

**CITY OF MORNING SUN
ZONING ORDINANCE**

Current Ordinance

Revision Date April 2016

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ZONING ORDINANCE

AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION, CONSTRUCTION, USE OF BUILDINGS, STRUCTURES, USE OF LAND IN THE CITY OF MORNING SUN, IOWA, AND FOR SAID PURPOSES DIVIDING THE CITY INTO DISTRICTS, AND CREATING A BOARD OF ADJUSTMENT.

Be enacted by the Council of the City of Morning Sun, Iowa:

SECTION I. Short title. This ordinance shall be known and may be cited as "The City of Morning Sun, Iowa, Zoning Ordinance."

SECTION II. Purpose. The purpose of this ordinance is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, morals, safety, and general welfare in the City of Morning Sun, Iowa.

ARTICLE I - DEFINITION

- 1.0 For the purpose of the ordinance, certain terms or words are used in a limited or special sense, as herein defined. Words used in the present tense include the future, words in the singular number include the plural number; the word "shall" is mandatory and not directory.
- 1.1 **ACCESSORY USE OR STRUCTURE.** A use or a permanent structure subordinate to the principal use or building on the same lot.
- 1.2 **ALLEY.** A public or private way less than 21 feet in width affording secondary means of access to abutting property.
- 1.3 **AUTOMOBILE REPAIR, MAJOR.** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair, overall painting or paint shop; vehicle steam cleaning.
- 1.4 **AUTOMOBILE REPAIR, MINOR.** Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks not exceeding 1-1/2 tons capacity, but not including any operation specified under "automobile Repair - Major."
- 1.5 **BASEMENT.** A story having part but not more than 50 percent of its height below the average grade of the adjoining ground (as distinguished from a "cellar"). A basement shall be counted as a story for purpose of height measurement.
- 1.6 **BUILDING.** Any structure for the shelter or enclosure of persons or animals.
- 1.7 **CELLAR.** A story having 50 percent or more of its height below the average

grade of the adjoining ground. A cellar shall be counted as a story, for purposes of height measurement, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.

- 1.8 DWELLING. Any building or portion thereof which is designed for and used exclusively for residence purposes. Said building shall have an outside dimension of no less than twenty-two (22) feet wide and contain not less than 900 square feet of usable ground floor area, excluding any attached garages, porches or steps, and a minimum roof pitch of 3/12.
 - 1.81 DWELLING GROUP. Two or more detached dwellings located on a parcel of land in one ownership and conforming to the special conditions and requirements set forth in Section 10.1.
- 1.9 ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance of public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.
- 1.10 FAMILY. One or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling.
- 1.11 GARAGE, PRIVATE. A detached accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles, trailers or trucks of the occupants of the premises, and-or not more than one truck of a rated capacity not to exceed one- and one-half tons
- 1.12 HEIGHT. In the case of the primary structure on the property, that being the primary home or commercial establishment the following criteria will apply when determining height: In case of a wall or part of a building, the vertical distance from the average finished grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable of dormer in a pitched or hipped roof or if there are no gables or dormers, to the middle height of such pitched or hipped roof. In the case of an accessory building on that property, the height will be determined to be the highest most portion of the roof, or otherwise the peak at the top of the building, whichever is higher.
- 1.13 HIGHWAY OR PRIMARY THOROUGHFARE. An officially designated

