
41. *Vehicle Storage*: Long term storage of operating or non-operating vehicles including but not limited to automobiles, trucks, heavy equipment, motorcycles, boats, recreation vehicles, and any other motor powered vehicles. Typical uses include but are not limited to storage of private parking lots, paid long term storage lots, tow-a-ways or impound yards, but excludes salvage.
42. *Veterinary Services*: Veterinary services for animals. Typical uses include but are not limited to pet clinics, dog and cat hospitals, and veterinary hospitals.
43. *Visitor Habitation*: Establishments primarily engaged in the provision of lodging on a temporary basis with incidental food, drink and other sales and services intended for the convenience of guests.
    a. *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 are not limited to campgrounds or recreational vehicle parks.
    b. *Hotel or Motel*: A building or group of buildings containing guest rooms primarily intended for temporary occupancy to transient guests for compensation and provides parking for the guests. Other such accessory uses associated with a hotel or motel may include a swimming pool, restaurant, conference rooms, management office and quarters for personnel.
    c. *Bed & Breakfast Inn*: A private, owner-occupied residential housing unit, or portion thereof where short term lodging and meals are provided for guests for rent to the public. In any residential district, 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.
    d. *Boarding House*: A building other than a hotel or motel where, for compensation, lodging is provided on a temporary basis. Furthermore, any dwelling, whether single family or multifamily residential, which is rented on a weekly or daily basis or any number of days less than monthly shall be considered a boarding house.
44. *Wind Energy Device*: Any device such as, but not inclusive of, a wind charger, windmill, wind turbine or wind generator which converts wind energy to a form of useable energy.

2.2.4. INDUSTRIAL LAND USE DEFINITIONS

Industrial use types include the on-site extraction or production of goods by non-agricultural methods; in addition to the storage and distribution of products.

1. *Biotechnology Production and/or Manufacturing*: Facilities, warehouses, and production or assembly plants engaged in the active production, manufacturing, packaging, and distribution of products generally associated with the fields of animal or human biotechnology.
2. *Bulk Stations:* Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
3. *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 are not limited to ceramic studios, candle making shops, glass blowing or custom jewelry.
4. *Fertilizer or Chemical Storage or Processing*: Those uses which promote the sale, storage, transfer, or processing of agricultural, industrial, or other chemicals used primarily as fertilizers for agricultural purposes.
5. *Fuel Storage*: The storage of any fuel source in above ground or below ground tanks for purposes of distribution, storage, or for sale. Such uses may include, but are not limited to gasoline storage facilities, companies that sell or store propane, or natural gas storage sites.
6. *Heavy Industry*: A use engaged in the processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials; or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.
7. *Light Industry*: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding heavy industrial processing.
8. *Renewable Energy/Renewable Resources Industries*: Those industries or businesses engaged in use of products that are sustainable in the environment or in harnessing or capturing of renewable resources for energy purposes. Typical uses include but are not limited to biofuels, biomass, wind energy, solar energy, hydro power, and geothermal.
9. *Recycling Plant:* A facility, other than a junk yard, where recoverable resources such as paper products, glass, metal, cans, tin, cardboard and other products are recycled, reprocessed, and treated to return the products to a condition in which they may be reused for production.
10. *Research and Production Services:* Establishments primarily engaged in research of an industrial or scientific nature, including animal or human products testing. Typical uses include but are not limited to animal or human research laboratories, research and development firms, or animal or human pharmaceutical research labs.
11. *Resource Extraction*: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses include but are not limited to quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

12. *Sanitary Landfill*: An area of land designated for the disposal of garbage, refuse, waste, rubbish, and other solid or semisolid materials, of which are buried between layers of earth.
13. *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 are not limited to automotive scrap or storage yards, wrecking yards, junk, or salvage yards.
14. *Stockyards*: Services or place of business involving the temporary keeping of livestock for slaughter, market, or shipping. Typical uses include but are not limited to animal stockyards or animal sales establishments. This definition does not include a meat market or meat locker which may include the incidental slaughter of animals for packaging and retail sale.
15. *Warehousing and Distribution (Limited)*: Wholesaling, storage, and warehousing services within enclosed structures. Typical uses include but are not limited to wholesale distributors, storage warehouses or moving and storage firms.
16. *Warehousing and Distribution (General)*: Open-air storage, distribution and handling of materials and equipment. Typical uses include but are not limited to grain elevators or open storage yards.

2.2.5. CIVIC AND PUBLIC LAND USE DEFINITIONS

Civic and public land use types include the performance of utility, educational, recreational, cultural, public safety, governmental and other such uses that are strongly vested with public or social importance.

1. *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.
2. *Charitable Institution*: A private, public or semi-public institutional use of a charitable, philanthropic, benevolent, or religious character, but not including sheltering or caring of animals.
3. *Club or Lodge*: A use providing meeting, recreational, or social facilities for private or non-profit association; and primarily for use by members and guests.
4. *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.
5. *Daycare Center:* A facility, or use of a building or portion thereof, for care of seven (7) or more individuals, as specified by the State of Iowa. This term may include daycare centers for children or adults, and similar respite type uses.
6. *Detention Facilities*: Any use providing housing and care for individuals confined by law.
7. *Educational Facilities*: Any public, private, or parochial school, nonprofit institution or facility offering academic instruction at the elementary, secondary, and collegiate levels.
8. *Government/Public Services*: Offices, administrative, clerical, governmental, or public services that deal directly with the citizen. Typical uses include but are not limited to federal, state, county, and city offices, postal facilities, or other organizations directly benefiting the public.

9. *Local Utility Services*: Essential services which are necessary to support principal development and involve only minor structures such as lines and poles, transformers, and control devices.
10. *Major Utility Facilities*: 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
11. *Park and Recreation Services*: Publicly or privately owned and operated parks, playgrounds, open spaces, and swimming pools.
12. *Pre-Kindergarten, Preschool, or Nursery School*: An establishment enrolling children where tuition or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as an educational facility for children.
13. *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.
14. *Religious Assembly*: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, excluding educational facilities.
15. *Safety Services*: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
16. *Treatment Services*: A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance because of mental illness, alcoholism, detention, drug addiction, or similar condition on a residential or daytime basis.

ARTICLE 3. ZONING DISTRICTS ESTABLISHED

Article 3: Zoning Districts Established

Section 3.1. Zoning Districts Map
Section 3.2. Boundaries and Official Map
Section 3.3. Interpretations of District Boundaries
Section 3.4. Road or Public Right-of Way Vacation
Section 3.5. Zoning or Annexed Land
Section 3.6. General Regulations

SECTION 3.1. ZONING DISTRICTS.

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 city clerk and will be placed in the council chambers at the City Hall, also a similar map shall be prepared and placed in a convenient place in the office of the zoning administrator, for reference at any time. For the purpose and intent of this ordinance, the City or Orleans, Iowa shall be divided into the following districts or zones, as follows:

AG – Agricultural District
CN – Conservation District
R-1 – Lake Residential District
R-2 – General Residential District
MH – Mobile/Manufactured Home District
C – Commercial District
I – Industrial District

SECTION 3.2. BOUNDARIES AND OFFICIAL MAP.

The zoning map shall show each zoning district in a specified place on the official zoning map and by differing colors or shades. The zoning map will show the zoning district boundaries in relation to the other districts and classify the districts uses in accordance with the regulations as provided in the ordinance. This zoning map 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 Dickinson County Recorder 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 all other structures in the city.

The official zoning map shall be on file in city council chambers of the City of Orleans and all references hereafter to said official map described herein above. If the official zoning map becomes

damaged, destroyed, lost or difficult to interpret because of use or the nature of number of changes and additions, the city council may, by resolution, adopt a new official zoning map which shall supersede the prior zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior map, but no such corrections shall have the effect of amending the original official zoning map or any subsequent amendments thereof.

SECTION 3.3. INTERPRETATION OF DISTRICT BOUNDARIES.

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

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or other public rights-of-way shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines.
4. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
5. Boundaries indicated as approximately following railroad lines or railroad rights-of-way shall be construed to at the center the tracks or the center of the right-of-way.
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 1-6 above, the Board of Adjustment shall interpret the district boundaries.

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

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

SECTION 3.5. ZONING OF ANNEXED LANDS.

Any land annexed into the City of Orleans, after the effective date of this ordinance shall be automatically assigned the (R-2) General Residential District. All newly annexed lands shall remain such zoning classification until such time the annexed land may be reviewed by the planning and zoning commission and the commission make a recommendation of which zoning district shall be most applicable to the annexed land. The city council shall then make the determination of the zoning classification that best depicts the city's zoning based on the current use of the land.

SECTION 3.6. GENERAL REGULATIONS.

Except as herein provided:

1. No buildings or structures or parts thereof shall be erected, constructed, reconstructed, remodeled, converted, altered, enlarged, extended, raised, moved, or used; and not land or building shall be used except in conformity with the regulations herein prescribed by this ordinance for the district in which such building or land is located. No construction or building activity of any kind may start until the zoning administrator issues a zoning permit.
2. The principal building on a lot shall front on a street, lake, natural waterways, or public place.
3. No yard, off-street parking space, or other open space provided about any building, structure or use to comply with the provisions of this ordinance shall be considered as providing a yard, off-street parking space, or open space for any other building, structure, or use.
4. 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 building wall or supporting structural elements of the building under consideration.
5. No lot shall hereafter be so reduced in area that any required yard, court or other open space will be smaller than is prescribed in this ordinance for the district in which it is located.
6. Every building or structure erected or structurally altered, after the effective date of this ordinance, shall be located on a lot or parcel as herein defined by this ordinance.
7. Not more than one (1) single family dwelling shall be located upon one (1) lot unless otherwise permitted by this ordinance.
8. Any portion of a building that is covered by a roof shall be considered a part of the building.
9. No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking regulations of this ordinance.

These regulations shall be applied in addition to any applicable federal, state and city health and building codes.

ARTICLE 4. AGRICULTURAL DISTRICT (AG)

Article 4: Agriculture District

Section 4.1. Intent
Section 4.2. Principal Permitted Uses
Section 4.3. Conditional Uses
Section 4.4. Accessory Uses & Buildings
Section 4.5. Site Development Regulations
Section 4.6. Supplemental District Regulations
Section 4.7. Off-Street Parking
Section 4.8. Sign Regulations
Section 4.9. Zoning Permits Required

SECTION 4.1. INTENT.

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

SECTION 4.2. PRINCIPAL PERMITTED USES.

Within the (AG) Agricultural District, unless otherwise provided, only the following buildings, structures or land shall be permitted by right.

Agriculture/Conservation Uses	Residential Uses	Civic Uses
Animal production (recreational) Critical Area Crop production Farm Farm Dwelling, Principal Farm Dwelling, Support Housing Horticulture Undeveloped or Unimproved Land Water Control, Irrigation or Retention Basins Wildlife Management Areas, Refuge or Preserve	Single Family Residential	Cemetery Government/Public Services Local Utility Services Park & Recreation Services Religious Assembly Safety Services

SECTION 4.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (AG) Agricultural District subject to specific conditions and requirements as approved by the Board of Adjustment.

Agriculture/Conservation Uses	**Residential Uses**	**Civic Uses**
Animal Production Stables	Relocated Residential *When it is the owner or renter of a farm or associated with agricultural purposes.*	Major Utility Facilities

Commercial Uses	**Industrial Uses**
Bed & Breakfast Inn Campground Communication Services *(See Section 13.15 for regulations)* Kennel, Commercial Veterinary Services Wind Energy Device *(See Section 13.13 for regulations)*	Fuel Storage Resource Extraction

SECTION 4.4. ACCESSORY USES AND BUILDINGS.

Accessory uses are to remain incidental and secondary in the use and nature to the principal permitted use. The following accessory uses and buildings shall be permitted in accordance with Section 13.2 of this ordinance.

1. Essential Services *(as defined in Section 2.1. Definition 35)*
2. Private garage or carport
3. Private parking lots
4. Barns and other agricultural related buildings
5. Radio, television, satellite dish, and other similar antennas or associated structures *(for personal use)*
6. Private utility sheds or garden buildings or greenhouses not used for commercial purposes
7. Roadside stands
8. Solar collectors in compliance with Section 13.14.
9. Private use kennel or other animal enclosures
10. Home occupations in compliance with Section 13.8.
11. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of work, and in compliance with Section 13.5.
12. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 13.2.

SECTION 4.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures, and subject to the Additional Use Regulations.

Lot Area -	1 acre (43,560 sq. ft.) - minimum lot area
Lot Width -	200 feet - minimum lot width
Front Yard -	50 feet - minimum required setback
Street Site Yard (Corner Lot) -	50 feet – minimum required setback
Side Yard -	25 feet - minimum required setback
Rear Yard -	50 feet - minimum required setback
Height -	35 feet maximum height for dwellings and non-agricultural buildings. No height limitations for agricultural buildings. See Section 12.13. for further height exemptions.
Residential Density -	Not more than (1) one residential or farm dwelling per lot, and not more than one (1) agricultural support housing per lot.

No minimum requirements for local utility facilities and essential services, except that all buildings other than 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 identified in Section 13.9.

SECTION 4.6. SUPPLEMENTAL DISTRICT REGULATIONS.

Supplemental district regulations may be relevant for activities in the Agricultural (AG) district and shall be reviewed for conformance and compliance with the regulations specified in Article 12.

SECTION 4.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the Agricultural (AG) District in accordance with the provisions of Article 14 of this ordinance.

SECTION 4.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the Agricultural (AG) District in accordance with the provisions of Article 15 of the ordinance.

SECTION 4.9. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 17.2 of this ordinance.

ARTICLE 5. CONSERVATION DISTRICT (CN)

Article 5: Conservation District

Section 5.1. Intent
Section 5.2. Principal Permitted Uses
Section 5.3. Conditional Uses
Section 5.4. Accessory Uses & Buildings
Section 5.5. Floodplain Conditions
Section 5.6. Site Development Regulations
Section 5.7. Supplemental District Regulations
Section 5.8. Off-Street Parking
Section 5.9. Sign Regulations
Section 5.10. Zoning Permits Required

SECTION 5.1. INTENT.

This district is intended to provide for water quality and conservation, erosion control, protect lakes and natural drainage ways, and to generally provide for ecologically sound land use of environmentally sensitive areas considered critical areas; or otherwise best suited as buffers between land uses 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.

SECTION 5.2. PRINCIPAL PERMITTED USES.

Within the (CN) Conservation district, unless otherwise provided, only the following buildings, structures or land shall be permitted by right.

Agriculture/Conservation Uses	Civic Uses
Critical Area Crop production Horticulture Floodplain or marshlands Undeveloped or Unimproved Land Water Control, Irrigation or Retention Basins Wildlife Management Areas, Refuge or Preserve	Local Utility Services Park & Recreation Services

SECTION 5.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (CN) Conservation district subject to specific conditions and requirements as approved by the Board of Adjustment.

Commercial Uses	Civic Uses
Campground Communication Services *(See Section 13.15 for regulations)* Wind Energy Device *(See Section 13.13 for regulations)*	Government/Public Services Major Utility Services

SECTION 5.4. ACCESSORY USES AND BUILDINGS.

Accessory uses are to remain incidental and secondary in use and nature to the principal permitted use. The following accessory uses and buildings shall be permitted in accordance with Section 13.2 of this ordinance.

1. Essential Services *(as defined in Section 2.1. Definition 35)*
2. Private parking lots
3. Agricultural or recreational buildings or structures that will not adversely affect the area and the value would not be impaired by being flooded.
4. Radio, television, satellite dish, and other similar antennas or associated structures *(for personal use)*
5. Solar collectors in compliance with Section 13.14.
6. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of work, and in compliance with Section 13.5.
7. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 13.2.

SECTION 5.5. FLOODPLAIN 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.

SECTION 5.6. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures, and subject to the Additional Use Regulations.

Lot Area -	1 acre - minimum lot area Unless the district follows a floodway, floodplain, river or other natural features; then no minimum lot area is required.
Lot Width -	No minimum lot width
Front Yard -	20 feet - minimum required setback
Street Site Yard (Corner Lot) -	20 feet – minimum required setback
Side Yard -	6 feet - minimum required setback
Rear Yard -	20 feet - minimum required setback
Height -	35 feet maximum height for buildings and structures. No height limitations for agricultural buildings. See Section 12.13 for further height exemptions.

Building Coverage -	10 percent of the lot area – maximum coverage
Impervious Coverage -	25 percent of the lot area – maximum coverage
Minimum Required Open Space -	75 percent of the lot area – minimum coverage

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

SECTION 5.7. SUPPLEMENTAL DISTRICT REGULATIONS.

Supplemental district regulations may be relevant for activities in the Conservation (CN) district and shall be reviewed for conformance and compliance with the regulations specified in Article 12.

SECTION 5.8. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the Conservation (CN) District in accordance with the provisions of Article 14 of this ordinance.

SECTION 5.9. SIGN REGULATIONS.

Sign regulations shall be required for activities in the Conservation (CN) District in accordance with the provisions of Article 15 of the ordinance.

SECTION 5.10. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 17.2 of this ordinance.

ARTICLE 6. LAKESHORE RESIDENTIAL DISTRICT (R-1)

Article 6: Lakeshore Residential District

Section 6.1. Intent
Section 6.2. Principal Permitted Uses
Section 6.3. Conditional Uses
Section 6.4. Accessory Uses & Buildings
Section 6.5. Site Development Regulations
Section 6.6. Lakeshore Yard (Front Yard) Setback Determination
Section 6.7. Additional Requirements in R-1 District
Section 6.8. Supplemental District Regulations
Section 6.9. Off-Street Parking
Section 6.10. Sign Regulations
Section 6.11. Zoning Permits Required

SECTION 6.1. INTENT.

The intent of the R-1 Lakeside Residential District is to provide an area solely intended for low density residential uses having direct frontage or abutting any natural or man-made lake.

SECTION 6.2. PRINCIPAL PERMITTED USES.

Within the (R-1) Lakeshore Residential District, unless otherwise provided, only the following buildings, structures or land shall be permitted by right.

Residential Uses	Civic Uses
Single Family Residential Two Family Residential	Local Utility Services Park & Recreation Services

SECTION 6.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (R-1) Lakeshore Residential District subject to specific conditions and requirements as approved by the Board of Adjustment:

Residential Uses	Civic Uses	Commercial Uses
Condominium Residential Guest House Relocated Existing Residential Residential Off-Site Accessory Buildings Townhouse Residential	Cultural Services Government/Public Services Major Utility Facilities Religious Assembly Safety Services	Bed & Breakfast Inn Campgrounds

SECTION 6.4. ACCESSORY USES AND BUILDINGS.

Accessory uses are to remain incidental and secondary in use and nature to the principal permitted use. The following accessory uses and buildings shall be permitted in accordance with Section 13.2 of this ordinance.

1. Essential Services *(as defined in Section 2.1. Definition 35)*

2. Private garage or carport
3. Private parking lots
4. Radio, television, satellite dish, and other similar antennas or associated structures *(for personal use)*
5. Private recreational facilities for use by residential *(swimming pools, trampolines, play equipment)*
6. Private utility sheds, garden buildings, or greenhouses not used for commercial purposes
7. Gazebos, arbors, trellises, pergolas, and other landscaping or incidental yard structures
8. Solar collectors *(intended for private or personal use)* in compliance with Section 13.14
9. Keeping or kenneling of domesticated animals as household pets in a non-commercial environment
10. Home occupations in compliance with Section 13.8
11. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of work, and in compliance with Section 13.5
12. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 13.2.

SECTION 6.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures, and subject to the Additional Use Regulations.

Lot Area -	7,500 sq.ft. – minimum lot area plus an additional 2,500 sq.ft. for each additional dwelling unit
Lot Width (Minimum Lake Frontage) -	50 feet – minimum lot width plus an additional 20 feet for each additional dwelling unit
Front Yard (lakeshore side) -	The greater of 25 feet or the line of sight continuity with adjoining properties through establishing the lakeshore yard setback (See Section 6.6 below).
Side Yard -	5 feet - minimum required setback The side yard shall be free and clear of any obstructions or above ground structures. See Section 12.6 for additional side yard requirements.
Rear Yard (opposite lakeshore side) -	25 feet - minimum required setback
Height -	35 feet maximum height. See Section 12.13 for further height exemptions.
Residential Density -	No more than one (1) single family dwelling per lot. No more than eight (8) dwelling units per lot for multiple dwellings.
Minimum Required Open Space -	30 percent of the lot area minimum coverage Unencumbered with non-pervious structures or paving

The dimensions shown above for Front Yard, Side Yard and Rear Yard shall pertain to the required "setback" of a structure from the front, side, and back lot lines. "Structure" includes, but is not limited to, not only the principal buildings or dwellings but all associated appurtenances attached to such principal or accessory buildings, structures, or the ground. Such additional appurtenances that are subject to yard setbacks include decks, porches, garages, gazebos, utility buildings, permanent fire pits, monuments, retaining walls used for landscaping purposes and air conditioners or other above ground utility devices, etc. Any sidewalk within a side yard setback shall maintain at least two feet (2') from the side lot line. No minimum requirements for local utility facilities and essential services.