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

- 1.14 LAND USE PLAN. The comprehensive long-range plan for the desirable use of land in the community, as officially adopted and as amended from time to time by the Planning and Zoning Commission and Council; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in the zoning of land to meet changing community needs, in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as streets, parks, schools, and other public buildings or public uses.
- 1.15 LIQUID PETROLEUM TANK. Shall mean all containers and equipment pertinent to the storage and handling of liquefied petroleum gas.
- 1.16 LOT. A parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied by a building and its accessory buildings, is sufficient to provide the yards and courts required by the ordinance.
- 1.161 LOT, CORNER. A lot, of which at least two adjacent sides abut for their full lengths upon a street, provided the interior angle at the intersection of such two sides is less than 135 degrees.
- 1.162 LOT AREA. The horizontal area within the lot lines of the lot.
- 1.17 LOT DEPTH. The mean horizontal distance between the front and rear lot lines.
- 1.18 LOT WIDTH. The mean horizontal distance across the lot between side lot lines at the building line measure at right angles to the depth.
- 1.19 MOTOR FUEL STATION. A place where minor automobile repair is conducted and where gasoline, diesel, oil, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling and the sale of automobile accessories on the premises.
- 1.20 NON-CONFORMING USE. A building, structure or premises lawfully occupied at the time of the enactment of the ordinance by a use that does not conform to the provisions of the ordinance for the district in which it is located; also, such use resulting from changes in zoning districts or in textual provisions made hereafter.
- 1.21 PARKING AREA, ACCESSORY. An area of one or more parking spaces located on the same property as the building, structure, or premises it is intended to serve, or on adjoining or nearby property other than the public right-of-way, and of such shape

and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.

- 1.22 SIGN. Any structure or device for visual communication that is used for the purpose of bringing the subject to the attention of the public, but not including any flag, badge, insignia of any government or government agency.

1.221 SIGN, GROSS SURFACE OF. The entire area within a signal continuous perimeter enclosing the extreme limits of such sign and in case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

- 1.23 STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or the ceiling or roof next above such floor; provided that, for the purpose of determining the required dimensions of yards and courts, when the average story height of a building exceeds 12 feet, each 12 feet or fraction thereof of the total building height shall be considered a separate full story or fractional story respectively, except the first story which may be 15 feet high.

1.231 STORY, HALF. a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided however, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.

- 1.24 STREET. Any public way set aside as a permanent right-of-way for vehicular or pedestrian access 21 feet or more in width if it existed at the time of the enactment of the ordinance; and any such public way created after enactment of the ordinance, provided it is 66 feet or more in width.

- 1.25 STRUCTURAL ALTERATION. Any change in the support members of a building including but not limited to bearing walls, load-bearing partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

- 1.26 STRUCTURE. Anything constructed, the use of which requires permanent location on the ground or attached to something having permanent location on the ground.

- 1.27 YARD, FRONT. Any open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. A corner lot shall have two front yards.

1.271 FRONT YARD, LEAST DEPTH. The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the front lot line.

1.28 YARD, REAR. An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

1.281 REAR YARD, LEAST DEPTH. The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the rear lot line. In the case of an irregular, triangular or gore-shaped lot, a line 10 foot in length entirely within the lot, parallel to and a maximum distance from the front lot line shall be considered the rear lot line.

1.29 YARD, SIDE. An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

1.291 SIDE YARD, LEAST DEPTH. The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the nearest side lot line.

ARTICLE II - DISTRICTS AND MAP

2.0 FOR THE PURPOSE OF THE ORDINANCE, THE FOLLOWING DISTRICTS ARE DESIGNATED:

- "P" Park or Recreation District
- "R1" Permanent Residence District Containing One-Family Residences
- "R-2" Multi-Family Residence
- "AG" Agricultural District
- "MH" Mobile Home Districts
- "B-1" Downtown Business Districts
- "B-2" General Business Districts
- "I-1" Industrial Districts

2.1 The boundaries of these districts are hereby established as shown on a map entitled "Zoning Map", which accompanies and is hereby made a part of this ordinance. the district boundary lines on said map are intended to follow lot lines, the center lines of streets or alleys, the center lines of streets or alleys projected, railroad right-of-ways, or the corporate limit lines, all as they existed at the time of enactment of the ordinance; but where a district boundary line does not clearly coincide with lot lines, it shall be determined by scaling.

2.2 Where a district boundary line divides a lot which was in single ownership and a record at the time of enactment of the ordinance, the use authorized on and the other district requirements applying to the less restricted portion of such lot shall be considered as extending to the entire lot provided that where the more restricted portion of such lot is more than 50 feet beyond said dividing district boundary line, such less restricted use shall be limited to the portion of the lot lying within 50 feet of said boundary line.

2.3 Questions concerning the exact location of district boundary lines shall be determined by the Board of Adjustment according to rules and regulations which it may adopt, as hereinafter provided under Subsection 16.23.

2.4 All territory which may hereafter be annexed to the community shall be classed automatically as being in an "R" Residence District until such classification shall have been changed by amendment of the ordinance as provided hereinafter.

ARTICLE III - GENERAL PROVISION

- 3.0 Zoning Affects Every Structure and Use. Except as hereinafter provided, no building, structure or land shall hereafter be used and no building or part thereof or structure shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulations herein specified for the class of district in which it is located.
- 3.1 Continuing Existing Uses. Any building, structure, or use lawfully existing at the time of enactment of the ordinance may be continued, except certain non-conforming uses as provided in Section 3.2.
- 3.11 Nothing in the ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector.
- 3.2 Non-conforming Uses. Except as hereinafter provided under Sub- section 3.24:
- 3.21 Any non-conforming building or structure which has been or may be damaged by fire or any other natural disaster, must be replaced within 12 months of such calamity. Should that structure not be replaced within 12 months, reconstruction needs to be in accordance with existing provisions of the Code of Ordinances.
- 3.22 No building, structure or premises where a non-confirming use has been or may be discontinued for more than 12 months or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a non-conforming use.
- 3.23 Any non-conforming use of land not involving any structure, and any non-conforming outdoor advertising sign or outdoor advertising structure may be continued for a period not to exceed three years after enactment of the ordinance, whereupon such non-conforming use shall cease, or outdoor advertising structure shall be removed.
- 3.24 The foregoing provisions under Sub-sections 3.21, 3.22, 3.23, insofar as they limit reconstruction or require certain uses to cease or buildings or structures to be removed or changed, shall not be applicable where any such building, structure, or use would be conforming under the Land Use Plan as defined in Section 1.14.
- 3.3 Lot Area Requirements.
- 3.31 Existing Lots of Record. In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any lot of official record at the time of enactment of the ordinance, the owner of which does not own any adjoining property, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located, or requirements as may be modified by the Board of Adjustment as set forth hereinafter under Section 16.22.

3.32 Lots Not Served by Sewer and-or Water. In any district, where neither water supply nor public sanitary sewer is accessible, the otherwise specified lot area and width requirements shall be a minimum of 20,000 square feet, and 100 feet; provided, however, that where public water supply system is accessible and will be installed, these requirements shall be 8,500 square feet, and 65 feet respectively; provided further that an Engineer has certified that said areas will be large enough to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

3.4 Number of Uses on One Lot. No lot shall contain more than one principal use.

3.5 Accessory Buildings in Residence Districts.

3.51 Accessory buildings may be erected in a residential lot with the following restrictions: The total square feet of all accessory buildings shall not occupy more than 50% of the rear yard. Accessory buildings in any "R" district shall be a distance of at least 3 feet from all adjoining properties. Accessory buildings at the rear of a residence must be setback 6 feet from the edge of any property line, or anywhere on a property where the property abuts an alley, street, sewer line, gas line, water line or any City owned property or underlying City owned or utility owned lines and components outside the property line. Accessory buildings must not be erected in the front of a residence. Accessory buildings erected to the side of a residence must be 20 feet from the front property line or in line with the residence, whichever is greater. Accessory buildings must be placed at least 6 feet from the residence.

3.52 Where the natural grade of a lot at the front wall of a principal building is more than 8 feet above the average established street grade in front of the lot, a private garage may be erected within any yard or court.

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

3.7 Minimum Ground Floor Area for Dwellings.

3.71 A one-story dwelling shall contain not less than 900 square feet of usable ground floor area, exclusive of open porches, garages or steps.

3.72 A single residential dwelling shall not be less than twenty-two (22) feet in width, exclusive of enclosed or open porches, garages, or steps.

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

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

3.75 Off-Street Parking and Loading. In any district spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Section 13.0.

3.76 Validity of Existing Building Permits. All building permits must be started within 6 months of approval of the building permit. Building permits approved prior to any Ordinance Amendment shall be considered valid under pre-existing ordinance as long as they are started within 6 months of the approval date. A separate building permit is required for each separate project on a property, meaning anything that is totally separate of each other, such as a deck and fence being built at the same time but are separate projects, even though they are done simultaneously. At no time shall projects that are granted a building permit leave the project for any period of time in a stage that it could be considered a safety hazard or an eyesore to neighboring properties, with a standard for that review being a reasonable person's view.