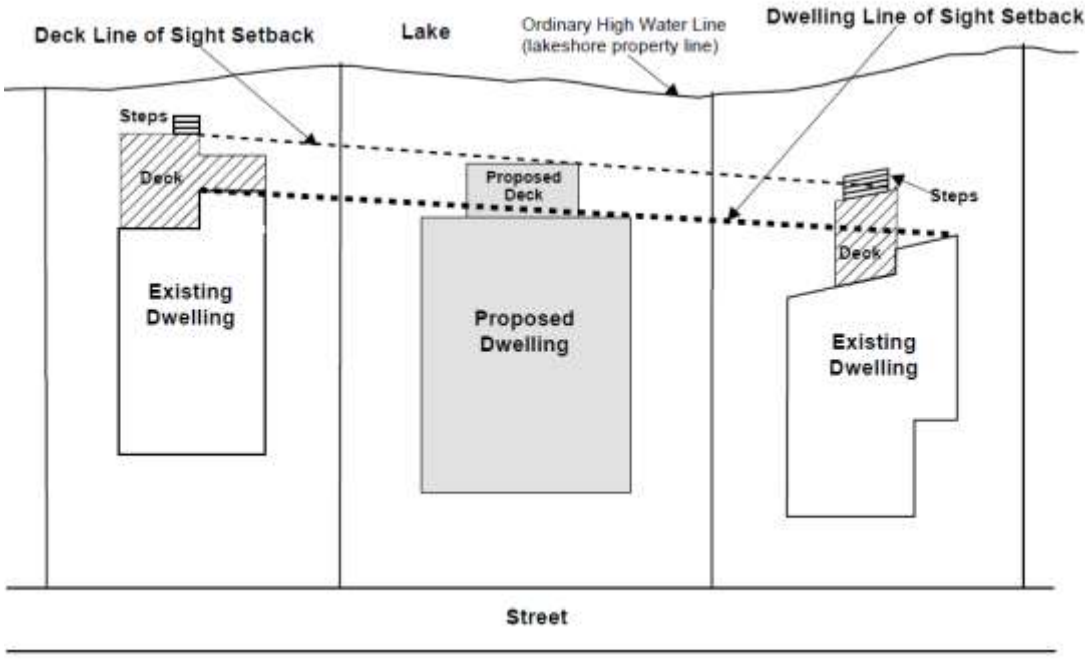
All residential dwelling units must be constructed in compliance with the Residential Dwelling Standards identified in Section 13.9. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26, Code of Iowa.

SECTION 6.6. LAKESHORE YARD (FRONT YARD) SETBACK DETERMINATION.

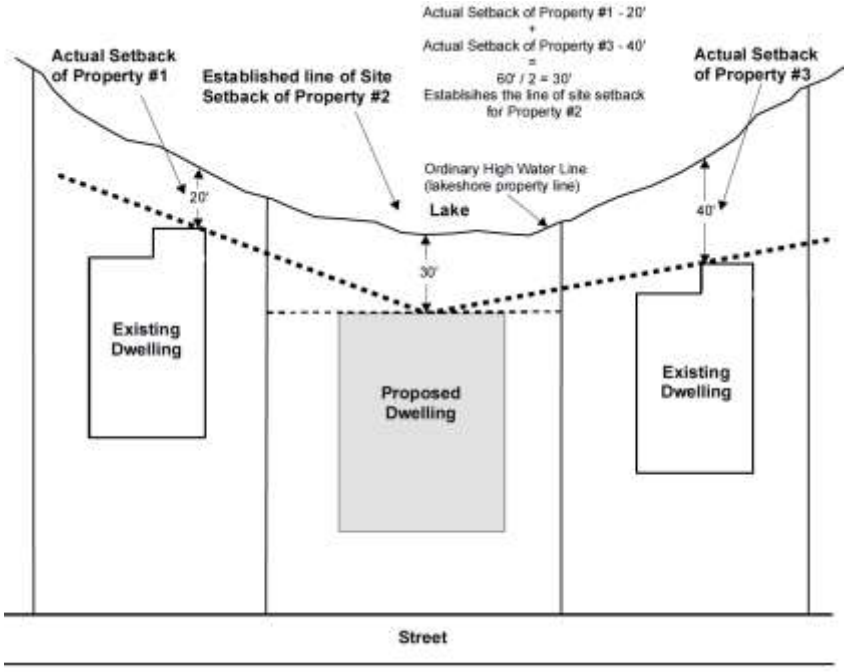
On any property within the R-1 Lakeshore Residential District there shall be a minimum lakeshore yard (front yard) setback established for each property based upon the relationship of developed adjoining properties. Utilizing the "line of sight" method for establishing a lakeshore yard setback is used to protect the view of the lakes as much as possible and to prevent lakeshore creeping of new buildings or structures. With that stated, any property owner is not guaranteed a view of the lake any more than the perpendicular projection, the same width of any property owner's lakeshore lot.

1. Line of sight for dwellings or principal buildings. The setback line is determined by a line of sight joining the farthest projecting building wall (closest point of the principal dwelling or building to the ordinary high water mark) of the nearest buildings on either side of the subject property. Existing steps shall not be used in determining the line of sight.

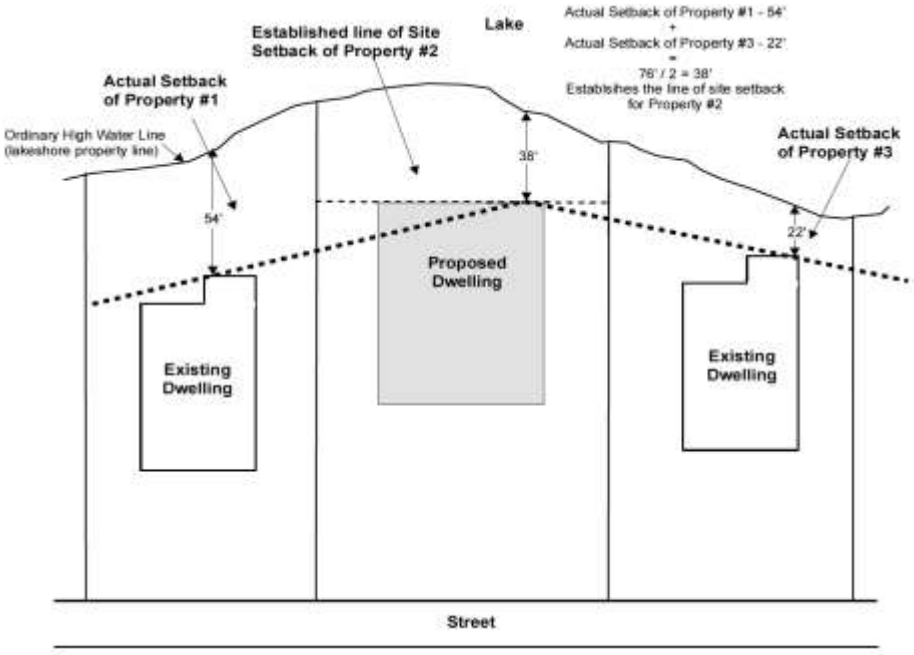
2. Line of sight for decks. The setback line for establishing a deck is determined by a line of sight joining the farthest projecting deck points greater than 12" above the adjacent ground (closest to the ordinary high water mark) of the two nearest adjacent dwellings. Existing steps shall not be used in determining the line of sight.



3. When a new structure is to be built on a lakefront or shoreline curve or point in which the line of sight determination does not work because of the curvature of the shoreline, the distance as measured by the Dickinson County Assessor's GIS aerial photography or by an actual survey or the property from the nearest dwelling and deck on each side shall be added together and divided by two to determine the setback of the subject property located within a cove or on a point.



In the event the "line of sight" determination is not used to establish the front yard setback and actual property lines are used in the instance of a property on a point or cove on the lakeshore and a determination cannot be made utilizing the Dickinson County Assessor's GIS aerial photography, it shall be the responsibility of the property owner to provide the city, at a minimum, a survey plat completed by a professional engineer or certified land surveyor showing the location of lot pins and property lines for the owner's property to be used in calculating the lakeshore setback.



4. When there is no building within two hundred feet (200') on one side of a lot, the actual setback of the nearest building on the other side shall establish the line of sight setback.
5. If there is no building within two hundred feet (200') on either side of the lot, the minimum required setback for the zoning district shall apply.
6. A vacant or empty lot, or any structure located entirely on the rear one-half (½) of a lot shall not be considered in determining a front yard setback. This lot shall be skipped and the next adjacent lot used in determining the lakeshore yard setback.

SECTION 6.7. ADDITIONAL REQUIREMENTS IN R-1 DISTRICT.

1. In this district, no swamp or marshland that retains water seasonably or permanently shall be filled, graded, or dredged, unless approved by the Board of Adjustment.
2. To protect the lakes from the entry of petroleum products no street, driveway, or parking lot shall be constructed to drain directly into the lakes.
3. The City of Orleans strong encourages any property owner who proposes new construction projects more than 1,000 square feet to consider implementing and utilizing storm water management features which are designed and sufficient to manage and filter a water quantity volume of 1.25 inches of rainfall in a twenty-four (24) hour period. Storm water management features shall utilize infiltration elements to provide for the maximum filtration of suspended solids, to maximize detention time and to reduce the amount and period of runoff, all pursuant to the Iowa Storm Water Management Manual.
4. Surfacing of vegetation, re-grading or other development shall be done in such a manner as to minimize soil erosion for construction during the growing season. Seeding temporary vegetation or other surface control measures shall be applied to minimize soil erosion on land exposed for a period of more than thirty (30) days.

SECTION 6.8. SUPPLEMENTAL DISTRICT REGULATIONS.

Supplemental district regulations may be relevant for activities in the Lakeshore Residential (R-1) district and shall be reviewed for conformance and compliance with the regulations specified in Article 12.

SECTION 6.9. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the Lakeshore Residential (R-1) District in accordance with the provisions of Article 14 of this ordinance.

SECTION 6.10. SIGN REGULATIONS.

Sign regulations shall be required for activities in the Lakeshore Residential (R-1) District in accordance with the provisions of Article 15 of the ordinance.

SECTION 6.11. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 17.2 of this ordinance.

ARTICLE 7. GENERAL RESIDENTIAL DISTRICT (R-2)

Article 7: General Residential District

Section 7.1. Intent
Section 7.2. Principal Permitted Uses
Section 7.3. Conditional Uses
Section 7.4. Accessory Uses & Buildings
Section 7.5. Site Development Regulations
Section 7.6. Supplemental District Regulations
Section 7.7. Off-Street Parking
Section 7.8. Sign Regulations
Section 7.9. Zoning Permits Required

SECTION 7.1. INTENT.

The intent of the General Residential District is to provide for a variety of low to medium density residential areas, off the lakeshore, where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety, and welfare. Additionally, this district is intended to provide for those areas within the community which are compatible in character and density with the multiple family residential environment.

SECTION 7.2. PRINCIPAL PERMITTED USES.

Within the (R-2) General Residential District, unless otherwise provided, only the following buildings, structures or land shall be permitted by right.

Residential Uses	Civic Uses
Family Home	Cultural Services
Single Family Residential	Educational Facilities
Two Family Residential	Government/Public Services
	Local Utility Services
	Park and Recreation Services
	Religious Assembly
	Safety Services

SECTION 7.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (R-2) General Residential District subject to specific conditions and requirements as approved by the Board of Adjustment:

Residential Uses	Civic Uses	Commercial Uses
Apartment Assisted Living Facility Condominium Residential Group Residential Guest House Multiple Family Residential Nursing or Convalescent Facility Relocated Residential Residential Care Services Residential Off-Site Accessory Building Townhouse Residential	Daycare Center Major Utility Services Prekindergarten, Preschool or Nursery School	Bed & Breakfast Inn Communication Services *(See Section 13.15 for regulations)* Funeral Services Wind Energy Device *(See Section 13.13 for regulations)*

SECTION 7.4. ACCESSORY USES AND BUILDINGS.

Accessory uses are to remain incidental and secondary in use and nature to the principal permitted use. The following accessory uses and buildings shall be permitted in accordance with Section 13.2 of this ordinance.

1. Essential Services *(as defined in Section 2.1. Definition 35)*
2. Private garage or carport
3. Private parking lots
4. Radio, television, satellite dish, and other similar antennas or associated structures *(for personal use)*
5. Private recreational facilities for use by residential *(swimming pools, trampolines, play equipment)*
6. Private utility sheds, garden buildings, or greenhouses not used for commercial purposes
7. Gazebos, arbors, trellises, pergolas, and other landscaping or incidental yard structures
8. Solar collectors *(intended for private or personal use)* in compliance with Section 13.14
9. Keeping or kenneling of domesticated animals as household pets in a non-commercial environment
10. Home occupations in compliance with Section 13.8
11. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of work, and in compliance with Section 13.5
12. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 13.2.

SECTION 7.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures, and subject to the Additional Use Regulations.

Lot Area -	10,000 sq.ft. – minimum lot area Plus an additional 2,500 sq.ft. for each additional dwelling unit.

Lot Width -	80 feet – minimum lot width
Front Yard -	25 feet – minimum required setback
Street Side Yard (Corner Lot) -	25 feet – minimum required setback
Side Yard -	10 feet - minimum required setback
Rear Yard -	35 feet - minimum required setback
Height -	35 feet - maximum height. See Section 12.13 for further Height Modifications.
Residential Density -	No more than one (1) single family dwelling per lot. Multiple family residential buildings may exceed the residential density requirement.
Minimum Required Open Space -	30 percent of the lot area minimum coverage Unencumbered with non-pervious structures or paving

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

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. All residential dwelling units must be constructed in compliance with the Residential Dwelling Standards identified in Section 13.9.

SECTION 7.6. SUPPLEMENTAL DISTRICT REGULATIONS.

Supplemental district regulations may be relevant for activities in the General Residential (R-2) district and shall be reviewed for conformance and compliance with the regulations specified in Article 12.

SECTION 7.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the General Residential (R-2) District in accordance with the provisions of Article 14 of this ordinance.

SECTION 7.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the General Residential (R-2) District in accordance with the provisions of Article 15 of the ordinance.

SECTION 7.9. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 17.2 of this ordinance.

ARTICLE 8. MOBILE & MANUFACTURED HOUSING (MH)

Article 8: Mobile & Manufactured Housing District

Section 8.1. Intent
Section 8.2. Principal Permitted Uses
Section 8.3. Conditional Uses
Section 8.4. Accessory Uses & Buildings
Section 8.5. Site Development Regulations
Section 8.6. Mobile & Manufactured Home Park Development Plan
Section 8.7. Mobile & Manufactured Home Park Development Standards
Section 8.8. Additional Mobile & Manufactured Housing Requirements
Section 8.9. Nonconforming Mobile Home or Mobile Home Parks
Section 8.10. Zoning Permits Required

SECTION 8.1. INTENT.

The intent of the Mobile & Manufactured Housing District is to regulate the location and placement of mobile or manufactured housing units and the placement of these units within designated mobile or manufactured housing parks or subdivisions within the City of Orleans. Furthermore, this Article provides for the continuation of residential areas currently developed as mobile or manufactured home parks which because of their design and/or location are compatible with surrounding areas where similar development seems likely to occur.

SECTION 8.2. PRINCIPAL PERMITTED USES.

Within the (MH) Mobile & Manufactured Housing District, unless otherwise provided, only the following buildings, structures or land shall be permitted by right.

Residential Uses	Civic Uses
Mobile Home Residential Single Family Residential	Local Utility Services Park and Recreation Services

SECTION 8.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (MH) Mobile & Manufactured Housing District subject to specific conditions and requirements as approved by the Board of Adjustment:

Residential Uses	Civic Uses	Commercial Uses
Relocated Existing Residential *(either single family or mobile or manufactured housing previously located in another park or site)*	Daycare Center Educational Facilities Major Utility Services Prekindergarten, Preschool or Nursery School Religious Assembly	Communication Services *(See Section 13.15 for regulations)*

SECTION 8.4. ACCESSORY USES AND BUILDINGS.

Accessory uses are to remain incidental and secondary in use and nature to the principal permitted use. The following accessory uses and buildings shall be permitted in accordance with Section 13.2 of this ordinance.

1. Essential Services *(as defined in Section 2.1. Definition 35)*
2. Private garage or carport
3. Private parking lots
4. Radio, television, satellite dish, and other similar antennas or associated structures (*for personal use)*
5. Private recreational facilities for use by residential *(swimming pools, trampolines, play equipment)*
6. Private utility sheds, garden buildings, or greenhouses not used for commercial purposes
7. Gazebos, arbors, trellises, pergolas, and other landscaping or incidental yard structures
8. Solar collectors *(intended for private or personal use)* in compliance with Section 13.14
9. Keeping or kenneling of domesticated animals as household pets in a non-commercial environment
10. Home occupations in compliance with Section 13.8
11. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of work, and in compliance with Section 13.5
12. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 13.2.
13. 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 only. No accessory building or structure shall exceed twenty-five (25) feet in height, and shall meet requirements of the applicable codes and ordinances.

SECTION 8.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures, and subject to the Additional Use Regulations.

<u>Mobile or Manufactured Home Lot Requirements:</u>

Lot Area -	4,000 sq.ft. - minimum lot area
Lot Width -	40 feet – minimum lot width
Front Yard -	25 feet - minimum required front yard, unless the mobile home borders the park boundary in which case the front yard is not required
Street Side Yard (Corner Lot) -	25 feet – minimum required setback
Side Yard -	5 feet - minimum required side yard, unless the mobile home borders the park boundary in which case the side yard is not required
Rear Yard -	15 feet - minimum required rear yard, unless the mobile home borders the park boundary in which case the rear yard is not required

Maximum Height:	35 feet maximum height
Residential Density:	Not more than one (1) dwelling per mobile home lot
Minimum Required Open Space -	25% open space and 75% maximum ground coverage including ground level paving and accessory buildings

Mobile or Manufactured Park Requirements:

Park Area:	Two (2) acres – minimum park area
Park Width:	200 feet - minimum park width
Park Boundary:	25 feet – minimum required setback for dwellings
Maximum Height:	35 feet
Distance from public right-of-way:	75 feet – minimum required setback

For purposes of this section, yard width shall be determined by measurement from the mobile home face (side) to the site boundary from which every point shall not be less than the minimum width herein provided. The rear yard shall be the yard opposite and having the farthest distance as measured from the street or public way.

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

SECTION 8.6. MOBILE & MANUFACTURED PARK DEVELOPMENT PLAN.

Each mobile or manufactured home park shall provide the following information shown in a development plan or submitted in writing.

1. The name of the proposed mobile home or manufactured housing park.
2. Names, addresses and telephone numbers of the developer or his representative.
3. Location of the mobile or manufactured home park, giving subdivision and lot numbers.
4. A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding intended for subsequent development.
5. Location map showing the relationship of the proposed development and adjacent land.
6. The present land use and existing zoning of the proposed development and adjacent land.
7. Interior streets, street names, right-of-way and roadway widths.
8. All lot lines and open spaces with dimensions shown.
9. Delineation of all improvements required in this section.

SECTION 8.7. MOBILE & MANUFACTURED PARK DEVELOPMENT STANDARDS.

Each mobile or manufactured home park shall be developed in accordance with the following requirements.

1. A mobile home may be displayed and offered for sale if the mobile home is situated on a permanent pad within the mobile home park.
2. 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 nor 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.

3. 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.
4. Not more than one (1) local street sign at an intersection of a mobile home park, which identifies the street by name, the sign approved in conjunction with the final site plan approval of the mobile home park. In no case, shall the sign be larger than one (1) square foot per street name, nor stand higher than seven (7) feet from the ground to the top of the sign.
5. Each mobile home site shall be provided with a stand consisting of reinforced concrete runways not less than four (4) inches thick and not less than the length of the mobile home that will use the site. These runways will be so constructed, graded, and placed to be durable and adequate for support of the maximum anticipated load during all seasons.
6. Storage of goods and articles underneath any mobile home are prohibited.
7. A permanent type material and construction compatible with the design and color of the mobile home shall be installed, within thirty (30) days after initial placement, to enclose the open space between the bottom of the mobile home floor and the grade level of the mobile home stand, and shall be constructed to provide substantial resistance to heavy winds. Skirting shall be maintained consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park.
8. Sufficient screened ventilating areas shall be installed in the skirting to supply the combustion requirements of heating units and ventilating of the mobile home.
9. All mobile homes within such parks shall be suitably connected to common sewer and water services provided at each mobile home site.
10. 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.
11. Disposal of garbage and trash: All garbage and trash containers shall be placed in a conveniently located similarly designed enclosed structure(s). The removal of trash shall take place not less than once a week. Individual incinerators shall be prohibited.
12. 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 the management. This area shall not be less than one hundred (100) feet in its smallest dimension. Streets, sidewalks, parking areas and accessory buildings are not included as recreation space in computing the necessary area.
13. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public and private streets or roads to each mobile home site.
14. If any dead-end place or court is more than two hundred -fifty feet (250') in length, it shall terminate in an open space, preferably circular have a minimum dimension of one hundred feet (100'). Except in unusual instances, no dead-end street or place shall exceed six hundred feet (600') in length.

15. All parks shall be furnished with lighting units spaced and equipped with approved fixtures, placed at mounting heights that will provide the following average maintained levels of illumination for safe movement of pedestrians and vehicles at night.
16. All streets intended primarily for use of park occupants, guests and services shall be owned and maintained by the mobile home park owner. Private streets shall be constructed with either hot mix asphaltic concrete or Portland cement concrete to provide for drainage and shall be constructed to specifications approved by the City of Orleans. Street surfaces shall be maintained free of cracks, holes, and other hazards.
17. Grades of all streets shall be sufficient to insure adequate surface drainage, and shall have prior approval of the City of Orleans before commencing with construction.
18. The lot for each mobile home site shall be clearly marked on the ground by permanent steel or iron rods driven into the ground with the top of said rods flush with the finished lot grade.
19. A written emergency plan submitted to the city and posted on site to advise all the park residents of safety measures.
20. Sidewalks shall be constructed in mobile home parks and shall be built in compliance with the City of Orleans' sidewalk requirements. Sidewalk requirements may be obtained from city hall or the zoning administrator.
21. When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.
22. Park owners and management are required to maintain the physical and natural facilities and features of the park in neat, orderly, and safe manner.
23. The maximum ground coverage of the mobile home park shall be seventy percent (70%) with the remaining thirty percent (30%) reserved for landscaping.

SECTION 8.8. ADDITIONAL MOBILE OR MANUFACTURED HOUSING REQUIREMENTS.