3.77 Liquid Petroleum Tank. All L.P. tanks over 10 gallons shall be located 25 ft from any structure and 5 ft from all lot lines. L.P. tanks shall be enclosed by a fence or hedge of at least 4 ft. in height and no more than 6 ft. in height. L.P. tanks shall be surrounded on all sides. L.P. tanks shall not be visible from the street or sidewalk. L.P. tanks shall be properly installed in accordance with the State of Iowa laws.

ARTICLE IV-"R1" RESIDENTIAL DISTRICTS

4.0 Intent and Character of Districts. The residential districts, R-1, set out areas of the community where homes may be provided for the permanent and semi-permanent residents of the community in a stable and protected environment, and affording a variety of densities, housing types and amenities.

The principal characteristics of each of the residential districts are as follows:

4.01 R-1 One Family Dwelling District. The R-1 District includes areas of low-density development consisting of single family dwellings on spacious lots presently served or planned to be served by public sewer and water

4.1 Permitted Principal Uses.

4.11 One-family detached dwellings.

4.12 Public parks, playgrounds and recreational areas.

4.13 Essential services as defined in Section 1.9 and municipal administrative or public service buildings or properties, except such uses as storage yards, warehouses, garages, or other uses customarily conducted as gainful business, provided any building is located not less than 20 feet from any lot in any "R" district.

4.14 Cemeteries of 10 acres or more in size.

4.15 Churches, chapels, or parish houses located not less than 20 feet from any side lot line.

4.16 Transformer stations and booster or pressure regulating stations, without service yard or storage.

4.2 When authorized by the Board of Adjustment the following uses will be permitted.

4.21 Privately operated country clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any principal accessory building in connection therewith shall be located not less than 200 feet from any lot in an "R" district.

4.3 Permitted Accessory Uses.

4.31 Private garages or parking areas.

4.32 Living quarters of persons employed on the premises.

4.33 Office of a physician, dentist, lawyer, architect, engineer, clergy, or accountant within his or her dwelling.

4.34 Any occupation or activity carried on by a member of the immediate family, residing on the premises, shall have not more than one person not a member of the family there residing shall be regularly employed in addition to the family there residing shall be regularly employed in addition to the proprietor. Also, it is further provided, that the building or premises occupied shall not thus be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, the emission of odor, gas, dust, smoke, noise or in any other way. Further, any commodities sold on the premises shall be incidental to the services offered.

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

4.36 Signs as regulated by Article XII.

4.37 Any large vehicle(s) used to conduct a commercial business, with the exception of one semi tractor regularly used in a trucking business that is/are larger than the standard passenger car, van or pickup truck, when housed in a Residential District shall be housed in a permanent structure enclosed and covered, out of eyesight of neighboring properties. If there are more than (2) such commercial vehicles to be parked regularly on a residential property or if that vehicle(s) size excludes it from fitting in a residential garage based on guidelines established for garage size, height, and setbacks in Residential Districts, the vehicles must be housed in a Commercial District if housed within the city limits.

4.38 Semi trailers are not allowed to be parked within the City Limits of Morning Sun, either on the street or on private property, unless parked off street on a Commercial or Industrial Property with the exception of any semi-truck parked while in the process of making a delivery. Semi tractors are hereby excluded from this provision, provided no more than one is parked on residential property at one time, and provided further that the tractor is operational and currently used by the resident of that address in the process of conducting business in the trucking industry. Provided further, that anytime the tractor is on that residential property, the trailer is at all times to be removed and stored as required on industrial property as provided by this ordinance.

4.4 Height Regulations. No principal structure shall exceed 2 1/2 stories or 30 feet in height, and no accessory structure shall not exceed 20 feet in total height (from finished floor surface to peak of roof), except as provided in Section 14.1

4.5 Lot Area, Frontage and Yard Requirements. Please refer to requirements as specified in Article 9.3.

ARTICLE V - "R-2" MULTI-FAMILY DWELLING DISTRICT

Should the need arise in the future to designate "One- and Two-Family Dwelling Unit" Districts in Morning Sun, the requirements, uses and regulations of such a district shall appear in Section V.