In addition to the above stated required development standards stated in Section 8.7 above, each mobile or manufactured home park shall be developed in accordance with the following additional requirements:

1. The rental of mobile or manufactured homes shall be in accordance with the laws and statutes identified in 562B of the Iowa Code, Manufactured Home Communities or Mobile Home Parks Residential Landlord and Tenant Law.
2. All dwellings shall follow standards for Fire Safety Criteria for Manufactured Home Sites, Installations, and Communities as stated in the NFPA 501A (2009) or amendments thereto.
3. All factory built structures, including mobile and manufactured dwellings, shall comply with the provisions of Chapter 661.16 of the Iowa State Building Code – Factory-Built Structures.
4. All factory built structure, including mobile and manufactured housing units shall comply with the anchorage and support provisions outlined in Chapter 661.322 of the Iowa State Building Code – Manufactured Housing Support and Anchorage Systems.

SECTION 8.9. NONCONFORMING MOBILE HOMES OR MOBILE HOME PARKS.

Mobile or manufactured homes and mobile home parks existing at the time of the adoption of this ordinance will be governed as follows:

1. All mobile home parks lawfully established and located within the City of Orleans prior to the adoption of the ordinance which may become a part of the city because of annexation and are being used in a manner or for purposes otherwise lawful but which do not conform to the provisions of this article shall be deemed to be a lawfully vested nonconforming use. As such, the nonconforming mobile home park may continue to operate in the manner and to the extent that it lawfully existed at the time of annexation.
2. Any existing mobile home park may hereafter be expanded or enlarged provided such expansion in the new area is done in conformity with the provisions of this article.
3. All existing, nonconforming mobile homes or manufactured housing units which are subsequently sold to a new owner, as well as all mobile home units installed on a mobile home space after the enactment of the ordinance shall conform to the anchoring and skirting requirements of this article.
4. Any nonconforming mobile or manufactured home, not considered real estate, or any mobile home park or manufactured housing subdivision which is hereafter abandoned, unused or unoccupied for a period of one (1) year or more shall not again be used as such until it is brought into compliance with the provisions of this article. The city council may, in its sole discretion, grant an extension of time beyond the one-year requirement provided the council receives a written request from the owner stating reasons for the time extension.
5. Any nonconforming mobile or manufactured home, not considered real estate, or any mobile home park or manufactured housing subdivision which is hereafter damaged by any means to an extent exceeding sixty (60) percent or more of its replacement cost at the time of destruction, exclusive of foundations shall not be restored or reconstructed to its prior use until it is brought into compliance with the provisions of this article.
6. Nothing in this section shall prohibit the maintenance and repair of nonconforming mobile or manufactured homes or any mobile home park or manufactured housing subdivision to keep such facilities in sound and safe condition, provided no enlargement, extension, alteration, or change shall be made to increase the degree of nonconformity.

SECTION 8.10. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 17.2 of this ordinance.

ARTICLE 9. GENERAL COMMERCIAL DISTRICT (C)

Article 9: General Commercial District

Section 9.1. Intent
Section 9.2. Principal Permitted Uses
Section 9.3. Conditional Uses
Section 9.4. Accessory Uses & Buildings
Section 9.5. Site Development Regulations
Section 9.6. Additional Setback Regulations
Section 9.7. Supplemental District Regulations
Section 9.8. Off-Street Parking
Section 9.9. Sign Regulations
Section 9.10. Zoning Permits Required

SECTION 9.1. INTENT.

The intent of the General Commercial District is to provide for commercial areas consisting of a variety of retail stores and related activities and services to serve the general shopping needs of the trade area; and to permit those uses that will strengthen local businesses and support the area trade, commerce, community services, governmental, and cultural activities.

SECTION 9.2. PRINCIPAL PERMITTED USES.

Within the (C) General Commercial District, unless otherwise provided, only the following buildings, structures or land shall be permitted by right.

Commercial Uses		**Civic Uses**
Administrative/Business Offices	Funeral Services	Cemetery
Automotive Rentals	General Retail Sales	Charitable Institution
Automotive Repair Services	Golf Course	Club or Lodge
Automotive Sales	Health Recreation Services	Cultural Services
Automotive Washing	Hospital/Health Services	Daycare Center
Bar	Hotel/Motel	Educational Facilities
Bed and Breakfast Inn	Indoor Sports and Recreation	Government/Public Services
Building Maintenance Services	Laundry Sales	Local Utility Services
Business Support Services	Liquor Sales	Park and Recreation Services
Business or Trade School	Medical Clinics/Offices	Prekindergarten, Preschool or Nursery School
Campground	Personal Improvement Services	Public Assembly
Commercial off-street parking	Personal Services	Religious Assembly
Condominium/Business Storage	Pet Services	Safety Services
Construction Sales and Services	Professional Offices	
Consumer Repair Services	Restaurant	
Convenience Storage	Service Station	**Industrial Uses**
Convenience Store	Shopping Center or Strip Mall	
Financial Services	Vehicle Storage	Custom Manufacturing

SECTION 9.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (C) General Commercial District subject to specific conditions and requirements as approved by the Board of Adjustment:

Commercial Uses	Residential Uses	Civic Uses
Agricultural Sales and Services Commercial Auction Yards Communication Services *(See Section 13.15 for regulations)* Equipment Repair Services Equipment Sales Kennel, public Outdoor Entertainment and Recreation Veterinary Services Wind Energy Device *(See Section 13.13 for regulations)*	Assisted Living Facility Condominium Residential Family Home Group Residential Multiple Family Residential Nursing or Convalescent Facility Residential Care Services	Detention Facilities Major Utility Facilities Treatment Services **Industrial Uses** Warehousing & Distribution (Limited)

SECTION 9.4. ACCESSORY USES AND BUILDINGS.

Accessory uses are to remain incidental and secondary in use and nature to the principal permitted use. The following accessory uses and buildings shall be permitted in accordance with Section 13.2 of this ordinance.

1. Essential Services *(as defined in Section 2.1. Definition 35)*
2. Private garage or carport
3. Private parking lots
4. Solar collectors in compliance with Section 13.14
5. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of work, and in compliance with Section 13.5.
6. Other commercial use types not listed as a permitted use in the same district, and complies with the following criteria.
   a. Operated primarily for the convenience of employees 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.
7. Other accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 13.2.

SECTION 9.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures, and subject to the Additional Use Regulations.

Lot Area - 5,000 sq.ft. – minimum lot area

Lot Width -	50 feet – minimum lot width
Front Yard -	25 feet – minimum required setback
Street Side Yard (Corner Lot) -	25 feet – minimum required setback
Side Yard -	10 feet - minimum required setback Except when adjacent to any residential use, then the setback shall be 25 feet.
Rear Yard -	20 feet - minimum required setback Except when adjacent to any residential use, then the setback shall be 25 feet.
Height -	35 feet maximum height. See Section 12.13 for further height exemptions.
Minimum Required Open Space -	15% minimum open space required. No more than 85% ground coverage including ground level paving and all other impervious surfaces.

No minimum requirements for local utility facilities and essential services, except that all buildings other than above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements. Zero lot lines may be applied if firewall regulations of the Uniform Building Code are met.

SECTION 9.6. ADDITIONAL SETBACK REGULATIONS.

Any residential uses permitted in the (C) General Commercial District shall be subject to the site development regulations and yard setback requirements identified in Section 7.5. in lieu of any corresponding regulation identified above in Section 9.5.

SECTION 9.7. SUPPLEMENTAL DISTRICT REGULATIONS.

Supplemental district regulations may be relevant for activities in the General Commercial (C) district and shall be reviewed for conformance and compliance with the regulations specified in Article 12.

SECTION 9.8. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the General Commercial (C) District in accordance with the provisions of Article 14 of this ordinance.

SECTION 9.9. SIGN REGULATIONS.

Sign regulations shall be required for activities in the General Commercial (C) District in accordance with the provisions of Article 15 of the ordinance.

SECTION 9.10. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 17.2 of this ordinance.

ARTICLE 10. INDUSTRIAL DISTRICT (I)

Article 10: Industrial District

Section 10.1. Intent
Section 10.2. Principal Permitted Uses
Section 10.3. Conditional Uses
Section 10.4. Accessory Uses & Buildings
Section 10.5. Site Development Regulations
Section 10.6. Supplemental District Regulations
Section 10.7. Off-Street Parking
Section 10.8. Sign Regulations
Section 10.9. Zoning Permits Required

SECTION 10.1. INTENT.

The intent is to provide for an area in the community where a wide range of businesses and industries that have high standards of performance can locate. The district is designed to permit development of certain manufacturing or industrial operations which because of physical and operational characteristics, will not be detrimental to surrounding properties or the community by reasons of noise, dust, smoke, odor, traffic, physical appearance, or similar factors. No residential uses are permitted in this district.

SECTION 10.2. PRINCIPAL PERMITTED USES.

Within the (I) Industrial District, unless otherwise provided, only the following buildings, structures or land shall be permitted by right, except for 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.

Industrial Uses	**Commercial Uses**
Custom Manufacturing Light Industry Warehousing and Distribution (Limited) Warehousing and Distribution (General) Recycling Plant Research and Production Services	Administrative and Business Offices Agricultural Sales and Services Automotive Rentals Automotive Repair Services Automotive Sales Automotive Washing Bar Building Maintenance Services Business or Trade School Condominium Storage Unit Construction Sales and Service Convenience Storage Equipment Sales Equipment Repair Services Vehicle Storage Service Station
Civic Uses	
Club or Lodge Government/Public Services Local Utility Services Park and Recreation Services Public Assembly Safety Services Treatment Services	

SECTION 10.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (I) Industrial District subject to specific conditions and requirements as approved by the Board of Adjustment:

Industrial Uses	Commercial Uses	Civic Uses
Biotechnology Production and Manufacturing Bulk Stations Fertilizer or Chemical Storage or Processing Fuel Storage Heavy Industrial Renewable Energy/Renewable Resources Resource Extraction Sanitary Landfill Scrap and Salvage Purposes Stockyards	Adult Entertainment *(See Section 13.12 for regulations)* Communication Services *(See Section 13.15 for regulations)* Hotel/Motel Kennel, public Outdoor Entertainment and Recreation Veterinary Services Wind Energy Device *(See Section 13.13 for regulations)*	Detention Facilities Major Utility Facilities

SECTION 10.4. ACCESSORY USES AND BUILDINGS.

Accessory uses are to remain incidental and secondary in use and nature to the principal permitted use. The following accessory uses and buildings shall be permitted in accordance with Section 13.2 of this ordinance.

1. Essential Services *(as defined in Section 2.1. Definition 35)*
2. Private garage or carport
3. Private parking lots
4. Solar collectors *(intended for private or personal use)* in compliance with Section 13.14
5. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of work, and in compliance with Section 13.5
6. Other commercial or industrial use types not listed as a permitted use in the same district, and complies with the following criteria.
   a. Operated primarily for the convenience of employees 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.
7. Other accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 13.2.

SECTION 10.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures, and subject to the Additional Use Regulations.

Lot Area -	10,000 sq.ft. – minimum lot area
Lot Width -	100 feet – minimum lot width
Front Yard -	25 feet – minimum required setback
Street Side Yard (Corner Lot) -	25 feet – minimum required setback
Side Yard -	10 feet or 10% of the lot width, whichever is greater. Except when adjacent to any residential use, then the setback shall be 25 feet or 10% of the lot width.
Rear Yard -	25 feet - minimum required setback
Height -	35 feet maximum height. See Section 12.13 for further height exemptions.
Minimum Required Open Space -	10% minimum open space required. No more than 90% ground coverage including ground level paving and all other impervious surfaces.

No minimum requirements for local utility facilities and essential services, except that all buildings other than above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements. Zero lot lines may be applied if firewall regulations of the Uniform Building Code are met.

SECTION 10.6. SUPPLEMENTAL DISTRICT REGULATIONS.

Supplemental district regulations may be relevant for activities in the Industrial (I) district and shall be reviewed for conformance and compliance with the regulations specified in Article 12.

SECTION 10.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the Industrial (I) District in accordance with the provisions of Article 14 of this ordinance.

SECTION 10.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the Industrial (I) District in accordance with the provisions of Article 15 of the ordinance.

SECTION 10.9. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 17.2 of this ordinance.

"QUICK REFERENCE GUIDE"

ORLEANS ZONING DISTRICT SETBACK REGULATIONS

Zoning District	Minimum Lot Area	Minimum Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Street Side Yard (Corner Lot)	Maximum Height
A-1 Agriculture	1 acre (43,560 sq.ft.)	200 ft.	50 ft.	25 ft.	50 ft.	50 ft.	35 ft. (dwellings or non-ag bldg.) No height for ag uses
CN Conservation	1 acre (43,560 sq.ft.) Unless following natural features	No minimum	20 ft.	6 ft.	20 ft.	20 ft.	35 ft. No height for ag uses
R-1 Lakeshore Residential	7,500 sq.ft. + 2,500 for additional dwellings	50 ft. + 20 ft. for additional dwellings	25 ft. or lot frontage continuity	5 ft.	25 ft.	25 ft.	35 ft.
R-2 General Residential	10,500 sq.ft. + 2,500 for additional dwellings	80 ft.	25 ft.	10 ft.	35 ft.	25 ft.	35 ft.
MH Mobile & Manufactured Housing	4,000 sq.ft. per dwelling 2 acres per park	40 ft. per lot 200 ft. per park	25 ft. 25 ft. from park boundary	5 ft.	15 ft.	25 ft.	35 ft.
C General Commercial	5,000 sq.ft.	50 ft.	25 ft.	10 ft. 25 ft. if next to residential	20 ft. 25 ft. if next to residential	25 ft.	35 ft.
I Industrial	10,000 sq.ft.	100 ft.	25 ft.	10 ft. or 10% of lot width	25 ft.	25 ft.	35 ft.

ARTICLE 11. SITE PLAN

Article 11: Site Plan
Section 11.1. Intent
Section 11.2. Scale
Section 11.3. Legal Information
Section 11.4. Site Plan

SECTION 11.1. INTENT.

Site plans are required for review and approval for new construction of any permanent principal use or conditional use building or structure more than 150 square feet in any district or elsewhere by this ordinance, and shall comply with and illustrate the following. Any portable, temporary, or other detached accessory building less than 150 square feet in size is exempt from these site plan requirements. 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 these provisions 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.

SECTION 11.2. SCALE.

Site plans shall be drawn at a scale that legibly shows and accurately depicts the proposed improvements, but not less than 1" = 100'. Two (2) copies of the site plan shall be submitted with the zoning permit application. In the event of a conditional use permit application, the applicant shall submit a required number of copies of the site plan as requested by the zoning administrator.

SECTION 11.3. LEGAL INFORMATION.

The site plan shall include the following legal information:

1. Owner's name, date of application and legal description of property to be improved.
2. Applicant’s name, requested land use and zoning.
3. If the applicant is other than the legal owner, the applicant’s interest shall be indicated and the legal owners’ authority to appeal shall be submitted in a certified legal form.

SECTION 11.4. SITE PLAN.

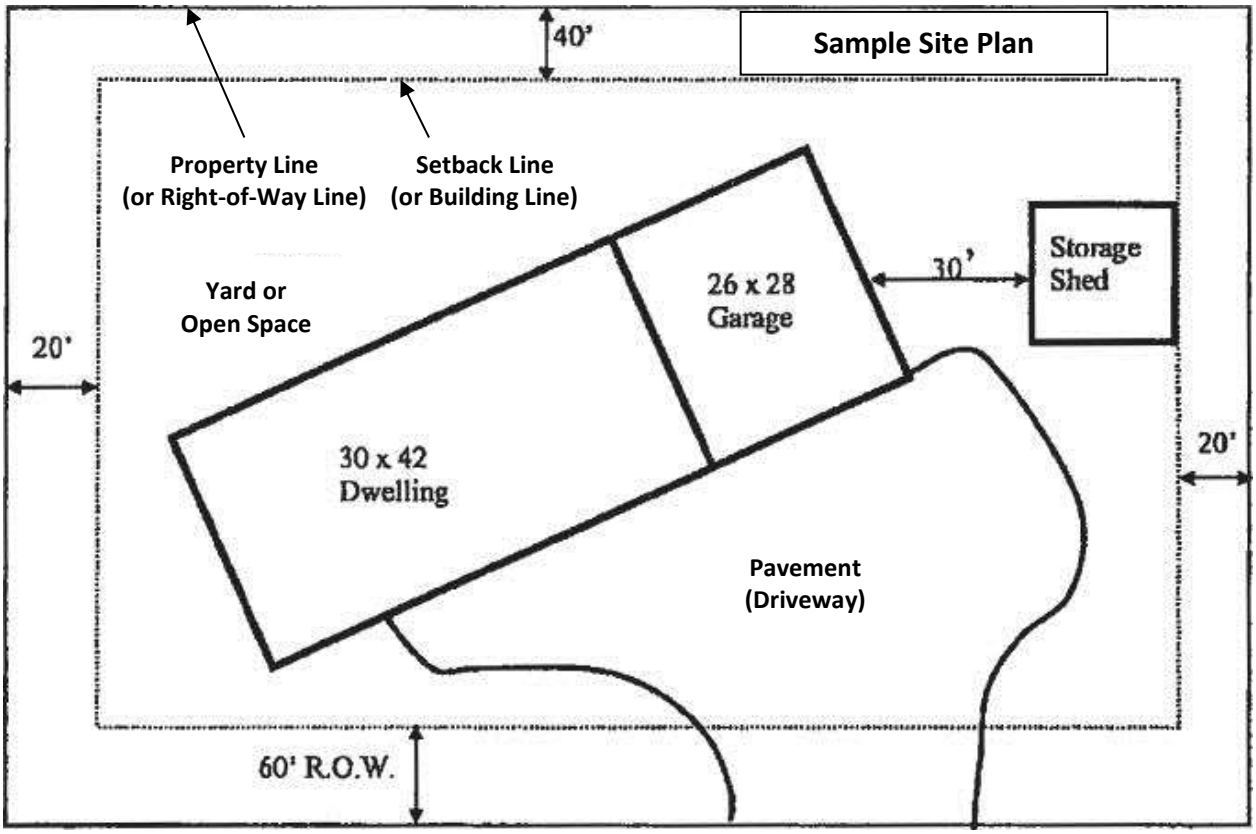
The site plan shall include and clearly illustrate, but not be limited to, the following:

1. Property boundary lines, dimensions, and total area.
2. The availability and location of existing utilities.
3. The square feet of all proposed buildings.
4. If substantial topographic change is proposed, contour lines at intervals of not more than one foot (1’) may be requested by city staff.
5. If relevant or requested by the zoning administrator, the site plan shall include an estimated amount (in cubic yards) and type of fill material to be removed or brought into the site for development or landscaping purposes.
6. The proposed location, sizes shape and type of existing buildings or structures, rights-of-way, street improvements, easements, or drainage ways.

7. Parking areas, number of parking spaces proposed and type of surfacing to be used.
8. Erosion or sediment control plan, if needed or required.
9. Number and size of dwelling units if applicable.
10. Buffers, landscaping, permanent retaining walls and other information deemed necessary to illustrate compliance with the requirements of this ordinance.
11. Walkways, lighting, fences, signs, monuments and other man-made features.
12. Traffic considerations and any other considerations pertinent to the proposed use may be requested by city staff
13. If relevant or requested by the zoning administrator, the site plan shall include a vicinity sketch showing adjacent existing land uses.

A survey of property may be ordered by the zoning administrator if the current lot lines are in question or in doubt of location. In the event of an ordered survey, all four or more lot pins that are required for a lot must be located by a certified land surveyor and clearly marked. Such survey shall be the responsibility and at the cost of the property owner and/or applicant. No zoning permit will be issued until all required action is complied with.

In the event of a zoning permit for construction of any new residential or new commercial/industrial buildings a plat of survey, engineering specifications and/or architectural drawings shall be submitted to the city for review of the proposed construction. If plans are not completed yet, at a minimum, a survey plat completed by a professional engineer or certified land surveyor will be required showing the location of lot pins and property lines.



Article 12. Supplemental District Regulations

Article 12: Supplemental District Regulations

Section 12.1. Intent
Section 12.2. Lot of Record
Section 12.3. One Residential Structure Per Lot
Section 12.4. Multiple principal Structures Per Lot
Section 12.5. Relocated Residential Dwellings
Section 12.6. Yard Regulations
Section 12.7. Tent Camping in Yards
Section 12.8. Steps, Decks and Patios
Section 12.9. Fences, Hedges, Walls and Retaining Walls
Section 12.10. Building to Have Access
Section 12.11. Use of Public Right-of-Way
Section 12.12. Lot Frontage Continuity
Section 12.13. Height Exemptions

SECTION 12.1. INTENT.

The regulations set forth in this article qualify, supplement or modify the area and height regulations set forth elsewhere in this ordinance. In the event of a conflict in provisions with any other part of this ordinance, the more restrictive provision shall apply unless specifically indicated to the contrary.

SECTION 12.2. LOT OF RECORD.

Any lot of record at the time of passage of this ordinance having less area or width than herein required may be used for any use where such use is permitted as provided in this ordinance. Only one principal building and authorized accessory buildings or structures shall be permitted on one lot of record. The lot of record shall maintain the required front, side, and rear yards as indicated for the zoning district it is located in. However, where two (2) or more contiguous and adjoining substandard or nonconforming lots are held in common ownership, they can be combined into one (1) zoning lot and thereafter maintained in common ownership. The city shall consider such zoning lots as joined together for the purpose of forming an effective and conforming zoning lot. The combining of contiguous substandard lots for purposes of zoning conformance does not automatically mean the property is rezoned. If two or more contiguous lots are within different zoning districts, a rezoning request may be necessary to accommodate proposed uses.

SECTION 12.3. ONE RESIDENTIAL BUILDING PER LOT.

Except as provided herein, there shall not be more than one principal single family residential building placed upon a lot.

SECTION 12.4. MULTIPLE PRINCIPAL STRUCTURES PER LOT.