5.0 R-2 Multiple Family Dwelling District. The district provides for a variety of housing types and also permits some institutional uses not allowed in the R-1 District. Up to twelve (12) unit apartments and smaller lot for single dwellings allow for substantially higher densities.

5.1 Permitted Principal Uses

5.11 Two-Family detached dwellings. Only "R-2" District.

5.12 Three and Four Family Dwellings Only "R-2" District

5.2 When authorized by the Board of Adjustment the following uses will be permitted.

5.21 Privately operated country clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any principal accessory building in connection therewith shall be located not less than 200 feet from any lot in an "R" district.

5.3 Permitted Accessory Units

5.31 Private Garages must be attached to duplex or condo type structure.

5.32 Parking Area must be on the same property providing two spots per unit.

5.33 No Business of any kind shall be conducted in said residence.

5.34 Signs as regulated by Article XII.

5.35 No commercial vehicles including semis shall be parked in of said residence.

5.36 Privacy fences shall be installed at a minimum of rear and side yards and shall refer to 13.343.

5.37 Not Permissible to place any accessory building on lot including but may not be Limited to utility/garden shed, and or carport.

5.4 Height Regulation

No principal Structure shall exceed 2-1/2 stories or 30 feet in height.

5.5 Lot Area. Refer to Article 9.3

ARTICLE VI - "AG" AGRICULTURAL DISTRICT

6.0 Intent and Character of District. The Agriculture District set out areas of the community where it is intended for Agricultural purposes only.

6.1 PERMITTED PRINCIPAL USES.

- 6.10. Agricultural activities such as crop farming, truck gardening, livestock farming, and general grazing and pasturing, but not including confinement feeding or other concentrated feedlot activities.
- 6.11. Public parks, playgrounds, and recreational areas.
- 6.12. Sale of nursery and greenhouse products.
- 6.13. Non-farm, single family detached dwellings on lots of 2 acres or more.
- 6.14. Transformer stations and booster or pressure regulating stations without service yard or storage.

6.2 PERMITTED ACCESSORY USES.

- 6.21. Buildings, structures, and uses accessory to agricultural uses including roadside stands, selling produce grown on the premises, provided such roadside stands are located not less than 20 feet from a street or highway right-of-way line.
- 6.22. Private garages or parking areas.
- 6.23. Permitted customary incidental home occupations such as handicraft, dressmaking, millinery and preserving, or similar activity carried on solely by resident occupants within their residence, subject to the following provisions:
 - 6.231. No more than one room shall be used for such purposes by any resident family.
 - 6.232. No such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customarily in dwellings.
 - 6.233. Nothing is sold or offered for sale that has not been produced on the premises.
 - 6.234. No display of goods or services pertaining to such shall be visible from the street or road.
 - 6.235. Signs, as regulated by XII.

6.3 HEIGHT REGULATIONS.

- 6.31 No structure shall exceed fifty feet (50') in height.

ARTICLE VII - "MH"MANUFACTURED/ MOBILE HOME DISTRICTS

7.0 Definitions. For use in this article the following terms are defined:

7.01 "Manufactured/Mobile Home" shall mean any vehicle without motor 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 motor power not registered as a motor vehicle in Iowa.

Manufactured/Mobile Homes, located outside mobile home parks must be attached to permanent foundations, except units located outside a manufactured mobile home park on

July 1, 1994. Such units must be placed on a permanent foundation when the unit is moved to a new location. All units should be installed with support and anchorage as recommended by the manufacturer or required by the HUD Code. (See also Code of Iowa, 103A.2(10 and 11), 103A.30-34).

7.02 "Manufactured/Mobile Home Park": shall mean any site, lot, field, or tract of land upon which two (2) or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such manufactured mobile home park. The term "Manufactured/Mobile Home Park" shall not be construed to include 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.