More than one principal structure not intended to be a single family residential building may be erected on a lot only in the general commercial (C) and industrial (I) zoning districts, subject to the following conditions.

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

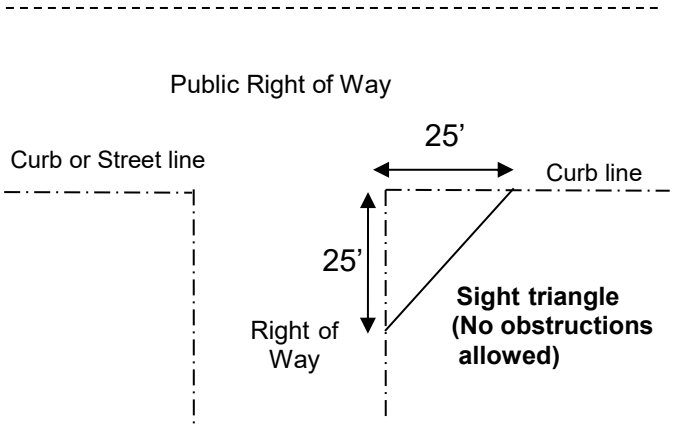
3. All the multiple principal buildings on the same lot shall be accessible to pedestrians via required parking and emergency accesses to each principal building.

SECTION 12.5. RELOCATED RESIDENTIAL DWELLINGS & BUILDINGS.

Relocated residential dwellings and any other buildings or structures shall submit a route plan and photographs of the building to be moved with a conditional use application. All relocated residential dwellings and other buildings or structures shall be permitted as conditional use issued by the Board of Adjustment. Upon review of the information submitted, the Board shall consider the aesthetic appearance of such relocated dwelling or other buildings and how the proposed building or structure to be moved fits into the character and appearance of the existing neighborhood. A conditional use permit must be obtained prior to moving any building or structure into Orleans.

SECTION 12.6. YARD REGULATIONS.

1. *Projecting Overhang or Structure.* The ordinary horizontal projection from buildings including eaves, sills, fascia, parapets, cornices, or other similar architectural and ornamental features, except for gutters, may not project or extend more than two feet (2') into any required yard setback.
2. *Yard Encroachments.* Air conditioning compressor(s), L.P. tanks, heat pumps, or other such similar devices may not encroach into the required side yard. Carports, bay windows, cantilevered projections, chimneys, and other permanent structures attached to the principal building may not project into the required yards.
3. *Utilities*. Nothing in this ordinance shall have the effect of prohibiting utility service lines, utility connections, or utility boxes from encroaching into any required yard space.
4. *Through Lots (or Double Frontage Lots).* Buildings on through lots, extending from street to street shall provide the required front yard on both streets.
5. *Corner Lots.* The required side yard on the street side of a corner lot 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. *Line of Sight Visibility (at Intersections).* On a corner lot in any district, no natural or man-made structure or objects, except utilities and essential services, shall be erected, placed, planted or allowed to grow in a manner that will obstruct vision between a height of three feet (3') and ten feet (10') above the ground within the triangular area formed by connecting a point at the corner of the lot or parcel and extending that line twenty-five feet (25') in each direction from the corner as measured along the curb or street lines.



7. *Swimming Pools.* Above ground (in excess of 3 feet in height) or in-gound private swimming pools shall be allowed only in rear yards (the front yard in the R-1 Lakeshore Residential district) and shall not be closer than five (5') feet to a side. Above ground swimming pools in excess of three feet (3') and any associated above ground decks or patios located within the R-1 Lakeshore

Residential district shall be only permitted within the building envelope and shall not encroach into the required front yard setback established by line of site.

SECTION 12.7. TENT CAMPING IN YARDS.

Recreational overnight tent camping, not for a fee or other payment, on privately owned yards, lots, or parcels of land within the City of Orleans is limited to a maximum of one (1) week or seven (7) continuous days within a thirty (30) day period. Long term and large group camping is encouraged to occur within designated commercial campground facilities. Tent camping for purposes of permanent human habitation shall not be allowed in any district.

SECTION 12.8. STEPS, DECKS AND PATIOS.

Steps. Steps providing access to the ground level of a dwelling may have a landing of no larger than twelve (12) square feet and encroach no more than three feet (3') into any required side yard, except than in any instance steps shall not be permitted to encroach closer than five feet (5') to any side lot line. Steps may encroach no more than five feet (5') into any required front or rear yard, including a landing of no more than 24 square feet encroaching the front or rear yard.

Decks. Decks shall conform to required side yard, rear yard and lakeshore or front yard setbacks. No covered decks, covered patio or other similar covered or roofed structures may project into any required front yard setback area or street side yard on a corner lot.

Pergolas. Pergolas, as defined by this ordinance; or lattice, trellises, or any other open roofed structure over a deck, patio, lawn, or any surface shall be considered a "covered" or "roofed" structure and not permitted to encroach into any required yard setback area.

Patios. Patios, including a paver patio, crushed rock, flagstone, or any other concrete or hard surfaced products shall be allowed to be constructed within the required front, side, or rear yards in all zoning districts. However, no patio shall encroach closer than two feet (2') of a property line. When retaining walls, seating features, or any other built structure is higher than 12 inches above grade, such portion of the patio that is taller than 12 inches shall conform to the required yard setbacks.

Sidewalks. Sidewalks may not be constructed closer than two feet (2') to any side lot line. Sidewalks are permitted in front yards (including rear yard or street yard in the R-1 Lakeshore Residential District) from the driveway to the front door or the street to the front door. Sidewalks are permitted to run the width of the front yard parallel and adjacent to the front property line (rear property line in R-1 District). Sidewalks are also permitted to run from the principal dwelling or building to the lakeshore in the R-1 Lakeshore Residential District. With that said, the sidewalk shall take the most direct route to the lake and shall not include accessory patios, deck spaces, or any landing or rest area more than 24 square feet. Sidewalks shall be built in accordance with the city's sidewalk ordinance or regulations within the City Code of Ordinances pertaining to sidewalks.

Driveways. Driveways shall be permitted to be paved the same width or less from the street to the garage or other designated parking area within the front yard in all districts (the rear yard or street side in the R-1 Lakeshore Residential district). Additionally, concrete slab structures or other hard surface including crushed gravel or rock shall be permitted to extend up to twelve feet (12') beyond either side of a driveway intended to be used for accessory or auxiliary parking spaces.

SECTION 12.9. FENCES, HEDGES, WALLS AND RETAINING WALLS.

For purposes of this section, the term "fence" means a constructed barrier of any material or combination of materials erected to enclose or screen areas of land. Plants, shrubs, bushes, and trees are not normally considered fences. However, if shrubs, bushes, and trees are planted, maintained, and used to form a barrier to enclose or screen areas of land, such use of plant materials shall constitute a "living fence" or hedge.

1. No fence constructed more than fifty percent (50%) solid or more than four feet (4') in height may be permitted within the front yard (rear yard or street side yard in the R-1 Lakeshore Residential district). Please reference Section 12.6.6. when considering fences in front or corner side yards.
2. Fences and walls not exceeding seven feet (7') in height are permitted within the limits of side and rear yards. Fences and walls in excess of seven feet (7') will be allowed in the cases of tennis courts and swimming pools, and other instances subject to the granting of a conditional use permit by the Board of Adjustment.
3. Within the R-1 Lakeshore Residential District, no fencing will be permitted beyond the established line of sight or front yard setback as determined by the zoning administrator. This fencing restriction is to preserve the views along the lakeshore. If agreed upon by the adjoining property owners, a chain link or other fencing material at least 75 percent open and no taller than three feet (3') in height may be permitted within the lakeshore yard area, but no closer than 25' to the front property line, of which shall be surveyed and established by a professional engineer or land surveyor.
4. Determining the maximum height for fences and walls shall be made by measuring from the natural grade of the lot adjacent to the fence to the top of the finished fence or wall structure.
5. In the case of retaining walls, the height requirements specified in Parts 1 and 2 above shall apply only to that part of the retaining wall above the ground surface of the retained land.
6. Retaining walls constructed from concrete, stone or other natural or manufactured materials, if used for the purposes of terracing land, holding back failing natural slopes, or for changing the contour of the land for development purposes will not be subject to yard setback requirements. Retaining walls or other decorative walls used for the intent or purpose of landscaping and not structural use, will be treated the same as other above ground structures in which if the height of such wall is higher than 12" above the average grade of the adjoining ground on the applicant's property, such wall shall meet the required yard setback requirements.
7. Fences shall not be closer than six inches (6") to any property line. Hedges, walls or retaining walls intended for the purposes of landscaping shall not be located closer than two and one-half feet (2½') to any property line. However, a fence, wall, hedge or retaining wall may be placed on the property line by written mutual agreement of both property owners.
8. The finished or "nice" side of fences shall be built facing the outside of the property it is located on.
9. It is the responsibility of the property owner to locate all easements on their property prior to constructing or placing a fence. If a fence must be removed because it was built over an easement, the replacement of such fence will be the responsibility of the property owner. The City of Orleans and private or public utility companies are not responsible for repairs or replacement of any fencing located over easements.

10. Fences, walls and retaining walls constructed or maintained in the City of Orleans shall be of uniform style, construction, and appearance. Fences shall not be constructed of corrugated tin, corrugated metal, or corrugated fiberglass; sheet metal or sheet fiberglass; or non-treated wood products. Fences may be constructed from treated wood products, non-decomposing natural wood products such as cedar or redwood, chain link, molded plastic, wrought iron, stamped or decorative sheet metal, and steel posts may be used for supporting posts. The Board of Adjustment may approve other materials as presented. Fences should be constructed in an orderly and neat manner as to accent and compliment the natural landscape of the property. All fences shall be subject to an approved zoning permit.
11. Fences shall have at least one (1) access point, to allow for public safety and utility purposes.
12. Disputes between property owners concerning fences and/or plantings, trees, bushes, or hedges obstructing views, sunlight or air, or any other matters shall be considered a civil matter between parties and shall be resolved in a court of law as a civil proceeding.

SECTION 12.10. 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 road; or shall be on a lot or parcel having deeded access to a public street or road.

SECTION 12.11. USE OF PUBLIC RIGHT-OF-WAYS.

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

SECTION 12.12. LOT FRONTAGE CONTINUITY.

The following provisions only apply to lots or parcels within the R-1 Lakeshore Residential Zoning District. In the case where a block containing lots or parcels with buildings or structures amount to more than 30% of the total number of lots developed on one side of the street between two intersecting streets or defining boundaries, then the required minimum setbacks will be based on the following scenarios:

1. A line extending between the two closest points to the front property line of the adjacent buildings on either side.
2. Where there is a vacant lot on one side or if the adjoining property sits entirely within the rear one-half of the property, then the adjoining property will be skipped and the setback line will be between the two closest points to the front property line of the next closest buildings on either side.
3. Where there is more than one vacant lot on either side, then no part of any new building shall project beyond a line projecting from a point closest to the front property line of the corresponding closest building.
4. In the case where the lot to be improved is situated on a block with less than 30% of the total number of available lots developed, then the required minimum yard setbacks of the district shall be enforced.

SECTION 12.13. HEIGHT EXEMPTIONS.

Height regulations, as identified in the zoning district regulations, shall not apply to church spires, belfries, farm or agricultural buildings, tanks, water towers, fire towers, stage towers or scenery lofts, cooling towers, grain elevators, bulk-heads, drilling rigs, conveyors, flagpoles, monuments, ornamental towers and spires, chimneys, and other pertinent mechanical apparatus which may be erected to any height not in conflict with any other applicable regulations. Specifically, communication towers including television, radio or cellular antennas may be constructed to a height in compliance with Section 13.15 of this ordinance. Furthermore, wind energy devices may be constructed to a height in compliance with Section 13.13 of this ordinance. These additional structures or accessories may be erected to a height approved by the Board of Adjustment provided no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of the flying public.

Public, semi-public, or public service buildings, hospitals, 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 (2') of additional building height above the height limit otherwise provided in the district in which the building is constructed.

ARTICLE 13. ADDITIONAL USE REGULATIONS

Article 13: Additional Use Regulations

Section 13.1. Intent
Section 13.2. Accessory Buildings or Structures
Section 13.3. Portable Accessory Buildings and Storage Structures
Section 13.4. Timeshare Rental Uses
Section 13.5. Temporary Buildings and Uses
Section 13.6. Recreational Vehicle Parking and Uses
Section 13.7. Gas Stations/Service Stations/Convenience Stores
Section 13.8. Home Occupations
Section 13.9. Residential Dwellings Standards
Section 13.10. Condominium and Townhouse Regulations
Section 13.11. Zero Lot Line Regulations
Section 13.12. Adult Entertainment Regulations
Section 13.13. Wind Energy Devices
Section 13.14. Solar Collectors
Section 13.15. Communication Towers
Section 13.16. Erosion Control and Silt Control Plan
Section 13.17. Construction within the Lakeshore Bank

SECTION 13.1. INTENT.

These regulations apply to additional use regulations in addition to those guidelines set forth in the zoning district regulations. In the event of a conflict in provisions with any other part of this ordinance, the more restrictive provision shall apply unless specifically indicated to the contrary.

SECTION 13.2. 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. Accessory uses and buildings identified by district regulations of such other uses necessarily and customarily associated with, incidental, and subordinate to such principal uses. Accessory uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.

1. Accessory buildings that are structurally part of or attached to the principal building shall conform to the site development regulations of the lot. In this instance, attached shall be considered a shared roof line or a shared common wall.
2. Within any residential district (R-1, R-2 or MH), private detached garages no larger than 1,200 square feet shall be permitted on one lot, except that multiple family residential structures may have a detached garage larger than 1,200 square feet containing one (1) parking space or garage stall per housing unit.
3. All accessory buildings not located on, affixed to, or permanently attached to a foundation and less than one hundred fifty (150) square feet in size shall be exempt from applying for a zoning permit. This provision is intended to eliminate zoning permits for portable accessory buildings and structures such as plastic or portable lawn sheds, small storage buildings, arbors, small gazebos, and other such incidental lawn structures and buildings intended to be portable or temporary in nature. This provision does not apply to any building or structure that is attached to a principal use, is considered a permanent accessory use, or is located on the lakeshore yard (front yard) in the R-1 Lakeshore Residential district. Any building, structure, or accessory building more than 120 square feet shall be required to obtain a zoning permit prior to construction.

4. Accessory buildings shall not be erected within ten feet (10') of any main (principal) building.
5. Accessory buildings shall not be erected, placed, constructed, or moved onto or within any required utility, municipal or other permanent easement.
6. All detached accessory buildings located entirely within the rear or side yard in any district shall be located no less than five feet (5') from the side and rear lot lines.
7. Accessory buildings shall not be erected in any required front yard or required street side yard (corner lot).
8. 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 yard area in which the accessory buildings are located. However, in the instance of very small yards, this regulation shall not prohibit permit construction of at least one garage not to exceed one thousand (1,000) square feet gross building area or at least one accessory storage building not to exceed two hundred (200) square feet gross building area if they exceed the 30% rule.
9. If a garage door directly faces an alley, street or any other public right-of-way, the minimum setback shall be fifteen feet (15').
10. A common driveway and/or a shared detached accessory building (i.e. garage) between two properties is permissible to be located up to the property line, upon review of the zoning administrator and with the signed consent from both participating property owners.
11. Detached accessory buildings shall not exceed a height of 30 feet, and no accessory building shall exceed the height of the principal building or dwelling.
12. Accessory buildings shall not be constructed upon a lot until construction of the principal building has commenced, and no accessory building shall be used unless the principal building on the lot is also being used.
13. Accessory buildings, including guest housing and/or dwelling units located above accessory buildings (i.e. garage or storage building), shall not be used as a dwelling unit for periods exceeding thirty (30) consecutive days and shall not be operated as a commercial rental property.
14. Accessory buildings within any residential zoned district (R-1, R-2 or MH) shall not be used in support of commercial businesses or for the operation for commercial businesses, unless approved as a home occupation, per the requirements of Section 13.8. Accessory buildings located in any residential zoned district are intended to be used for the direct accessory use of residential purposes.
15. Accessory buildings including all garages, storage buildings, garden sheds and any other portable or permanent accessory use or buildings associated with a principal building that is removed for any reason (nuisance property, demolition, moved, destroyed by natural or man-made hazard, etc.) shall also be removed from the property and not be permitted to be used as the principal use on the lot without a house or other principal residential use.
16. In lieu of subsection 15 above, the Orleans Zoning Board of Adjustment may, by conditional use only, approve and allow a property owner to retain an existing accessory building upon a lot if the principal building or dwelling is removed. Such conditional use shall follow the criteria and procedures set forth in Article 22 of this zoning ordinance and reviewed to meet the following criteria:

a. Any accessory building remaining on an otherwise vacant lot shall be permitted to remain for only one (1) year prior to the moving or commencement of construction of a new principal dwelling on the lot. Otherwise, the accessory building will be required to be moved from the site or demolished.
b. The age of the accessory building or structure will be taken into consideration
c. The condition of the accessory building or structure will be taken into consideration
d. The property where the accessory building is located shall be maintained during all seasons as if the principal building or dwelling were still on the lot.

17. If a principal building is removed, demolished or damaged beyond repair and the adjoining property owners wish to purchase the property and remaining accessory buildings, such accessory buildings shall be permitted to remain if both properties remain under single ownership.

18. For the purposes of this ordinance, a gasoline dispensing pump shall not be classified as an accessory structure, but must comply with State of Iowa and Department of Natural Resources regulations pertaining to siting and usage of gasoline dispensing devices.

SECTION 13.3. PORTABLE ACCESSORY BUILDINGS AND STORAGE STRUCTURES.

1. "Storage Structure" shall mean one of the following definitions:

   Membrane storage structure: A temporary structure consisting of a frame covered with a plastic, fabric, canvas, aluminum, or other non-permanent material, which is used to provide temporary 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 carports permanently or physically attached to the ground or other structure or temporary tents and canopies used for special events such as weddings or graduations.

   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 or commercial 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 zoning districts*.
   Membrane storage structures are not permitted on any residential properties. 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 30 days for purposes of packing, shipping or moving materials from a permanent structure.

4. *All Commercial, Industrial, and other zoning districts.*
   A permanent or temporary storage structure for other than residential 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 off-street parking spaces. Where a business or industry is located on a through lot or corner lot, any on-site storage structure must be screened appropriately from adjoining properties or streets. Membrane storage structures may be permitted for temporary storage or seasonal promotion or sale of products.

SECTION 13.4. TIMESHARE RENTAL USES.

Residential buildings, either single family or multiple family dwellings, or accessory buildings located within the R-1, R-2, or MH districts shall not be allowed to operate as daily/weekly timeshares, or on a daily/weekly rental fee basis. Residential rental units may be permitted to operate for a fee basis on a monthly or longer contracted period. The only daily or weekly rentals permitted in the R-1, R-2, or MH districts shall be limited to those uses associated with or part of a commercial resort or campground, or commercial lodging facility (i.e. bed & breakfast).

SECTION 13.5. TEMPORARY USES.

Provisions authorizing temporary uses are intended to permit occasional, temporary uses and activities when consistent with the purposes of this ordinance 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 Officer.
    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 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. Temporary living arrangements, including in a garage or accessory building space, on the site of an active construction project. The temporary living shall only be for twelve (12) months.
    c. Religious, patriotic, or historic assemblies, displays, or exhibits.
    d. Outdoor art and craft shows and exhibits, special sales, swap meets, flea markets, parking lot sales, fairs, or similar outdoor transient activities shall be limited to locations in the AG, CN, C or I district and operating for not more than 3 days in the same week or more than seven (7) days in the same month.
    e. Christmas tree sale lots.
    f. Mobile home residence for occupancy by supervisory or security personnel on the site of an active construction project.
    g. Temporary use of trailer units or similar portable structures for nonresidential uses, located in districts where such use is permitted, and limited to a maximum period of 6 months per calendar year.
    h. Seasonal retail sale of agricultural or horticultural products raised or produced off the premises, when located not closer than 200 feet to an existing dwelling.
    i. Additional temporary uses determined to be temporary by the zoning administrator.
    j. Temporary signs relating to temporary uses.

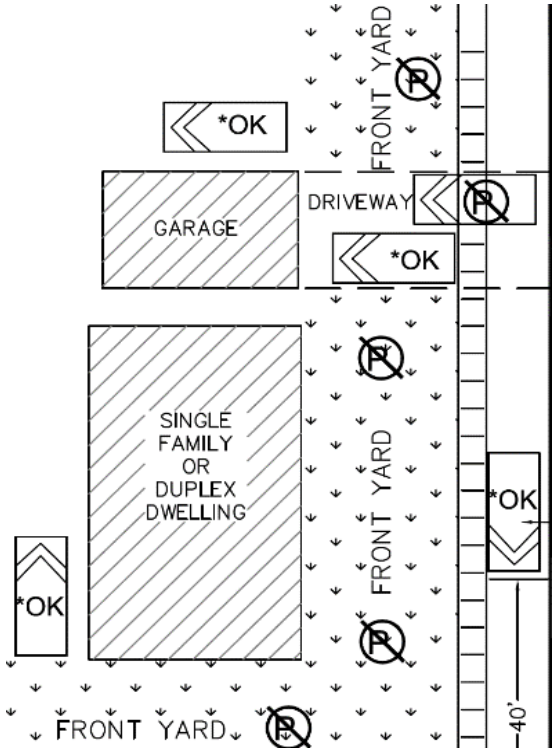
1. *Required Conditions of Temporary Use:* Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use. The zoning administrator may establish such additional conditions deemed necessary to ensure land use compatibility 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.

2. *Determination and Authorization*: The zoning administrator may authorize a temporary use only when, in the zoning administrator's judgement, the temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site; will be compatible with nearby uses in the general vicinity; and will not create traffic hazards or congestion or otherwise interrupt or interfere with the normal conduct of uses in the vicinity. A temporary use authorized pursuant to these provisions shall not be exempted or relieved from compliance with any other ordinance, law, permit, or license applicable to such use.

SECTION 13.6. RECREATIONAL VEHICLE PARKING AND USES.

For the purposes of this section, the term "recreational vehicles" shall mean a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. Such vehicles include, but are not limited to, travel trailers, campers, camping trailers, motor coach homes, and converted trucks and busses. Recreational vehicles shall also include personal watercraft, boats, snowmobiles, and other recreation based vehicles.

chart showing acceptable recreational vehicle parking options



1. Recreational vehicles are allowed in campgrounds, recreational vehicle parks, and other local or state recreation areas permitting camping.
2. Outside of the aforementioned areas, recreational vehicles may be parked within the front yard, including within the driveway in all zoning districts (except for the R-1 Lakeshore Residential) for no more than fourteen (14) consecutive days. Recreational vehicles may be parked or stored long term, more than 14 consecutive days, within the rear yard or side yard in all zoning districts, except for the R-1 Lakeshore Residential.
3. In the case of lots within the R-1 Lakeshore Residential district providing the view of street is not obstructed as to vehicular ingress and egress, recreational vehicles may be parked within the driveway or front yard for no more than fourteen (14) consecutive days. Recreational vehicles are only permitted in the front yard (lakeshore yard) in the R-1 District when such vehicle will no encroach into the lakeshore yard area established by the line of sight.
4. Recreational vehicles intending to park (long term) on a vacant lot anywhere within the community shall only be allowed to do so under approval by the board of adjustment. Recreational vehicles may be parked or stored long term within an enclosed garage or storage building. Unlicensed recreational vehicles and machinery must be stored in an enclosed structure.
5. Recreational vehicles parked or stored on any lot may be customarily or ordinarily used for vacation or recreation purposes and shall not be used for permanent human occupancy. In any zoning district, recreational vehicles shall only allow human habitation for not more than fourteen (14) consecutive days in any three-month period.

SECTION 13.7. GAS STATIONS / SERVICE STATIONS / CONVENIENCE STORES.

Gasoline service stations and convenience stores shall be subject to the following regulations:

1. Ingress and Egress. No gasoline service station or automobile repair shop shall have an entrance or exit for vehicles within one hundred-fifty feet (150') as measured along the public street in which there exists a school, public playground, church, chapel, convent, hospital, public library or the property line of any residentially zoned district. Such access shall not be closer to any intersection than forty feet (40').
2. Oil Drainage Pits and Hydraulic Lifts. All oil drainage pits and hydraulic lifts shall be located within an enclosed structure.
3. Gasoline Dispensing Pumps. Gasoline stations and convenience stores shall have the gasoline pumps, including other service facilities, set back at least twenty-five feet (25') from any public right-of-way. Gasoline dispensing pumps shall not be considered accessory structures.

SECTION 13.8. HOME OCCUPATIONS.

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

1. The use must be conducted as a secondary use 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.
2. The home occupation shall be conducted entirely within a dwelling unit that is the bona fide residence of the practitioner(s), or entirely within an attached garage (not to include a carport, driveway, yard, or outside area or detached accessory building).
3. The residential character of the lot and dwelling shall be maintained. The exterior of the dwelling shall not be structurally altered to accommodate the home occupation. No additional buildings shall be added on the property to accommodate the home occupation.
4. Only one (1) unrelated person living outside the residence and members of the immediate family may be employed in the home occupation.
5. The home occupation shall not generate customer related vehicular traffic substantially more than the normal anticipated residential neighborhood traffic.
6. No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the premises.
7. May have no more than one, flush mounted, non-illuminated sign not exceeding four (4) square feet.
8. No more than thirty percent (30%) of the total floor area of the principal building may be utilized by the home occupation. However, this regulation shall not apply to day care services.
9. The occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste run off outside the dwelling unit or on the property surrounding the dwelling unit.
10. The use must not infringe upon the right of neighboring residents to enjoy peaceful occupancy of their home for which purpose the residential district was created and primarily intended.
11. When located in any residential district, administrative services shall be limited to activities and services of direct benefit to residents of the neighborhood, and shall be conducted in a manner compatible with permitted residential uses. The use shall not involve vehicle dispatching or maintenance activities except as consistent with services provided to residents of the

neighborhood.

12. Daycares, as home occupations, are permitted and regulated per state regulations.
13. Nothing herein shall be construed to allow the following businesses or occupations as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, dancing schools, junk or salvage yards, restaurants, rental outlets, vehicle repair shops, tattoo or massage parlors, or any form of adult entertainment.

SECTION 13.9. RESIDENTIAL DWELLING STANDARDS.

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

1. Minimum Floor Area: A minimum floor area of not less than eight hundred (800) square feet, unless specifically intended for or designed as a "tiny" house and approved as such by the Board of Adjustment. This minimum floor area provision shall apply to guest housing included in an accessory building or garage.
2. Structure Size: Every residential structure including site-built, factory-built, or mobile homes located outside of a mobile home park and converted to real estate shall have a main body with a minimum exterior dimension of at least twenty-two feet (22') measured from outside of the exterior walls, exclusive of attached garages, porches, or other attached accessory structures. A structure may include porches, sunrooms, garages and additions of lesser dimensions and area, so long as the main body meets the minimum requirements. This provision does not apply to those dwellings specifically intended for or designed as a "tiny" house and approved as such by the Board of Adjustment.
3. Foundation: All residential structures shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a mobile or manufactured home if a perimeter foundation in incompatible with the structural design of the building. For such a mobile or manufactured home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and conditions of the site. Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line. An approved frost-free permanent foundation system is also acceptable. The structure must be permanently attached to the foundation.
4. Exterior Materials: Exterior wall coverings shall be wood, vinyl, aluminum, masonry finish, concrete, vertical or horizontal grooved siding or lap siding, steel siding, log siding, wood shingles, or other customary siding materials with a similar appearance thereof. Roofing materials shall include 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. Uncoated metal, unfinished or corrugated metal shall not be used for exterior wall or roof coverings, unless approved by conditional use by the Board of Adjustment.
5. Roof Pitch: All dwelling units that have a pitched roof (not including flat roofed buildings) shall have a minimum roof pitch of 3:12. This requirement shall not apply to mobile or manufactured housing if the structure complies with 42 U.S.C., Section 5403.
6. Entrance and Exit Doors: Not less than two (2) functional entrance and exit doors.

7. Wheels, Axles or Towing Device: No residential structure shall have attached wheels, axles, or a towing device.
8. Exemption: The provisions of this article shall not apply to mobile homes and/or manufactured or other factory-built dwellings placed in a designated mobile home park or a manufactured housing subdivision in compliance with the remaining regulations in this zoning ordinance.
9. Tiny Houses: The construction, placement, moving, or locating a "tiny" house consisting of any residential dwelling of less than the minimum required 800 square feet in size, may be permitted on any lot of record in the City of Orleans only upon approval of a conditional use permit subject to the review and approval by the Board of Adjustment. Tiny houses designed or constructed specifically to be on a portable trailer or frame on wheels may be parked on a lot and not subject to the foundation requirements stated in Part 3 above. A tiny house designed to be attached to a foundation shall comply with the foundation requirements stated in this Section. At a minimum, each tiny house shall have cooking, bathroom and sleeping quarters.

SECTION 13.10. CONDOMINIUM AND TOWNHOUSE REGULATIONS.

Condominiums and townhouse residential uses shall be subject to the following additional site development regulations.

1. Condominiums are a building or group of buildings in which the dwelling units or designated space is owned individually, but the entire building, common areas and land are owned by all participating owners on a proportional, undivided basis.
2. Each townhouse shall be located on an individual townhouse lot under separate ownership.
3. There shall be at least three connected units in each condominium or townhouse development. For purposes of this ordinance, two connected units, either under common or individual ownership shall be considered a duplex, twin home, or two family dwelling.
4. Driveways or entrance/exit points, that serve an individual townhouse or condominium building, and is in the front yard of a townhouse lot or condominium building (or the rear yard in an R-1 Lakeshore Residential District), shall not exceed 50 percent of the lot width.
5. A common driveway serving more than one townhouse unit may occupy more than 50 percent of the width of a lot, provided said driveway shall not have more than two points of vehicular access to a public street, and shall not occupy more than 50 percent of the total required street yard area of all units served.

SECTION 13.11. ZERO LOT LINE REGULATIONS.

Zero lot line side yards may be approved in any district at the time of preliminary plat, plan approval or amendment. End units of attached dwellings shall meet the regular side yard setbacks, or street side yard (front yard) setbacks in the event of a corner lot.

SECTION 13.12. ADULT ENTERTAINMENT REGULATIONS.

The City of Orleans finds adult entertainment businesses require special supervision to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of Orleans. Adult entertainment businesses, because of their very nature, have a detrimental effect on both existing uses around them and adjacent residential areas. The concern over sexually-transmitted diseases is a legitimate health concern of the city that demands reasonable regulation of

adult entertainment businesses to protect the health and well-being of the community. The City of Orleans wants to prevent such adverse effects and thereby protect the health, safety, and welfare of its residents; protect residents from increased crime; preserve the quality of life; preserve property values and character of the surrounding neighborhoods; and deter the spread of blight. It is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to addresses the secondary effects of adult entertainment businesses as well as the problems associated with such establishments.

1. *Entertainment Defined.*
   Adult entertainment businesses consisting of, including, or having the characteristics of any or all of the following.
   a. *Adult Bookstore*: An establishment that has a facility or facilities, including but not limited to, booths, cubicles, rooms or stalls for the presentation of "adult entertainment," including adult-oriented films, movies, or live performances for observation by patrons; 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 Entertainment Business*: Any establishment, including bookstores, novelty store, video stores, cabarets, nightclubs, bar, restaurants, motels, hotels, picture theatres or any other place of establishment offering adult entertainment, with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below. It further means any premises that feature topless dancers, go-go dancers, strippers, male or female impersonators, or other similar entertainers for observation by patrons. Adult entertainment business further means those places to which are arranged to provide booths, cubicles, rooms, compartments, or stalls separate from the common area for the purposes of viewing adult-oriented motion pictures, or adult entertainment dancing.
   e. *Operators:* Any person, partnership, or corporation operating, conducting, maintaining, or owning any adult entertainment business.
   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 masturbation, sexual intercourse, sodomy, or sado-masochism.
      (iii) Fondling or erotic touching of specified anatomical areas.

2. *Locational Requirements and Restrictions*.
   An adult entertainment business shall be permitted within the City of Orleans only in the Industrial (I) District upon submittal of a site plan and approval of a conditional use permit in accordance with the procedures set forth in Article 22; and only if it meets all the locational 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 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.
   - Adult-oriented establishments shall be prohibited in or within one thousand (1,000) feet of the borders of a residential district.
   - Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any church, synagogue, mosque, temple, or other place of religious worship.
   - Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any public or private school.
   - Adult-oriented 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.
   - Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any other adult entertainment business.

3. *Development Design Standards*.
   It shall be unlawful for an owner of an adult entertainment business to allow merchandise or activities to be visible from a point outside the business. Furthermore, adult entertainment businesses shall not allow the exterior portion to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any manner depicting specified anatomical areas or specified sexual activities. In addition to the sign regulations specified elsewhere in this zoning ordinance, 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.

4. *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 with the authorization, knowledge, or approval of the operator or because of the operator's negligent failure to supervise the employee's conduct. 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.

5. *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 business at any time that the establishment is open for business. The operator is responsible for monitoring public entrances at all times during regular business hours.

SECTION 13.13. WIND ENERGY DEVICES.

1. *Purpose*. The purpose of this section is to oversee the permitting of wind energy devices and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a wind energy systems.

2. *Definitions*.
   a. Commercial Wind Energy Device – any wind energy device with a nameplate capacity of more than 100kw of which its primary intent is to generate electrical power to be sold to utility or power companies.
   c. Owner/Developer - the individual or entity that intends to own and operate the wind energy system in accordance with this ordinance.
   d. Rotor Diameter - the cross-sectional dimension of the circle swept by the rotating blades.
   e. Total Height - the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
   f. Tower - a monopole, freestanding, or guyed structure that supports a wind generator.
   g. Wind Energy Device – any equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, wire, inverter, batteries, or other components used in the system. The term wind energy device often refers to and includes wind towers, wind turbines, wind generators, windmills, or wind energy conversion systems.
   h. Meteorological Tower (or Met Tower) - any meteorological, measuring or surveying equipment erected on or attached to any tower, monopole, or guyed structure to verify the wind and weather resources found within a certain area. Meteorological towers are also subject to permitting on both temporary and permanent structures.
   i. Small Wind Energy Device - a wind energy system that is used to generate electricity and has a nameplate capacity of 100kw or less. Wind energy devices with a generating capacity of 20kw or less may be used for residential or personal use. A wind energy device with a generating capacity between 20kw and 100kw is considered small wind energy for commercial/industrial applications. A wind energy device is considered "small" only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supply by a utility company, excess electrical power generated and not presently needed for on-site use may be used by a utility company in accordance with Section 199, Chapter 15.11(5) Iowa Administrative Code.

3. *Wind Energy Location and Height Requirements*.

Commercial wind energy devices shall not be permitted within any defined residential zoned district. Commercial wind energy devices shall be limited to a total height of 250 feet within 1,320 feet of any residential zoned district. No height limitations shall apply in all other zoning districts, except that no wind energy device, meteorological tower, or other associated structures shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport.

Small wind energy devices are exempt from any zoning height limitations, except that no wind energy device, meteorological tower, or other associated structures shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport.

4. *Wind Energy Setback Requirements*.
Commercial wind energy devices shall be set back a distance equal to 110% of its total height from any public right of way, overhead utility lines or adjacent property lines not under the same ownership unless written consent is granted by the property owner or entity with jurisdiction over the street, utilities, or adjacent properties. With that stated, those wind energy devices that are located on land adjacent to property under the same ownership may have the property line setback requirement waived; however, the setbacks still apply to overhead utility lines and public rights-of-way. A greater setback may be required to minimize shadow flicker, nuisance noise, and other possible documented effects to humans living in these dwellings.

Small wind energy devices located on a freestanding pole or other tower structure must maintain a setback distance equal to 110% of its total height from any public street or road right-of-way, overhead utility lines or adjacent property lines not under the same ownership unless written permission is granted by the property owner or entity with jurisdiction over the street, utilities, or adjacent properties.

5. *Wind Energy Placement or Spacing*.
Commercial wind energy device spacing will vary depending on common industry practice and manufacturer specifications. The owner/developer shall consider the public interest and the natural environment, and maintain the intent and purpose of this ordinance.

Small wind energy devices designed for residential or personal use shall be erected on either a freestanding pole or tower. In all residential zoned districts, no small wind energy device or accessory structures shall be permitted within the front yard.

6. *Utility notification and interconnection*.
Commercial wind energy devices that connect to the electric utility shall comply with all local, state and federal regulations regarding the connection of energy generation facilities.

Small wind energy devices shall not be installed until evidence has been given that the utility company has authorized interconnection of the small wind device to its electric distribution or transmission, under an agreement approved by and subject to regulation adopted by the Iowa Utilities Board. Small wind energy devices not connected to a public utility system shall be exempt from this requirement.

7. *Electrical Wires*. All electrical wires associated with any wind energy device, other than wires necessary to the operation of the wind turbine itself shall be located underground. In the instance of commercial wind energy projects, transmission lines or high capacity electrical lines from substations transferring cumulative energy resources from a wind energy project shall not be required to be placed underground.

8. *Lighting*. Any wind energy device shall not be artificially lighted unless the Federal Aviation Administration requires such lighting.

9. *Appearance, Color, and Finish*. Any wind energy device shall remain painted or finished the color or finish applied by the manufacturer, unless approved in the conditional use permit.

10. *Signs*. All signs shall be prohibited other than the manufacturer or installer's identification sign and appropriate warning signs.

11. *Sound*. Sound produced by any wind energy devices under normal operating conditions, as measured at the property line shall not produce sound at a level that would constitute a nuisance. Industry standards support that wind energy noise should not exceed 50dba at 1,250 feet. Sound levels, however, may be exceeded during short term events out of anyone's control, such as utility outages and/or severe wind storms.

12. *Electromagnetic Interference*. Any wind energy device shall be designed and constructed so as not to cause radio and television interference. If it is determined that the wind energy device is causing electromagnetic interference, the owner shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities.

13. *Conditional Use Permit*.
Commercial wind energy devices, wind energy towers or meteorological towers erected in any zoning district may be granted as a conditional use and approved by the Board of Adjustment after a public hearing. The Zoning Administrator shall perform an assessment of the issues raised as a result of erecting wind energy devices and issuing conditional use permits in the zoning district prior to any public hearing and any action by the Board of Adjustment.

Small wind energy devices designed, marketed, and sold explicitly for personal or private residential or business applications, which has a nameplate capacity of 100kw or less shall be considered a conditional use in all zoning districts.

14. *Wind Energy Permit Requirements*. A zoning compliance permit shall be required for the installation of any wind energy device. The application for zoning permit will be accompanied by a detailed site plan for the wind energy device. A site plan and other such plans and manufacturer's specifications shall show the dimensions, arrangements, descriptive data, site layout and other information essential to an understanding of the use and construction of the proposed wind energy device. A site plan shall include the following at a minimum:

- Location of the proposed wind energy device(s)
- Wind energy device specifications, manufacturer, rotor diameter, tower height, and tower type
- Tower foundation blueprints or drawings and tower blueprint or drawing
- Documentation of land ownership or legal control of the property.
- Site layout, including location of property lines, wind turbines, electrical wires, connection points with electrical grid, and related accessory structures.
- FAA Permit Application, if applicable.

15. Notification. The owner/developer shall be responsible for obtaining and submitting to the City of Orleans a listing of the names and last known addresses of the owners of all property within 200 feet of the parameter of the total project development site containing wind energy device(s). Prior to the public hearing for such conditional use permit, notice shall be given by ordinary mail to all adjacent property owners and those within 200 feet of the proposed wind energy site.

16. *Review and Approval*. Within 60 days of receiving the permit application for a wind energy device, the Board of Adjustment shall schedule a public hearing regarding the conditional use permit. Notice shall be given to the public no less than 7 days and no more than 20 days prior to the public hearing by publication in the official city newspaper. Approval of the conditional use permit for a wind energy device shall be valid for a period no longer than two (2) years from the date of such permit, unless construction has commenced. The approval and issuance of a conditional use permit for the

construction or installation of any wind energy device, under this ordinance, shall not relieve any permittee, applicant, or owner from compliance with all legal requirements nor relieve the permittee, applicant, or owner of any liability for damage or loss resulting from the placement, construction, or maintenance of such wind energy device. The city assumes no liability whatsoever by virtue of the issuance of a conditional use permit for wind energy devices.

17. *Mitigation of Damages*. In the event there are any damages that occur during construction or maintenance of any wind energy device, the owner/developer shall be fully responsible to mitigate and correct any damages to public streets or infrastructure.

18. *Discontinuance or Abandonment*. Any wind turbine that is out-of-service for a continuous 1-year period will be deemed to have been abandoned and discontinued for use. At such time the wind turbine is determined to be abandoned the owner shall remove the wind turbine at the owner's expense within 6 months of receipt of notice. If the owner fails to remove the wind turbine, the zoning administrator may pursue legal action to have the wind turbine removed at the owner's expense and such costs will be assessed against the property.

SECTION 13.14. SOLAR COLLECTORS.

Solar collectors, solar panels, and other devices intended for generating solar energy are permitted as residential or commercial/industrial accessory structures, subject to the height and site development regulations of Section 13.2 of this ordinance. Any solar panel, solar collector or accessory equipment shall not be placed within any front yard area of any lot when such solar devices are intended as an accessory use and structure on the property. The height limit in all zoning districts shall apply to free standing solar devices and ancillary equipment placed upon the ground. The maximum height limits do not apply to solar panels or solar collectors mounted on a building or structure, so long as the highest point of the solar structure does not exceed two feet (2') above the highest point of the building or structure. All solar devices and ancillary equipment such as generators, utility boxes, etc. located on the ground consisting of more than one (1) grouping of solar panels shall be encompassed with a privacy fence in accordance with the fencing requirements identified in Section 12.9 of this ordinance. Solar panels and solar collectors shall not be constructed or operated to cause glare or reflections upon existing neighboring residential structures; except for the owner of such solar panels or solar collectors.

SECTION 13.15. COMMUNICATION TOWERS.

The purpose of this section is to provide for the regulation of contractors engaged in the construction, erection, placement, or location of freestanding communications towers in the City of Orleans. These regulations do not apply to television, satellite dish, or other antennas attached to a structure or accessory building and primarily used for personal or residential enjoyment.

1. Communication towers shall be permitted under a conditional use permit in every zoning district within the city. The conditional use application shall include drawings, plans and other necessary documents describing the intent, layout, and construction or installation.
2. "Communication Tower" means a structure, tower, antenna, or other facility primarily engaged in the provision of broadcasting and information relay services accomplished using electronic, cellular or other mechanisms but exclude those classified as major utility facilities. Typical uses include but not limited to telecommunication towers, radio, cellular and other receiving towers, antennas or structures and amateur radio communications including voluntary and noncommercial communication services.