7.03 Conversion to Real Property. No manufactured mobile home for purposes of this article shall be deemed to be converted to real property as authorized by Section 435.26 of the Iowa Code unless the vehicular frame has been destroyed or modified making it impossible to reconvert the real property to a manufactured mobile home. This shall then make the manufactured mobile home subject to the provisions of dwelling standards.

7.04 "Manufactured Modular Home": shall mean a factory built structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles (Code of Iowa, Chapter 435.1(2 and 5)).

7.1 Manufactured Mobile Home Districts shall read as follows:

7.11 Location of Manufactured Mobile Homes. It shall be unlawful for any person, firm corporation to park or place any mobile home on the streets, alleys or highways, any public place, or on any private land within this city, except as it is provided by state law and this chapter. This section shall not apply to:

7.12 Manufactured Mobile Home Parks. Manufactured Mobile homes parked or placed within manufactured mobile home parks. Manufactured Mobile home parks shall mean any site, lot, field or tract of land under common ownership upon which two or more occupied mobile homes, manufactured homes, modular homes or a combination of the homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such manufactured mobile home park. (See Code of Iowa Chapter 43 5.1(4).

7.121 All manufactured mobile homes parked or place within manufactured mobile home parks must be 10 years or less in age.

7.122 Manufactured mobile homes located in the City of Morning Sun City limits, whether it is within a manufactured mobile home park or elsewhere, cannot be moved to another property in the city.

7.13 Dealer's Stock. Manufactured Mobile Homes parked upon private property as part of a dealer's or manufacturer's stock not used as a place for human habitation

7.14 Manufactured Mobile Homes. Manufactured Mobile Homes exceeding twenty-two feet in width.

7.15 Manufactured Mobile Homes converted to Real Property. Manufactured mobile homes converted to real estate must be at least 22 feet wide, not more than 5 years old and must comply with the same yard and area requirements as single-family dwellings in the residential districts. In addition, the following requirements must be met:

7.151 Permanent Foundation. The manufactured mobile home shall be located on and permanently attached to a cement slab which is a minimum length of the home itself, and of a width of at least four (4) feet greater than the actual width of the home such that the slab extends four (4) feet or more beyond the side of the manufactured mobile home on the doorway side.

7.152 Sanitation Facilities. Each manufactured mobile home shall be permanently connected to the City Sanitary sewer and any water service in accordance with the ordinances, rule, requirements and regulations of the City of Morning Sun, Iowa.

7.153 Sanitation and Health Laws. Each manufactured mobile home shall comply with all health laws, rules, regulations, and requirements of the State of Iowa, the City of Morning Sun and further comply with all additional applicable laws, rules, regulations and requirements of the City of Morning Sun and the State of Iowa.

7.154 Electric Services. Each manufactured mobile home shall have separate and permanent connection to the electric service facilities in accordance with the ordinances, rules, requirements, and regulations of the City of Morning Sun, Iowa.

7.155 Special Permits. Prior to the manufactured mobile home being located in said District, it shall first be necessary to make an application to obtain a temporary permit for the location of the said manufactured mobile home. If the City Council finds the proposed regulations and requirements of the City of Morning Sun and the State of Iowa, the Council shall issue a temporary permit.

7.156 Occupancy Permits. Once a temporary permit has been acquired, a further application shall be made to the City Council in order to obtain an occupancy permit.

The Council shall then obtain such information and make such inspections as may be necessary to determine that all the terms of this ordinance and other laws, rules, regulations, and requirements of the State of Iowa and City of Morning Sun have been complied with.

7.2 Special Permits. The Council, upon application of a mobile home owner, may issue special permits for the location of mobile homes outside mobile home parks. The council shall issue such special permits only when it appears that location within local mobile home parks is impracticable and public health, safety and welfare interests will not be seriously affected by granting the permit. Special permits shall not be granted for periods in excess of sixty (60) days. Not more than one mobile home shall be permitted to be located on the same premises outside of mobile home parks.

7.21 Application for a Special Permit. Application for a special permit shall be accompanied by an inspection fee of twenty-five (25) dollars. The application shall contain:

7.211 Description of Mobile Home. A description of the applicant's mobile home.

7.212 Property Description. A property description of the place where the mobile home will be located.

7.213 Property Owner. The name of the owner of the premises upon which the mobile home will be located together with the written approval from the owner of the premises where the mobile home will be located.

7.214 Sanitation Facilities. Information on sanitation facilities of the mobile home and those available at the place of location.

7.215 Mobile Home Park. A statement concerning the practicability of location within a local mobile home park.

7.216 Duration of Permit. A statement of the desired duration of the special permit.

7.3 Emergency and Temporary Parking. Emergency or temporary parking of mobile homes upon the streets, alleys or highways or any other public or private place for a period not in excess of twenty (20) hours shall not constitute a violation of Section 6-7.0103 of the Morning Sun City Code, but such parking shall be subject to any prohibitions or regulations contained in other ordinances of this City.

7.4 Mobile Home Park Regulations

7.41 Purpose. The purpose of this article is to provide minimum standards for the design, development and improvement of all new or improved mobile home parks and to provide for the health, safety and general welfare of the citizens of the city.

7.42 Applicability. This article shall provide minimum standards for the design and development of all new mobile home parks and the alteration of all existing mobile home parks. Those existing mobile home parks not meeting the requirements set down herein shall, upon any alteration, meet all the provisions of this article for the altered area.

7.5 Definitions. As used in this article, the following terms shall have the meaning indicated.

7.51 "Alteration" means any increase in the gross park area or change in the layout of an existing manufactured mobile home park.

7.52 "Manufactured Mobile home" means a single-family dwelling unit, built on a chassis, suitable for year-round occupancy and containing water supply, waste disposal, heating and electrical conveniences.

7.53 "Manufactured Mobile home space" means a plot of ground within a manufactured mobile home park designed for the accommodation of one manufactured mobile home unit and which is leased to the owner of the manufactured mobile home unit.

7.54 "Mobile home space" means a plot of ground within a mobile home park designed for the accommodation of one mobile home unit and which is leased to the owner of the mobile home unit.

7.55 "Park" means a mobile home park.

7.56 "Parking area" means four (4) or more parking spaces in an aisle(s).

7.6 Application for Mobile Home Park. Any person who wishes to establish or alter a mobile home park shall submit to the City one copy of a preliminary plan meeting the requirements of this article. The preliminary plan shall be composed of two (2) parts: an existing site plan and the development site plan.

7.61 Existing Site Plan. A plan of the existing conditions of the area proposed for development shall include an outline of the tract upon which the park is to be located including existing streets and City utilities on the site and adjoining property.

7.62 Development Site Plan.

7.63 Legal description, acreage and the name of the mobile home park.

7.64 Name and address of owner.

7.65 North point and graphic scale.

7.66 Layout of existing and proposed street systems, lot lines, mobile home spaces, and parking areas. Location of existing and proposed water mains, sewers, drain pipes, culverts, watercourses, storm water detention facilities and fire hydrants.

7.7 Existing Park Plan. If an approved plan of existing proportions is not on file with the City, the preliminary plan shall include the existing or present level of development. In order to establish the existing level of development, the plan shall include and identify:

7.71 Legal description and outline of the entire mobile home park.

7.72 Existing street system, sidewalks, utilities, mobile home spaces and parking areas.

The plan should clearly distinguish between the added or altered area, for which compliance with all the provisions of this article is required, and the balance of the existing park.

7.8 Preliminary Approval. Procedures for preliminary approval of any mobile home park shall be in accordance with the procedures for preliminary approval of subdivisions. Such approval shall be done by resolution and shall be binding with regard to preparation of the final plan. A fee in the amount of \$25 shall be paid at the time the preliminary plan is submitted to the City.

7.9 Final Plan Submission Requirements.

7.91 One print of the final site plan containing the information required in Sections 7.601-7.605.

7.911 The final site plan may include all or part of the preliminary site plan. If the final site plan does not include the entire development illustrated on the preliminary plan, the portion shown must be able to function as a separate development, including access and facilities.