3. The construction and maintenance of a communication tower shall be permitted to the owner of the tower as specified in the conditional use permit only upon compliance with all applicable ordinances of the City of Orleans. The permit shall be of indefinite duration and remain in effect so long as the tower remains in compliance with applicable city ordinances. A conditional use permit for communication towers may be revoked upon notice to the owner and following opportunity for a public hearing before the Board of Adjustment, for a violation of any applicable city ordinance, state or federal statute or regulation.
4. The issuance of a conditional use permit for construction or installation of communication towers shall not relieve any permittee, applicant, or owner from compliance with all legal requirements or from liability for damage or loss resulting from the placement, construction, or maintenance of the tower. The City of Orleans assumes no liability whatsoever by virtue of the issuance of a conditional use permit for a communications tower.
5. The minimum distance from the base of the tower to the nearest property line of the tower site shall not be less than one hundred ten percent (110%) of the tower height, except that no setback shall be less than any required yard setbacks in the zoning district.
6. Communication towers shall be exempted from height limitations identified in this ordinance. In all instances the height of a communication tower shall be measured from the base of the tower or structure of which it is attached, to the tip of the structure, antenna or tower being measured.
7. The communication tower base shall be designed or constructed to provide a secure environment and unauthorized access to the tower base.
8. All towers shall be maintained and operated in compliance with the standards adopted by the Federal Communications Commission concerning electromagnetic field emissions.
9. The city shall not restrict or deny the use of amateur radio antennas or towers for the personal enjoyment and use of the owner(s) and shall comply with Title 47 of the Code of Federal Regulations, Part 97 (FCC rules for amateur radio).
10. To avoid unnecessary duplication of communications towers, it is strongly encouraged and recommended by the City or Orleans that businesses engaged in wireless communications requiring the use of communications towers explore the option of joint or multiple use of all existing and proposed towers in the vicinity.
11. Abandoned or decommissioned communication towers shall be removed within one (1) year of the discontinuance of such use, and it shall be the responsibility of the property owner to have such tower properly removed or dismantled.

SECTION 13.16. EROSION CONTROL AND SILT CONTROL PLAN.

No person shall engage in any land disturbing activity, without first providing and then implementing and following an Erosion and Silt Control Plan compliant with this ordinance. This plan is required before a zoning permit shall be issued. The Erosion and Silt Control Plan shall comply with the following directives:

1. The plan must describe the nature and extent of the work.
2. Silt Screen Fence: A silt screen fence shall be installed below the direction of run-off in a manner to be most effective in preventing siltation of soil onto downstream adjacent properties, streets or into a public lake or storm sewer.

a. The silt screen fence shall be installed to run the entire length of the land disturbing activity and be blocked on each end to prevent run-off around the ends of the fence to protect the adjacent properties, streets, public lake, or storm sewer from siltation from the entire land disturbing activity area. Silt fence should be spaced so that not more than one-fourth acre of land drains into 100 feet of silt fence run. The bottom edge of a silt fence should equal the top elevation of the next fence downstream, especially when the slope is steep or the flows are concentrated. The spacing of silt fence on a slope should never be more than 100 feet to keep drainage areas to one-fourth acre per 100 foot of run.
b. The silt screen shall have a minimum width of 24" and be installed in such a manner so that the bottom of the screen is tucked into the surface of the lot a minimum of 6" by digging a narrow slit and simultaneously tucking the fabric into the ground and compacting the slit, thus reducing the chance of piping under the fence.
c. The silt screen fence support posts shall be spaced along the entire length of the fence with a maximum distance of 8' between the posts. Said posts shall extend above the silt screen and be placed into the ground at a depth consistent with their design and to provide adequate support of the silt screen.
d. Silt screening shall also be constructed around any storm sewer or drain intakes that could receive dirt or silt from the land disturbing activity.

3. Alternative Methods of Erosion Control: An alternative solution to erosion control and siltation management may be proposed to the Zoning Officer such as the use of compost blankets. Approved erosion control methods defined in the Iowa DNR erosion control manuals (including Construction Site Erosion Control Manual and How to Control Streambank Erosion) or the Iowa Stormwater Management Manual may be used if erosion is kept to acceptable levels and sediment is contained on site. Section 402 of the U.S. Clean Water Act, which contains the National Pollution Discharge Elimination System (NPDES) regulations, should be referenced.
4. Duration: The silt screen fence or alternative method of erosion control shall be installed before any land disturbing activity begins, and shall remain in place and be maintained until all land disturbing activity is completed and sufficient landscaping or vegetation stabilization exists to prevent any run-off. National Pollution Discharge Elimination System (NPDES) considers the site stabilized when 70% of the soil surface is vegetated. Before the silt screen fence or alternate method of erosion control is permanently removed, all collected silt at the base of the fencing must be removed and disposed of at a site that poses no continued threat of siltation.
5. With a development of 1 acre or more, it is required to exhibit to the city a copy of the NPDES permit before approval of a plat can be made.

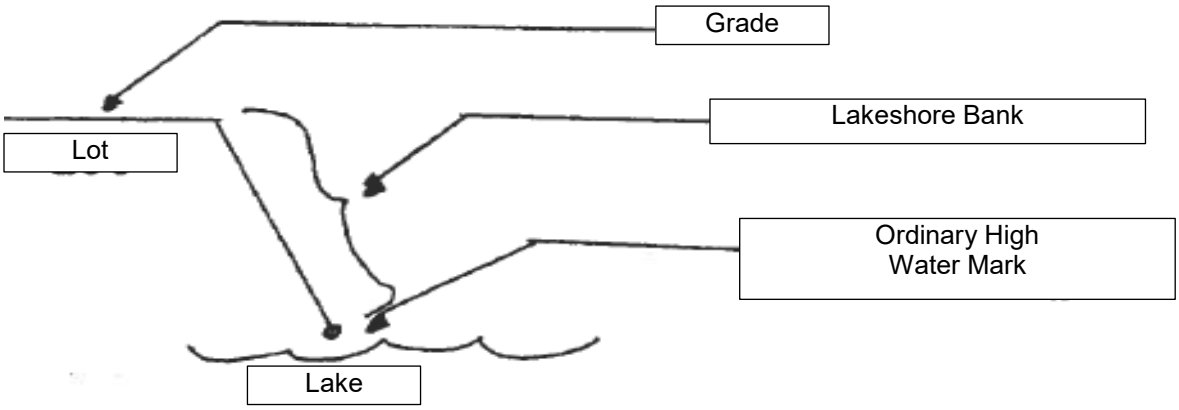
SECTION 13.17. CONSTRUCTION WITHIN THE LAKESHORE BANK.

The lakeshore bank regulations within the City of Orleans are intended to preserve and protect the natural shorelines of the shorelines of Spirit Lake and East Okoboji Lake within the city limits of Orleans.

1. For purposes of this ordinance the term “Lakeshore Bank” shall include any real property within an R-1 zoning district which is above the ordinary high water mark and below the existing grade of the lot or lots of which the lakeshore bank is a part. *See Diagram below*.
2. Stairways and rest landings permitting access to lake docks or boat hoists may be constructed

within the lakeshore bank. Stairs shall be no wider than four feet (4') and provide the most direct and safest route down the lakeshore bank to the water and rest landings shall be no larger than 24 sq.ft.

3. Any new construction or enlargement of buildings, decks, patios, fences or other permanent above ground and impervious improvements in the lakeshore bank is not permitted.
4. If the lakeshore bank is eroding or failing due to surface water runoff, the owner can make provisions for retaining walls or landscaping in the lakeshore bank to address erosion control and surface water drainage issues.
5. If any existing boat house, lakeshore bank deck, patio, or other permanent impervious structure existing within the lakeshore bank becomes deteriorated to the point of major repairs or replacement, such structures located along the lakeshore bank and within the required front yard setback within the R-1 zoning district shall be permitted to rebuild and replace such structures so long as the size, shape, cubic content, or change in elevation of the structure does not increase. The major repair or replacement must be of the exact same size as the original structure. This provision does not allow for any permanent structures located above the lakeshore bank and within the required front yard area of any lot or parcel.



Article 14. Off Street Parking

Article 14: Off Street Parking

Section 14.1. Intent
Section 14.2. General Parking Area and Surface Requirements
Section 14.3. Off Street Parking Requirements
Section 14.4. Computation of Parking Spaces
Section 14.5. Location and Type of Parking
Section 14.6. Off Street Loading Requirements

SECTION 14.1. INTENT.

It is the intent of this article to prevent traffic congestion and to provide for proper traffic safety. After the effective date of this ordinance, in all zoning districts, off street parking spaces shall be provided in accordance with the requirements set for herein at any time a new building or structure is erected, moved, placed, or constructed. The requirements of this article are minimum standards and where review of the site plans and intended land use indicate the requirements are inadequate a greater requirement may be required to preserve the intent of this ordinance.

SECTION 14.2. GENERAL PARKING AREA AND SURFACE REQUIREMENTS.

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

1. A "parking space" shall be not less than 200 square feet.
2. Parking spaces shall be surfaced with portland cement, concrete, asphaltic concrete, compacted gravel or crushed rock, or equivalent hard surface.
3. Enclosed parking areas or garages shall qualify to meet the minimum parking requirements of this section.
4. Requirements as to number and size of parking spaces in this section are minimum requirements only and shall not be construed as limitations.
5. Driveways for one and two family structures may be considered as off street parking spaces.
6. Willful failure to permanently maintain and provide parking spaces as required under this section shall be deemed a violation of this ordinance and subject to the penalty in Section 18.1.

SECTION 14.3. OFF STREET PARKING REQUIREMENTS.

Off-street parking spaces and loading areas shall be provided for all uses at the time of construction, alteration, moving, or enlargement of a structure or building; or upon a change in the use of land.

1. Single Family Residential:	2 spaces
2. Two Family Residential (Duplex):	2 spaces per dwelling
3. Multiple Family Residential: *(includes condos, apartments, and townhouses)*	1.5 spaces per dwelling unit
4. Mobile/Manufactured Home Residential:	1 space per mobile or manufactured home, and 1 space per unit for a visitor parking area
5. Group Residential:	1 space for each two (2) bedrooms
6. Convalescent Services: *(includes nursing home/senior or assisted living)*	1 space for each eight (8) beds, plus 1 space for each 3 employees on the largest shift

7. Hospital/Healthcare Facilities:	1 space for each four (4) patient beds, plus 1 space for each 2 employees on the largest shift
8. Hotel/Motel and Bed & Breakfast:	1 space per guest room and 5 additional spaces
9. Public Assembly *(includes churches, auditoriums, movie theaters, dance hall, community center, etc.)*	1 space for each six (6) seats of seating seating capacity, or 1 space per 500 sq.ft. of gross floor area, whichever is greater
10. General Retail Sales/ Service Uses/ Professional Office:	1 space per 300 feet of gross floor area
11. Large Retail and Other Services: *(includes auto sales, farm implements, and other uses with buildings more than 15,000 sq.ft.)*	1 space per 600 feet of gross floor area
12. Bowling Alley:	4 spaces per alley
13. Restaurants/Café's/Lounges/Bars:	1 space for each four (4) seats plus 1 space for each 2 employees, or 1 space per 300 sq.ft. of gross floor area, whichever is greater
14. Educational Facilities: *(includes preschools, nurseries & daycares)*	1 space per regular employee and 1 space for every ten (10) seats in the largest facility for public assembly.
15. Campgrounds, camp site, or RV parks:	One (1) space per one (1) camping or RV site
16. Boat hoists or slips (not including public docks):	One (1) space per one (1) rented or commercially run boat hoist or boat slip
17. Industrial/Manufacturing/Warehousing:	1 Space for every two (2) employees on the largest shift.
18. Salvage Yards/Scrap Yards/Junk Yards	One (1) space per 100 sq. ft. of display or floor area
19. All Other Uses:	All other buildings having a gross floor area of more than 2,000 sq.ft. shall provide one (1) off-street parking space for each 1,000 sq.ft. of floor space on the same lot as the principal building.

SECTION 14.4. COMPUTATION OF PARKING SPACES.

1. In the case of any building, structure or premises, the use of which is not specifically mentioned in Section 14.3, the number of parking spaces to be provided will be equal to that of a similar use or as determined by the zoning administrator.
2. For fractional spaces, the required parking spaces shall be rounded up to the next whole number.
3. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
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.

SECTION 14.5. LOCATION AND TYPE OF PARKING.

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

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, and shall be filed with the application for a zoning permit.
2. Off-street parking spaces may be located within the required front yard in any (C) district, however, no off-street parking shall be permitted in the required front or side yard in any (R) district except upon a driveway providing access to a garage, carport, or designated parking area.
3. Required off-street parking areas in any (C) district of more than five (5) spaces shall be hard surfaced with either asphalt, concrete, approved pervious pavers or bricks, or other such surface as approved by the zoning administrator. Parking areas shall be graded and drained to dispose of all surface water on the lot, and shall be arranged and marked to provide for orderly and safe ingress and egress.
4. Any lighting used to illuminate off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land.
5. No part of any parking space shall be closer than five feet (5') from any street right-of-way. In cases where commercial or non-residential parking lots are adjacent to a residential district, it shall be at least five feet (5') from the property line and effectively screened immediately using a fence, hedge, or other similar methods.

SECTION 14.6. OFF STREET LOADING REQUIREMENTS.

At the time of construction, alteration, or enlargement of any building, or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided on the same lot at least one (1) permanently maintained off-street loading space. An additional loading space is required for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area, so used, in excess of ten thousand (10,000) square feet. Such loading space may occupy all or any part of any required side or rear yard or open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10') and effectively screened from view. All loading, unloading and parking must be conducted on private property and cannot be conducted on the public right-of-way, except for designated or approved delivery, parcel or moving vehicles intended for temporary unloading.

ARTICLE 15. SIGN REGULATIONS

Article 15: Sign Regulations

Section 15.1. Intent
Section 15.2. Sign Definitions
Section 15.3. Sign Types
Section 15.4. Sign Permits
Section 15.5. Exempt Signs
Section 15.6. Sign Requirements
Section 15.7. General Sign Provisions
Section 15.8. Conditional Uses for Signs
Section 15.9. Variances for Signs
Section 15.10. Nonconforming Signs
Section 15.11. Unsafe signs and Removal of Signs

SECTION 15.1. INTENT.

This article is established to protect and promote health, safety, general welfare, and order within the City of Orleans 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 all signs and sign structures serving as a visual communications media. The provisions of this article are intended to encourage opportunity for effective, aesthetically compatible, and orderly signs by reducing confusion and hazards resulting from unnecessary or indiscriminate use of signs. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this article and after the zoning administrator issues a permit. A sign permit is not required for temporary or exempt signs.

SECTION 15.2. SIGN DEFINITIONS.

For use in this article, the following terms are defined. Where terms are not expressly defined, they shall have their ordinary accepted meaning within the context for which it is used.

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 applied to allow it to be raised or retracted and return to a flat position against the building when not in use.
2. *Billboard*: A type of sign or advertising device including all structures 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 advertising a business or product not carried on, manufactured, grown, or offered for sale on the premises where the billboard is located.
3. *Display Surface*: The area on the sign structure for displaying the advertising message.
4. *Erect*: To build, construct, attach, hang, suspend, affix, or the painting of wall signs.
5. *Facing (Or Surface)*: The surface of the sign upon; against or through which the message is displayed or illustrated.
6. *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.
7. *Marquee:* A permanent roofed sign structure attached to and supported by the building.
8. *Person*: Any individual, firm, partnership, association, corporation, company, or organization.
9. *Projection*: The distance of which a sign extends from or beyond the building line.

10. *Sign*: Any identification, description, illustration, or device visible to the public 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.
11. *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. This does not include the main supporting sign structure. Only changeable copy areas of marquee or canopies shall be considered in determining the total sign area.
12. *Sign Structure*: The supports, uprights, bracing and framework for a sign including the sign area. A sign structure may be a single pole and may or may not be an integral part of the building.
13. *Street Line (or Property Line)*: The point where the street right-of-way line begins and the private property line ends.
14. *Structural Trim*: The molding, battens, cappings, nailing strips, latticing and platforms that are attached to the sign structure.

SECTION 15.3. SIGN TYPES.

For use in this article, the following sign types are defined.

1. *Abandoned Sign*: A sign which no longer correctly advertises a bona fide business, lessor, owner, product, or activity conducted on the premises where such sign is displayed.
2. *Address Sign*: A sign identifying street address only, whether written or numerical form.
3. *Awning Sign*: A sign consisting of either an operating or affixed awning containing letters, graphics, pictures, or other images which portray the business. Awning signs shall not encroach more than four feet (4') into a public right-of-way. Permanent awnings may be lighted from the backside. Awning signs shall not have any flashing, strobe, or intermittent light emitting from the sign.
4. *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.
5. *Combination Sign*: Any sign incorporating a combination of features of a pole, freestanding, projecting or roof sign.
6. *Construction Sign*: A sign placed at construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.
7. *Directional Sign*: A sign that identifies the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.
8. *Flashing Sign*: Any illuminated sign 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.
9. *Freestanding 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.
10. *Governmental Sign*: A sign which is erected by a governmental unit.
11. *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.
12. *Information Sign*: Any sign giving information to employees, visitors, or delivery vehicles, but containing no advertising or identification.
13. *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.

14. *Non-Conforming Sign*: A sign which lawfully existed prior to the adoption or amendment of this ordinance, but which does not conform to the regulations of this zoning ordinance.
15. *Pole Sign*: Any sign supported by structures or supports in or upon the ground and independent of support from any building.
16. *Portable Sign*: Any sign not permanently attached to a building, structure, or the ground, capable of being moved at periodic intervals.
17. *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
18. *Real Estate Sign*: A business sign placed upon a property advertising that property for sale, for lease or for rent.
19. *Roof Sign*: A sign erected upon or above a roof or parapet of a building or structure.
20. *Swinging Sign*: A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
21. *Temporary Sign*: Any sign, banner, pendant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited time only.
22. *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.
23. *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 inches (12") from the surface of the building or structure to which they are attached. Wall signs are also known as flush mounted signs.

SECTION 15.4. SIGN PERMITS.

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 fee required by this section.

1. *Application for Sign Permit.* Application for sign permits shall be submitted to the zoning administrator and shall contain or have attached thereto the following information:
   a. Name, address and contact information of the applicant and sign installer.
   b. Location (address and legal description) of the building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
   c. Position of the sign or other advertising structure in relation to nearby buildings or structures.
   d. A site plan, method of construction, and attachment to the building or ground.
   e. Such other information as the zoning administrator shall require showing full compliance with this ordinance and all other ordinances of the city.
   f. Inscription or text of what the sign will say or show.
   g. Signs located along a state or federal primary highway need to submit a state sign permit with the application.
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 sign is proposed to be erected. If it appears the proposed structure complies with the requirements of this ordinance the sign permit shall be issued.

3. *Nullification*. A sign permit shall become null and void if the work authorized under a sign permit has not been completed within one (1) year after the date of issuance.
4. *Permit Fees.* Every applicant, before being granted a sign permit, shall pay to the city clerk a fee in the amount established by resolution of the city council.
5. *Permit Revocation.* Any permit holder who fails to comply with a valid order of the zoning administrator within the allotted time, or who fails to pay reasonable removal or repair expenses and shall have the permit revoked. Another permit for the erection or maintenance of such sign(s) shall not be issued for one (1) year from the date of revocation.

SECTION 15.5. EXEMPT SIGNS.

The following signs are allowed without a sign permit but shall comply with all other applicable provisions of this ordinance, and subject to the removal of signs procedures outlined in Section 15.11.

1. **Official notices** authorized by a court, public body, or public safety official.
2. **Real estate signs** not exceeding four (4) square feet in area 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 twenty-four (24) hours. Only one (1) real estate sign may be allowed per zoning lot except on double frontage and lakeshore lots. Real estate signs in the AG, CN, C and I district shall not exceed 24 sq.ft. in area. Illuminated real estate signs are not permitted.
3. **Address Signs** identifying street address only, whether in written or numerical form.
4. **Construction Signs** not exceeding 32 sq.ft. and non-illuminated 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. Construction signs shall be removed upon completion of the project.
5. **Integral signs, memorial signs or professional name plates** not exceeding two (2) square feet in area, are attached to the building or cut into any masonry surface including the names of buildings, and date of construction, cornerstones and the like when made a part of the building.
6. **Traffic or municipal signs**, legal notices, railroad crossing signs, danger signs, and other such temporary, emergency or non-advertising signs.
7. **Flags or Flagpoles** when such structure is flying a local, state or federal flag and not any flag advertising any products, business, or organizations.
8. **Religious symbols and seasonal decorations** within the appropriate public holiday season.
9. **Temporary signs** for purposes of garage sales or yard sales may be permitted as one (1) sign up to a maximum of six (6) square feet on owned property or with owner's consent, to be removed within 24 hours following the advertised event. Temporary or movable signs for purposes of swap meets, parties, celebrations or other short term events may be permitted as one (1) sign up to a maximum of thirty-two (32) square feet on owned property or with owner's consent, to be removed within 48 hours following the advertised event. Temporary or movable signs may be

internally lighted, but shall not have flashing or moving lights, or externally lighted.

10. **Political signs** as allowed by Section 306C.22, Code of Iowa and **campaign signs** as allowed by Section 68A.406-yard signs, Code of Iowa. Campaign signs shall remain for no longer than forty-five (45) days prior and seven (7) days after the election for which they were intended and shall be removed by the owner of the property on which they are located. All campaign signs shall be confined to private property.
11. **Government Signs** of a public, non-commercial nature to include safety, danger, trespassing or 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.
12. **Directory Signs** identifying a business, owner(s), manager(s) or occupant(s) and sets for the occupation or other address information but contains no advertising. There may be one (1) directory sign per lot not to exceed 2 sq.ft. of area per business or occupant.

SECTION 15.6. SIGN REQUIREMENTS.

1. *All Residential Districts*. Signs pertaining to permitted and conditional uses are allowed in residential districts subject to the following regulations.
   a. Home occupation signs shall be permitted in accordance with Section 13.8 of this ordinance.
   b. Signs for non-residential uses located in residential districts shall be limited to no more than 32 square feet on one (1) freestanding or ground sign not to exceed a height of six feet (6') from the ground to the top of the sign structure. One (1) additional wall mounted sign not to exceed 8 square feet is also permitted for non-residential uses.
   c. Signs shall not encroach or extend into the public right-of-way, and shall not obscure or interfere with any traffic control sign, signal, or device.
   d. Bulletin board and announcement signs shall be permitted in any district for charitable, educational, religious or other public uses but may not exceed 32 square feet in size and must be set back a minimum of fifteen feet (15') from all property lines. The height of such signs shall not exceed six feet (6').
   e. Prohibited Signs in any residential district:
      1. All flashing signs are prohibited, except for traffic signals, warnings signs, public safety, and construction related safety or detour signs.
      2. Internally illuminated or audible signs are prohibited
      3. Off-premise signs and billboards are prohibited
      4. Any lighted sign that impairs the vision of drivers is prohibited
      5. Projecting signs
   f. Permitted Signs:
      1. Address sign
      2. Real Estate sign
      3. Government sign
      4. Campaign sign
      5. Combination sign
      6. Construction sign
      7. Information sign
      8. Temporary sign
      9. Wall sign
      10. Ground sign
      11. Directional sign
      12. Freestanding sign
      13. Government sign
      14. Pole sign

2. *All Other Zoning Districts*.
   Signs and billboards in conjunction with permitted and conditional uses are allowed subject to the following regulations.

a. Signs shall be limited to those identifying uses conducted within the building, or necessary for directional purposes, or used to advertise the sale or lease of real property on buildings on which displayed, or identifying the commercial enterprise by name or symbol.

b. The total allowable area of all identification signs on any building of a business establishment shall be determined by permitting two (2) square feet of sign area for each one (1) horizontal foot of the building wall displaying such sign or signs. With that said, the total aggregate area of all signs shall not exceed 150 square feet

c. In a multi-business building, one (1) sign may be placed on the building for each business and one (1) sign per business may be placed on an independent structure located no more than 150 feet from the building. The total joint use sign shall be no more than 250 square feet.

d. Service stations shall be limited to three (3) square feet of sign area for each lineal foot of street frontage occupied by such use. Where a service station has frontage on more than one street, only one street frontage 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.

e. Wall signs, awning signs, swinging signs, or projecting signs may project over the right-of-way, except that no sign shall project into or encroach into the right-of-way of any state or federal highway. Wall signs shall not extend more than 12" beyond the face of the building. Canopies, marquees, awnings, swinging signs or projecting signs shall be attached to a wall and maintain a clearance of at least 8 feet below the lowest point of the sign.

f. The sign area allowed for all signs permitted in this section shall include the area enclosed within the smaller rectangle needed to completely encompass each word or insignia of the sign. For signs other than freestanding letters, the sign area will be computed by taking the total area of the facing or the total area within the outer edge of any existent border of the sign.

g. Wall-mounted signs shall project no more than four (4) feet above the roofline.

h. All signs shall be fixed and shall not be audible. Illumination shall not be intermittent or flashing. Internally illuminated signs for the purposes of a scrolling marquee or digital sign board for information or advertising purposes is permitted if the message is not flashing.

i. Billboards are limited to 250 sq.ft., and shall be set back from the right-of-way line of any state, federal, county, or local road as far as the required front yard depth for a principal building.

j. Permitted signs:

1. Address sign	8. Combination sign	15. Freestanding sign
2. Awning sing	9. Construction sign	16. Government sign
3. Billboard sign	10. Directional sign	17. Roof sign
4. Campaign sign	11. Pole sign	18. Swinging sign
5. Illuminated sign	12. Projecting sign	19. Temporary sign
6. Information sign	12. Real estate sign	20. Wall sign
7. Joint Identification sign	14. Flashing sign	

SECTION 15.7. GENERAL SIGN REGULATIONS.

Regardless of the district in which they are located, all signs within the City of Orleans shall be subject to and shall conform with the following regulations:

1. *Electronic message board signs.* Electronic message board signs or digital sign boards that display the time and temperature or provide changing and scrolling messages are permitted if such signs do not flash or change text at rapid intermittent rates.
2. *Interference*. No sign shall be erected, located, or maintained to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a fire escape.
3. *Signs not to constitute a traffic hazard.* No sign or other advertising structure as regulated by this ordinance shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, because of the position, shape, or color. It may interfere with obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "STOP", "LOOK", "DRIVE-IN", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
4. *Illumination*. All externally illuminated signs shall be constructed to direct the source of light away from adjacent properties or public streets. Gooseneck reflectors and lights shall be permitted on ground signs, roof signs and wall signs, provided the reflectors and lights shall be provided with proper glass lenses concentrating the illumination upon the area of the sign.
5. *Signs in Right-of Way*. No signs other than government signs shall be erected or temporarily placed within any public rights-of-way except as may be specifically provided herein.
6. *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 eight (8) feet above grade level.
7. *Signs Required by Law*. All signs required by law shall be permitted in all districts.
8. *Temporary Signs*. The temporary use of portable or moveable signs, search lights, banners, pendants, and similar devices shall be allowed in excess of and in addition to the sign limitations of this article for continuous periods of no more than thirty (30) consecutive days. No business proprietor shall be allowed more than three (3) such periods in any calendar year.
9. *Back to Back Signs*. If any sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed thirty degrees (30°). If the angle is greater than thirty degrees, the total area of both sides added together shall be the calculated sign area.
10. *Animated Signs*. Animated signs may be allowed as a special exception requiring a hearing before the Board of Adjustment.
11. *Double Frontage*: Lots having frontage on two streets or on a street and an alley, or on a street and a lake 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.
12. *Setbacks for Signs.* No portion of the sign area or sign structure shall encroach closer than fifteen feet (15') to the front property line (rear property line in the R-1 Lakeshore Residential District). Additionally, no portion of the sign area or sign structure shall encroach closer than five feet (5') to any side property line.
13. *Premises to be kept free of weeds, etc.* All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish, and weeds.

SECTION 15.8. CONDITIONAL USES FOR SIGNS.

Any sign type may be granted conditional use status after review by the board of adjustment and subject to any conditions deemed by the board to be appropriate.

SECTION 15.9. VARIANCES FOR SIGNS

The Board of Adjustment may, upon request, grant a variance from technical requirements of this article where the proposed sign complies with the standards of the community and where unique circumstances render technical compliance with this ordinance impractical.

SECTION 15.10. NONCONFORMING SIGNS.

Nonconforming signs shall be brought to compliance upon change of ownership or occupancy of the premises. Signs existing at the time of the enactment of this ordinance and not conforming to its provisions, but which were constructed in compliance with previous regulations and ordinances shall be regarded as nonconforming signs. Nonconforming signs shall not be:

- Changed to another nonconforming sign
- Structurally altered to prolong the life of the sign
- Expanded
- Reestablished after discontinuance of the sign use for a period of ninety (90) days
- Moved in whole or in part to another location unless said sign, and the use thereof, is made to conform to all regulations of this Article
- Reestablished after damage or destruction by any means, including an “act of God,” exceeding fifty percent (50%) of the estimated value of that sign

SECTION 15.11. UNSAFE SIGNS AND REMOVAL OF SIGNS.

All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. All parts and supports of a sign and sign structure shall be properly painted. Any sign or sign structure that is rotted, unsafe, deteriorated, defaced, or otherwise altered shall be repainted, repaired, or replaced by the property owner or agent of the owner within thirty (30) days after written notice by the City of Orleans. 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, such sign or other advertising structure may be removed or altered to comply by order of the zoning administrator at the expense of the permit holder or property owner. The order of the zoning administrator may be appealed to the board of adjustment, of which the compliance period shall be extended until following the board of adjustment's decision. 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, such sign may be removed of such sign summarily and without notice to the permit holder.

Abandoned, obsolete or dilapidated signs which no longer advertise a bona fide business, or product sold, or services provided 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 sixty (60) days from date of notice provided by the city. The property owner shall have sixty (60) days from date of notice to remove any such sign. If after the expiration of the sixty (60) day period, the sign is not removed, the city may cause the sign to be removed and any expenses be charged back to the property owner. Seasonal businesses are exempt from this provision.

Article 16. Nonconforming Buildings and Uses

Article 16: Nonconforming Buildings and Uses

Section 16.1. Intent
Section 16.2. Nonconforming Lot of Record
Section 16.3. Nonconforming Uses of Land
Section 16.4. Nonconforming Building and Structures
Section 16.5. Repairs or Replacing Damaged Buildings and Structures
Section 16.6. Change in Tenancy or Ownership

Section 16.1. Intent.

It is the intent of this ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their continuance. It is recognized there currently exists, or will be created by the adoption of this ordinance or future amendments, structures, and uses of land and structures which were lawful before this ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. These nonconformities will be allowed to continue to exist until they are discontinued, but 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. To avoid undue hardship, nothing in this ordinance 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.

Section 16.2. Nonconforming Lot of Record.

In any district in which dwelling units are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a residential 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. Such lot must be in separate ownership and not of continuous frontage with other lots of the same ownership. 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. The yard dimensions and other site development regulations for the district in which such lot is located shall apply. Variances of yard requirements shall be obtained through application, review, and approval from the Board of Adjustment.

Section 16.3. Nonconforming Uses of Land.

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

1. Any nonconforming use may be changed to a use permitted in the district in which such structure or premises is located.
2. Any nonconforming use may be changed to another nonconforming use of the same or more restrictive classification, provided no structural alterations are made.
3. Any nonconforming use shall not 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.
4. Any 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.

5. If any nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
6. Any nonconforming lot of record, in accordance with the provisions of Section 16.2, which does not meet the minimum lot size or lot area shall allow permitted or conditional uses if such proposed use complies with the required yard setbacks.

SECTION 16.4. NONCONFORMING BUILDINGS AND STRUCTURES.

Where a lawful building or structure exists at the effective date of adoption or amendment of this ordinance that is not permitted under the terms of this ordinance because of restrictions on area, lot coverage, height, yards or other site development characteristics may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged, extended, reconstructed, substituted, or structurally altered in a way that increases its nonconformity. Such structure may be enlarged or altered in a way that does not increase its nonconformity. Nonconforming buildings or structures may be structurally altered or enlarged in conformity with the lot area, lot width, yard setbacks and height requirements of the district in which such building or structure is located, so long as such alterations or enlargements do not change the nature or intensity of the nonconforming use or increase the level of nonconformity that existed prior to the effective date of this ordinance.
2. Should such nonconforming building or structure be destroyed by any means (natural disaster or human causes) it may be restored, reconstructed, or used as before provided it occurs within one (1) year of such happening. If after one year repairs are not made, such damaged nonconforming structure shall only be reconstructed in conformity with the provisions of this ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. In the event a nonconforming building, structure, or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.
5. Where nonconforming status applies to a building or structure and land in combination, the removal or destruction of such building shall eliminate the nonconforming status of the land.

SECTION 16.5. REPAIRS OR REPLACING DAMAGED BUILDINGS AND STRUCTURES.

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repairs or replacement of walls, fixtures, wiring, or plumbing of the building, provided 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. Any non-conforming building or structure damaged at the time of damage by fire, flood, explosion, war, riot, or act of God may be restored or reconstructed and used as before such happening.

SECTION 16.6. CHANGE OF TENANCY OR OWNERSHIP.

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

ARTICLE 17. ZONING ENFORCEMENT

Article 17: Zoning Enforcement

Section 17.1. Zoning Administrator
Section 17.2. Zoning Permit Required
Section 17.3. Zoning Compliance
Section 17.4. Application for Zoning Permit
Section 17.5. Construction and Use as in Application, Plans and Permit
Section 17.6. Fees
Section 17.7. Conditional Uses
Section 17.8. Interpretation
Section 17.9. Administrative Appeals

SECTION 17.1. ZONING ADMINISTRATOR.

The city council shall appoint a zoning administrator. It shall be the duty of said administrator to enforce this ordinance. Such administrator may be a person holding another appointive office in the city or from another agency. Once the zoning administrator is appointed, that appointment becomes perpetual until such further decision of the city council and notification is made. Termination of the zoning administrator or certain duties or responsibilities shall be by consideration of the city council.

SECTION 17.2. ZONING PERMIT REQUIRED.

Any buildings or structures, except for those specifically exempt from a zoning permit, shall not be erected, moved, added to, or structurally altered without a permit issued by the zoning administrator. Zoning permits shall be issued in conformance with the provisions of this ordinance, or upon written order from the board of adjustment. Zoning permits shall become null and void if the purpose for which the permit is issued has not commenced within one (1) year from date of issuance. The construction, addition, or moving of a structure for which a zoning permit is issued must be completed within two (2) years from the time of issuance, unless a specific timeframe is granted in the zoning permit or by the Board of Adjustment. Should the activity not be completed within that time, an extension must be reviewed and approved by the zoning administrator. If enough progress has not been made, the city may require a new zoning permit be submitted, reviewed, and approved according to the above requirements. The term “completed” means that all exterior construction or remodeling work on the structure is final and complete, including sidewalks, driveways, landscaping and decks.

SECTION 17.3. ZONING COMPLIANCE.

If the zoning administrator shall find that any of the provisions of this ordinance are being violated, the zoning administrator, mayor or city attorney shall notify in writing the person responsible for such violations indicating the nature of the violation and ordering the necessary action to correct it. The zoning administrator, mayor or city attorney 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 prevent violation of its provisions.

SECTION 17.4 APPLICATION FOR ZONING PERMIT.

Zoning permit applications shall be made in writing on a form provided by the city. The application shall state the name and address of the owner of the building and land upon which improvements are to be

done. Furthermore, a site plan shall accompany all zoning permits showing the dimensions of the lot, location, and dimensions of the existing and proposed buildings (including height), and the yard setbacks from the property lines. Additionally, a licensed surveyor's plat of the property may be required if requested by the zoning administrator. In instances where there is not a clear indication of the property lines or property lot pins, the owner shall be responsible for the accurate location of all lot pins and property lines, even if it means procuring the services of a licensed engineer or land surveyor to complete a survey plat of the property. Applications for sign permits shall also include a drawing showing the size and dimensions of the sign, location where the sign(s) is to be located, and other such information as necessary to provide for the enforcement of this ordinance. All zoning permits shall be kept on file by the zoning administrator, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the affected property. All zoning fees for permits, applications, and administrative procedures shall be set by resolution of the city council.

SECTION 17.5. CONSTRUCTION & USE AS IN APPLICATION, PLANS & PERMIT.

Zoning permits issued based on plans and applications, approved by the zoning administrator, authorize only that use, arrangement and construction. Failure to comply with the use, arrangement and construction approved by a zoning permit shall be deemed a violation of this ordinance and punishable as provided by Section 18.1.

SECTION 17.6. FEES.

Before receiving a zoning permit the owner or their agent shall pay to the city the permit fee as provided by resolution of the city council. Fees for permits issued after the construction has begun shall be double the original fee. City, county, state, or federal governmental agencies shall be exempt from paying any scheduled fees.

SECTION 17.7. CONDITIONAL USES.

A zoning permit for a conditional use may be issued by the zoning administrator after review and upon order of the board of adjustment.

SECTION 17.8. INTERPRETATION.

All questions of interpretation and enforcement shall first be presented to the zoning administrator, or the zoning administrators assistant, for review and decision. Questions on interpretation shall only be presented to the Board of Adjustment upon filing an administrative appeal regarding a decision of the zoning administrator. City council members, the mayor or other city staff are not to be approached or asked about an opinion or interpretation of the zoning administrator. The city council, mayor or city staff cannot override a decision of the zoning administrator. Only the board of adjustment, through the administrative appeals process, can interpret and overturn a decision of the zoning administrator.

SECTION 17.9. ADMINISTRATIVE APPEALS.

This procedure is intended to afford review of administrative actions taken pursuant to the zoning ordinance where such actions may be in error. Appeals to the board of adjustment may be taken by any person aggrieved, or by any officer, department, or board of the city affected by any administrative decision of the zoning administrator. Such appeal shall be taken within thirty (30) days of the action being appealed by filing with the zoning administrator a notice of appeal, which shall specify the grounds thereof. The zoning administrator shall forthwith transmit to the board all the

papers constituting the record upon which the action appealed from was taken.

An appeal from the action of the zoning administrator shall stay all proceedings in furtherance of such action unless the administrator certifies to the board of adjustment, after the notice of appeal shall have been filed, that because of the facts stated in the certificate a stay would, cause imminent peril to life or property. In the event the zoning administrator shall make and file such certificate, this action shall not be stayed otherwise than by a restraining order that may be granted by the board of adjustment, or by a court of record, upon application of the party aggrieved by the action of the zoning administrator, and after notice upon due cause shown.

The board of adjustment shall act on the appeal within 30 days following the closing of a public hearing. In exercising the powers set out in this section, the board of adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed. The board shall notify the appellant of its decision. The concurring vote of three members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator.

ARTICLE 18. VIOLATION AND PENALTY

Article 18: Violation and Penalty
Section 18.1. Violation and Penalty
Section 18.2. Restraining Order

SECTION 18.1. VIOLATION AND PENALTY.

Unless provided elsewhere in this ordinance or the city's Code of Ordinances, any person, firm, corporation, or agent in charge of such building or land who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement any of the provisions of this ordinance or any amendment thereof; or who shall build or alter any building in violation of any detailed statement or approved plan 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. 331.307[3])*. Each day that a violation continues to exist constitutes a separate violation.

A municipal infraction for a zoning violation in Orleans, Iowa is punishable under the following civil penalties: *(Code of Iowa, Sec. 331.307[1])*

First offense – no less than $250 and not to exceed $750.00, plus court costs
Second and repeat offenses – no less than $250 and not to exceed $1,000.00, plus court costs

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 18.2. 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 Orleans to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

ARTICLE 19. PLANNING AND ZONING COMMISSION

Article 19: Planning and Zoning Commission

Section 19.1. Confirmation of the Planning and Zoning Commission
Section 19.2. Terms of Office
Section 19.3. Vacancies
Section 19.4. Proceedings of the Planning and Zoning Commission
Section 19.5. Compensation
Section 19.6. Powers and Duties
Section 19.7. Decisions of the Planning and Zoning Commission

SECTION 19.1. CONFIRMATION OF THE PLANNING AND ZONING COMMISSION.

The members of the Orleans Planning and Zoning Commission are hereby confirmed to continue their appointed terms of office. The city council is granted the authority to create a planning and zoning commission composed of five (5) citizens of the city. The members shall not hold any elective position in the city. *(Code of Iowa, Sec.414.6 and 414.23)*

SECTION 19.2. TERMS OF OFFICE.

The term of office of commission members shall be five (5) years. The terms of not more than two members will expire in any one year. Members of the planning and zoning commission may be removed from office by the city council for cause upon written charges and after a public hearing.

SECTION 19.3. VACANCIES.

If a vacancy exists on the planning commission caused by resignation, or otherwise, a successor for the unexpired term shall be appointed by the city council in the same manner as the original appointee. Absences by any member of the planning commission for three (3) consecutive meetings without prior excuse from the chairperson or city clerk is deemed as sufficient cause for removal.

SECTION 19.4. PROCEEDINGS OF THE PLANNING & ZONING COMMISSION.

The planning and zoning commission shall adopt rules necessary to the conduct of its affairs. Meetings shall be held at the call of the chairperson and at such other times as the planning commission may determine. The chairperson or the acting chairperson may direct the meetings. All meetings shall be open to the public. The planning commission shall keep minutes of its proceedings showing the vote of each member upon each action, of if absent or failing to vote indicating such fact. The planning commission shall also keep records of its other official actions, all of which shall be made available for public inspection. The presence of three (3) voting members shall constitute a quorum. A quorum may be achieved and verbal communication to vote shall be counted by phone, teleconferencing or other verbal electronic means. The votes of all members, including members calling in from another location, shall be recorded in the official minutes of the meeting.

SECTION 19.5. COMPENSATION.

All members of the commission will be compensated for their time, of which such compensation is set and approved by the city council.

SECTION 19.6. POWERS AND DUTIES.

The commission shall have the following powers and duties, and other such powers as may be instrumental to the carrying out of the powers invested herein. *(Code of Iowa, Sec. 414.6)*

1. SELECTION OF OFFICERS. The commission shall choose annually at its first regular meeting one of its members to act as chairperson and another as vice chairperson, who shall perform the duties of the chairperson during the chairperson's absence.
2. ADOPT RULES AND REGULATIONS. The commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.
3. ZONING ORDINANCE. The commission shall have and exercise all the powers and duties in preparing the city zoning regulations and other related matters and may from time to time recommend to the council amendments supplements, changes or modifications as provided by Chapter 414 Code of Iowa. The commission shall prepare preliminary reports and hold public meetings thereon; and after such hearings submit its recommendations to the city council.
4. PLANS (COMPREHENSIVE PLAN). To make such surveys, studies, maps or plans which in the opinion of the commission bears relation to a comprehensive plan; and shall submit such plan to the council with its studies and recommendations and it may publish the same. Furthermore, the commission shall recommend to the council, from time to time, as conditions require, amendments, supplements, changes, or modifications in the comprehensive plan.
5. RECOMMENDATIONS OF IMPROVEMENTS. No memorials, public art, bridges, viaducts, street fixtures, public structures or other public appurtenances shall be located or erected until and unless the design and proposed location of any such improvement is submitted to the planning commission and its recommendations thereon obtained.
6. REVIEW OF SUBDIVISION PLATS. All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced in the city or adjacent thereto, laid out in lots or plats with streets, alleys, or other portions of the same intended to be dedicated to the public in the city, shall first be submitted to the commission and its recommendations obtained before approval by the council.
7. REVIEW AND COMMENT ON STREET AND PARK IMPROVEMENTS. No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the city plan shall be finally approved by the city or the character or location thereof determined, unless such proposal shall first have been submitted to the commission and the commission shall have had thirty (30) days within which to file its recommendations thereon.
8. TRENDS. The commission is granted the responsibility and authority to study trends of development in industrial, physical, and social aspects of the community and make such reports to the city council as it may deem necessary.
9. LIMITATIONS ON ENTERING CONTRACTS. The commission shall have no power to contract debts except as authorized by the city council.
10. ANNUAL REPORT. The commission may make a report to the mayor and city council of its proceedings, upon request.

SECTION 19.7. DECISIONS OF THE PLANNING AND ZONING COMMISSION.

In exercising the above-mentioned powers and duties, the planning and zoning commission is granted the responsibility to provide informed and educated recommendations to the city council or board of adjustment. The planning commission may recommend wholly, partly or may modify or request alterations of the original proposal. A concurring vote of the majority of the planning commission shall be necessary to further a recommendation for consideration. *(Code of Iowa, Sec. 414.6)*

ARTICLE 20. BOARD OF ADJUSTMENT

Article 20: Board of Adjustment

Section 20.1. Confirmation of the Board of Adjustment
Section 20.2. Proceedings of the Board of Adjustment
Section 20.3. Hearings, Appeals and Notice
Section 20.4. Stay of Proceedings
Section 20.5. Powers and Duties
Section 20.6. Decisions of the Board of Adjustment
Section 20.7. Appeals from the Board of Adjustment

SECTION 20.1. CONFIRMATION OF THE BOARD OF ADJUSTMENT.

The board of adjustment shall consist of five (5) members, all of whom all citizens of the city, to be appointed by the mayor and subject to the approval of the city council. The members of the existing board of adjustment are hereby confirmed to continue their appointed terms of office. Future members of the board of adjustment shall be appointed for a term of five (5) years. Members of the board may be removed from office by the city council for cause upon written charges and after a public hearing. The city council shall fill vacancies for the unexpired term of the member whose seat becomes vacant. Absence by any member for three (3) consecutive meetings without prior excuse from the chairperson of the board of adjustment shall be deemed as sufficient cause for removal.

SECTION 20.2. PROCEEDINGS OF THE BOARD OF ADJUSTMENT.

The board of adjustment shall, subject to approval of the city council, 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 the chairperson's absence the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public in accordance with the provisions of Chapter 28A, Code of Iowa. The board of adjustment 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. The presence of three (3) members shall constitute a quorum, even in the instance of absentee members or during conflicts of interest.

SECTION 20.3. 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 Orleans affected by a decision of the zoning administrator. Such appeals should be taken within a reasonable time, not to exceed thirty (30) days, by filing with the zoning administrator and with the city clerk a notice of appeal specifying the grounds thereof. The zoning administrator shall then 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, not to exceed thirty (30) days, for the hearing of appeal, give public notices thereof, as well as due notice to the parties of interest and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. The board of adjustment shall make written findings of fact and conclusions on all issues pertaining to any adjudicatory proceedings. A fee to be determined by resolution of the city council shall be paid at the time the notice of appeal is filed.

SECTION 20.4. STAY OF PROCEEDINGS.

An appeal stays all proceedings in furtherance of the action which was appealed, unless the zoning administrator certifies to the board of adjustment~~,~~ that by reason of facts stated in the certificate, a stay would cause imminent threat to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court of record, upon notice to the zoning administrator and on due cause shown. The final disposition of any appeal shall be in written form by the board either reversing, modifying, or confirming the decision of the zoning administrator.

SECTION 20.5. 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. CONDITIONAL USES. 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 22.
3. VARIANCES. To authorize upon appeal in specific cases such variance from the terms of this ordinance, as provided for in Article 21; and 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.
4. INTERPRETATION. The board of adjustment shall interpret the zoning map and provisions of this ordinance in such a way as to carry out the intent and purpose of the ordinance. To permit the extension of a zoning district where the boundary line of such district divides a lot in single ownership, as shown on record or by contract of purchase.
5. OTHER SUCH POWERS AND DUTIES. Other duties of the board of adjustment shall include but not limited to:
    a. To permit variances for handicapped accessibility structures for access into building when such structures may encroach into a required yard setback.
    b. To permit a nonconforming use of a building to be changed to another nonconforming use of a similar or more restrictive use.
    c. To extend the time limit for construction on projects issued a variance or conditional use permit, where such a permit is issued by the zoning administrator and no construction work has commenced within one (1) year or completed within two (2) years.

SECTION 20.6. DECISIONS OF THE BOARD OF ADJUSTMENT.

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, reverse or affirm, wholly or partly, or may modify, order requirements, decision, or determination as ought to be made and to that end shall have powers of the zoning administrator from whom the appeal is taken. The concurring vote of three (3) members of the 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.

SECTION 20.7. APPEALS FROM THE BOARD OF ADJUSTMENT.

Any person or persons, corporation, public officer, taxpayer, department, board or bureau of the community 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. A petition shall be submitted to a court of record claiming that such decision or act of the board of adjustment is illegal, wholly or partially, and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the action of the board. Otherwise, all decisions of the board of adjustment shall be final immediately upon filing of the board's decision.

ARTICLE 21. VARIANCES

Article 21: Variances

Section 21.1. Intent
Section 21.2. Application
Section 21.3. Proceedings
Section 21.4. Lapse of Variance
Section 21.5. Revocation of Variance
Section 21.6. Appealing a Variance
Section 21.7. Variance to Run with the Land or Structure

SECTION 21.1. INTENT.

To authorize upon appeal in specific cases such variances from the terms of this zoning ordinance, of which will not be contrary to the public interest and where a property owner can show because of exceptional circumstances or other peculiar situation affecting a lot of record existing at the time of passage of this ordinance. Furthermore, evidence should be shown indicating the strict application of these regulations will prohibit the use of such property in a manner similar to other properties in the district and result in an unnecessary hardship. In certain circumstances, a variance may be authorized and issued that will not be contrary to public interest and where the Board shall be satisfied by the evidence heard before it, that the granting of such variation will alleviate a hardship as distinguished from a special privilege sought by the owner.

SECTION 21.2. APPLICATION.

A variance from the terms of this ordinance shall not be granted by the board of adjustment unless and until a written application for the variance is filed with the zoning administrator. The submitted application shall include:

1. Name and address of the owner and applicant.
2. Address and legal description of the property.
3. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
4. A statement describing the variance requested and the reasons why it complies with the criteria for variances provided in this section.
5. A certified abstractor's list, including the property address, name, and mailing address of all property owners within 200 feet of the subject property.
6. Site plans, as prepared in accordance with Article 11, and such additional maps or drawings to the extent related to the variance application.
7. A fee shall accompany the application, as established by resolution of the city council.
8. 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.

SECTION 21.3. PROCEDURES.

1. The zoning administrator shall review the application and prepare a report to be submitted to the board of adjustment and available to the applicant prior to the public hearing.

2. Notice of public hearing shall be given by publication of a legal notice in a newspaper of general circulation no less than seven (7) days and no more than twenty (20) days prior to the date of the hearing. Notice shall be given by ordinary mail to the applicant and to the owner of each property within two hundred feet (200') of the subject property prior to the date of the hearing. If there is more than one property owner for any parcel of property, it shall be sufficient to notify only one owner of each parcel by ordinary mail. The public notice shall include appropriate information pertaining to the general nature of the application or decision, and identifying the applicant, the subject property, the time and place of the meeting or hearing, and the address and telephone number from which additional information may be obtained.
3. The public hearing shall be held. Any party may appear in person or by agent or attorney.
4. Prior to making any decisions on a variance application, the board shall consider whether the variance is contrary to the nature, intent and general objectives of the zoning ordinance and the city's comprehensive plan. Furthermore, that in granting such a variance, there will be no reasonable precedent established for others to follow which would make future zoning enforcement more difficult, and that no injustice or discrimination will result to other property owners in not granting them the same privileges.
5. The Board of Adjustment shall make findings that the requirements of this section are met by the applicant for a variance, based on the following criteria.
   a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
   b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
   c. That special conditions and circumstances do not result from the actions of the applicant.
   d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
6. 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.
7. 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.
8. The Board of Adjustment shall act upon the application not more than 45 days following the closing of the public hearing for a variance. The board may grant a variance as applied for, or in modified form, or subject to conditions established by the board, or the application may be denied. The board shall notify the applicant of its decision. The concurring vote of three (3) members of the Board of Adjustment is necessary to grant a variance, even in the case of absentee or conflicts of interest.

9. Every variance granted or denied by the board of adjustment shall be accompanied by a written finding of fact, based upon testimony and evidence; and specifying the reasons for granting or denying such variance.
10. 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 19, Violation and Penalty.

SECTION 21.4. LAPSE OF VARIANCE.

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

SECTION 21.5. 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.

SECTION 21.6. APPEALING A VARIANCE DECISION.

Any person or persons, corporation, public officer, taxpayer, department, board, or bureau of the community aggrieved by any decision of the Board of Adjustment may seek review of such decision of the board 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. A petition shall be submitted to a court of record claiming that such decision on a variance is illegal, wholly or partially, and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the action of the board. Otherwise, all variance decisions of the Board of Adjustment shall be final immediately upon filing of the board's decision.

SECTION 21.7. VARIANCE TO RUN WITH THE 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.

ARTICLE 22. CONDITIONAL USES

Article 22: Conditional Uses

Section 22.1. Requirements
Section 22.2. Jurisdiction
Section 22.3. Application for Conditional Use Permit
Section 22.4. Procedures
Section 22.5. Standards
Section 22.6. Conditional Use to Run with the Land
Section 22.7. Revocation
Section 22.8. Supplemental Standards

SECTION 22.1. REQUIREMENTS.

The enactment of this zoning ordinance is based upon the division of the city into districts, each of which include permitted uses that are mutually compatible. In addition to such compatible permitted uses it is recognized there are certain other conditional uses which may be necessary or desirable to allow in certain locations in certain districts. Conditional uses need to be carefully regulated with respect to their location for the protection of the city based upon the actual or potential impact on neighboring uses or public facilities. Such conditional uses, because of their location, need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use. Allowable conditional uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of the board of adjustment. The board may grant or deny a conditional use permit in accordance with the standards set forth herein and with the intent and purpose of this ordinance. In granting a conditional use permit, the board of adjustment will authorize the issuance of a special exception use permit and may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the use.

SECTION 22.2. JURISDICTION.

The zoning administrator shall be responsible for administration of the conditional use procedure and the board of adjustment shall be responsible for the review, evaluation, and action on all applications for a conditional use permit.

SECTION 22.3. APPLICATION FOR CONDITIONAL USE PERMIT.

A request for a conditional use permit may be initiated by a property owner or an 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 plans and data showing dimensions, arrangements, 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 for a conditional use permit shall be filed with the zoning administrator. The board of adjustment shall provide a copy of the conditional use application for review and comment by the planning and zoning commission. The application shall include the following:

1. Name and address of the owner and applicant. If the applicant is not the property owner, then a statement that the applicant is the authorized agent of the owner.
2. Address and legal description of the property.

3. The property address, name and mailing address of the owner of each lot within two hundred feet (200') of the subject property and a map with parcels keyed to the ownership and address data certified by a licensed abstractor, land surveyor or attorney.
4. 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.
5. Site plan and such additional maps or drawings shall be completed and submitted in accordance with Article 11. The location of existing and proposed site improvements including parking, vehicular and pedestrian access, landscaped areas, utilities, fencing and screening, signs, and lighting.
6. The location of watercourses and drainage plans for the property.
7. The number of existing and proposed off-street parking spaces.
8. Any applicable conditional use permit fee, as established by resolution of the city council.

SECTION 22.4. PROCEDURES.

The board of adjustment shall not grant a conditional use permit unless and until the following procedures have been fulfilled:

1. The zoning administrator shall provide a copy of the application for review and comment to the planning and zoning commission.
2. The planning and zoning commission shall provide the board of adjustment with their recommendations.
3. Within thirty (30) days of receipt of the planning and zoning commission's recommendations, the board of adjustment shall schedule a public hearing for the conditional use 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, by ordinary mail, to a complete list of persons provided by the applicant who are the property owners within two hundred feet (200') of the subject property. Such notice shall be at least seven (7) days prior to the public hearing and shall contain the time and location of such hearing. In the event there is more than one property owner, it shall be sufficient to notify only one owner of each property by mail.
4. At the public hearing, the board of adjustment shall review the application and receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained.
5. In granting any conditional use permit, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Conditions of approval are intended to ensure the proposed use is compatible with surrounding uses and to preserve the public health, safety, and welfare. 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 19 of this ordinance.
6. The concurring vote of three (3) members of the board of adjustment grants a conditional use permit, even in the instance of absentee members or conflicts of interest.
7. No order of the board of adjustment shall be valid for a period longer than one (1) year from the date of such order, unless the board of adjustment specifically grants a longer period or a zoning permit is obtained within the one (1) year period and construction is commenced.

SECTION 22.5. STANDARDS

The Board of Adjustment shall review and evaluate conditional use applications using the following criteria.

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values in the immediate vicinity.
3. Approval of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
4. In the case of relocating or moving buildings the proposed use aesthetically blends in with the existing neighboring uses and special attention be given to the architectural style, size and existing conditions of the proposed use.
5. Adequate utilities, streets, drainage, parking, and necessary public facilities are or will be provided.
6. Adequate measures are taken to provide ingress/egress designed to minimize traffic congestion.
7. The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate firefighting and fire suppression equipment and 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 adjoining property.
10. The use shall not involve malodorous gas or matter which is discernable on adjoining property.
11. The use shall not involve air pollution 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 that 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 ground coverage shall be such that no additional dust or stormwater run-off is generated by the conditional use.
17. The use shall not cause any permanent, irreparable environmental damage to the property in question or neighboring lands.
18. The conditional use permit may be reviewed after a specified period for compliance and for possible additional conditions.

SECTION 22.6. CONDITIONAL USE TO RUN WITH THE LAND.

Unless otherwise specified at the time a conditional use is granted, a conditional use permit granted

pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure that was the subject of the conditional use permit.

SECTION 22.7. REVOCATION.

The issuance of a conditional use permit by the Board of Adjustment shall entitle the owner to continue to operate the use so long as the owner remains in compliance with the terms and conditions of this ordinance and the terms, conditions, limitations, requirements, and safeguards set forth in the conditional use permit. If such a conditional use permit is granted, it expressly grants to the city, for 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 this ordinance or of the terms of the conditional use permit. In the event the owner or occupant of the property violates any provision of this ordinance or any term, condition, limitation, regulation, or safeguards contained in the conditional use permit, the permit shall become null and void and the owner or occupant shall be deemed to be in violation of this ordinance. The city may proceed to enforce the provisions of this ordinance in accordance in Article 19.

SECTION 22.8. SUPPLEMENTAL STANDARDS.

In addition to the general standards outlined in Section 22.5 above, certain uses shall adhere to the following supplemental standards for specific activities.

1. ***Salvage, Junk, Scrap, or Waste 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 Industrial (I) district under conditional use permit.
    a. Any salvage, junk, scrap or waste yards shall be at least five hundred feet (500') distant in all directions from any residential zoning district.
    b. Outdoor salvage, junk, scrap or waste yards shall be screened by a solid wall or uniformly painted solid fence not less than eight feet (8') in height, or in lieu thereof, a landscape buffer strip sixty feet (60') wide with deciduous and evergreen trees and large shrubs to provide a landscape screen at least ten feet (10') high upon planting.
    c. An off-street parking or service area in connection with any salvage, junk, scrap or waste yards may be located outside of the screened-in area.
2. ***Open-air Sales Display and Storage***: All open-air sales display and storage, including but not limited to new and used auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, heavy equipment sales and storage, outdoor recreational vehicle or outdoor trailer storage areas intended for and operated as a commercial use shall require a conditional use permit. The application shall be accompanied with drawings and other documents describing the intent, layout, and construction or installation in accordance with the following minimum requirements:
    a. Open-air equipment, vehicle or material storage yards shall be surfaced, preferable with hard surfacing materials, but at a minimum with granular, aggregate, crushed stone or gravel.
    b. The sides and rear lot lines, when abutting properties in a residential zoned district, shall be required to be screened by a solid wall or fence and at least seven feet (7') in height. The

fence shall not be required to extend beyond the front yard setback line.

c. All lighting and lighted facilities shall be designed and arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard. No lighted flashing signs, or revolving beacon lights shall be permitted.

d. The open-air storage yard or display area shall be maintained to be reasonably free of weeds, debris, trash, and other objectionable materials.

3. ***Boat and Marine Accessory Storage***: Boats, Personal Watercraft, trailers, boat hoists, or other marine accessories belonging solely to the owner may be stored on the owner's lot for no longer than nine (9) consecutive months in the same location. Multiple boats, personal watercraft, trailers, boat hoists, or other marine accessories stored on a parcel, lot, or group of lots for longer than nine (9) consecutive months for private, commercial, or monetary purposes shall conform to the requirements of Section 2. Open-air Sales Display and Storage, as indicated above.

ARTICLE 23. CHANGES AND AMENDMENTS

Article 23: Changes and Amendments

Section 23.1. Initiation of a Zoning District Change or Amendment
Section 23.2. Application for Change in Zoning District Boundaries
Section 23.3. Justification and Determination of Zoning Change
Section 23.4. Procedures
Section 23.5. Protest Provision
Section 23.6. New Application

SECTION 23.1. INITIATION OF ZONING DISTRICT CHANGE OR AMENDMENT.

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

1. The Planning and Zoning Commission may initiate a text amendment or rezoning request.
2. The City Council may initiate a text amendment or rezoning request
3. The owner or 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 be in more than one ownership, all the owners or their authorized agents shall join in filing the application.

SECTION 23.2. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES.

Application for rezoning request or text amendments shall be filed with the zoning administrator on forms provided by the city. Each application shall be filed with the zoning administrator accompanied by a fee as determined by resolution by the city council and shall contain the following information. Failure to approve the requested zoning change or text amendment shall not be deemed cause to refund the fee to the applicant. At a minimum, the application shall include:

1. The name and address of the owner and applicant.
2. The legal description and local address of the property.
3. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
4. The present zoning classification and the zoning classification requested for the property.
5. The existing use and proposed use of the property.
6. Reasons why the applicant feels the present zoning classification is no longer appropriate.
7. In the event of a text amendment, a copy of the proposed text amendment that specifically identifies the requested language to be changed.
8. The names and addresses of the owners of all property within two hundred feet (200') of the property for which the change is requested.
9. An accurate map or site plan of the area proposed for rezoning showing existing and proposed locations, dimensions and use of the applicant's property and all property within two-hundred feet (200') thereof, including streets, alleys, railroads, and other physical features.
10. The zoning administrator may require additional information or maps if necessary to enable the planning and zoning commission to determine whether the change is consistent with the objectives of this ordinance.

SECTION 23.3. DETERMINATION OR JUSTIFICATION FOR ZONING CHANGE.

Upon receipt of the application by the zoning administrator a copy shall be forwarded immediately to the planning and zoning commission for study and recommendation. The commission shall, prior to making a recommendation, determine the following:

1. Whether the current district classification of the property to be rezoned is valid or not.
2. Whether there is a need for additional land zoned for the purpose requested.
3. Whether the proposed change is consistent with the current land use plan.
4. Whether the rezoning would result in a population density or development which would in turn cause demand for services and utilities in excess of the capacity planned for the area.
5. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
6. Whether the rezoning would result in environmental damage to area lakes and rivers.
7. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.

SECTION 23.4. 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. No more than forty-five (45) days after filing the application, the planning and zoning commission shall hold a public hearing on the application for rezoning or text amendment. A notice for public hearing shall be published no less than seven (7) and no more than twenty (20) days, according to Iowa Statute, prior to the date of the public hearing. Such notice shall include the time and place of the public hearing. At the public hearing, the planning and zoning commission shall review the application and shall receive relevant evidence relating to the proposed rezoning or text amendment and consistency with the objectives of this ordinance. The planning and zoning commission shall act on the proposed rezoning or text amendment within thirty (30) days following the public hearing. The planning and zoning commission shall recommend to the city council whether the rezoning or text amendment be approved, approved with conditions, or denied.

Not more than thirty (30) days following receipt of the recommendation of the planning and zoning commission, the city council shall hold at least one public hearing on the text amendment or rezoning. A notice of such public hearing shall be published not less than seven (7) and no more than twenty (20) days prior to the date of the public hearing. Additionally, in the event of a change in zoning district boundaries or a petition to rezone property, an additional notification to all property owners within two hundred feet (200') of the property for which the rezoning change is requested shall be sent by ordinary mail. In the event there is more than one property owner for any parcel of property, it shall be sufficient to notify only one owner of each parcel by ordinary mail. In no case shall the public hearing be held earlier than the next regularly scheduled city council meeting following the published notice. Such notices shall include the time and place for the public hearing.

Within thirty (30) days following the closing of a public hearing, the city council shall make a specific finding as to whether the change is consistent with the objectives of this ordinance. If the city council

finds that the change is consistent, it shall introduce an ordinance amending the zoning text or zoning map, whichever is appropriate. If the city council finds that the change is not consistent, it shall deny the application. The council shall not modify a recommendation of the planning and zoning commission on a rezoning or change of zoning text until it has requested and considered a report of the planning and zoning commission on the modification.

SECTION 23.5. PROTEST PROVISION.

In case the planning and zoning commission does not approve the proposed text amendment or rezoning request, or in case a protest is filed with the city council against a change in district boundaries and is signed by the owners of twenty percent (20%) or more either of the area of lots included in such proposed change or those within two hundred feet (200') of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all the members of the city council.

SECTION 23.6. NEW APPLICATION.

Whenever a petition requesting an amendment, supplement or change of any regulations prescribed by this ordinance is denied by city council such petition cannot be renewed for one (1) 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 for matters addressed in this section.

ARTICLE 24. EFFECTIVE DATE

SECTION 24.1. EFFECTIVE DATE.

This ordinance shall be in full force and 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)

ZONING ORDINANCE OF THE CITY OF ORLEANS, IOWA

Passed and approved by resolution of the first consideration on _____ ___, 2017

Passed and approved by resolution of the second consideration on _____ ___, 2017

Passed and approved by resolution of the third and final consideration on _____ ___, 2017

Adopted on _____ ___, 2017

Published on _____ ___, 2017

_____

Mayor, City of Orleans

Attest:

_____

Orleans City Clerk

ZONING AMENDMENTS

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

AMENDMENT ORDINANCE NUMBER	DATE ADOPTED