7.912 The final site plan shall include and illustrate the following:

7.913 The boundaries of the park shall be accurately drawn.

7.914 Accurate dimensions and curve data for all street lines and private drive center lines shown on the plan.

7.915 Names of all street and private drives shown on the plan.

7.916 The dimensions of all mobile home space lines with angles to adjacent street lines.

7.917 Dimensions illustrating location and size of all existing and proposed walks, drives, parking areas, structures and areas reserved for other uses or future development.

7.918 Location, width and purpose of all existing and proposed easements.

7.919 Name of the development.

7.9110 Name and address of the owner(s) and/or developer(s).

7.9111 North point, graphic scale and date.

7.92 Final Plan Approval. The final plan shall be approved by the Mayor and the Council by resolution.

7.10 Park Requirements. A mobile home park shall conform to the following requirements:

7.10.0 The mobile home park shall be located on a parcel of ground at least two acres in size and each boundary line of the park shall be at least 200 feet from any residential structure located outside the park unless separated by a natural or artificial barrier.

7.10.1 The park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

7.10.2 Each space shall have a minimum of five thousand (5,000) square feet. The minimum mobile home space width shall be thirty-five (35). Each mobile home space shall be large enough to provide a distance of 30 feet between any trailer or structure on the space and the lot line, a front yard of 20 feet and a rear yard of 10 feet.

7.10.3 Streets. Mobile home parks shall be provided with safe and convenient vehicular access from a collector or arterial public street abutting the park to each mobile home space.

7.10.31 All private streets may be constructed of compacted gravel of a minimum six (6) inch thickness for the first 24 months following permit approval. Thereafter a hard surface (cement or asphalt) shall be constructed.

7.10.32 All private street widths shall be measured over the surfaced area. Minimum street widths shall be as follows:

7.10.321 Twenty-four (24) feet without parking, and so posted;

7.10.322 Twenty-eight (28) feet with parking on one side, and so posted; and

7.10.323 Thirty-six (36) feet with parking on both sides.

7.10.4 Walkways not less than two feet wide shall be provided from the trailer spaces to the service buildings.

7.10.5 All driveways and walkways in the park shall be hard surfaced and lighted at night with electric lamps of not less than 25 watts each, spaced at intervals of not more than 100 feet. Compacted gravel driveways shall be provided for each mobile home space. The driveways shall be a minimum of ten (10) feet in width.

7.10.6 Parking. Nine (9) foot by twenty (20) foot compacted gravel off-street parking spaces shall be provided at the rate of two (2) parking spaces per unit. At least one off-street parking space shall be located on each mobile home space. The other required parking space may be located in a common parking area (s) within convenient access to the mobile area; however, they shall not be allowed within ten (10) feet of an adjoining mobile home unit.

7.11 Mobile Home Stands.

7.11.0 The mobile home stand shall be constructed in such a manner that it will not heave, shift, or settle unevenly under the weight of the mobile home due to inadequate drainage, vibration or other forces acting on the superstructure. The mobile home stand shall be constructed at a minimum with 6" deep x 30" wide poured concrete ribbons with 6x6 #10 wire mesh, or 1/2" rod reinforcing, and of sufficient length to support

all wheels and undercarriage supports of any mobile home that may be placed on the mobile home stand.

7.11.1 The mobile home stand shall be provided with anchors, arrowhead anchors, or other devices insuring the stability of the mobile home.

7.11.2 Tie-down or anchors shall be placed at least at each corner of the mobile home stand to provide a readily accessible anchor for the mobile home and each shall be able to sustain a minimum tensile strength of 2,800 pounds.

7.11.3 Skirting of a permanent type material and construction, consistent with the exterior of the mobile home, shall be installed to enclose the open space between the bottom of a mobile home floor and the grade level of the mobile home stand and shall be so constructed to provide substantial resistance to heavy winds, thereby alleviating to the maximum extent possible, lifting action created on the underside of the mobile home by heavy winds.

7.11.4 Sufficient screened, ventilating area shall be installed in the skirting to supply the combustion requirements of heating units and other ventilation requirements of the mobile home. Provision shall be made for easy removal of a section large enough to permit access for inspection of the enclosed area under the mobile home and for repairs on sewer and water riser connections.

7.12 Each mobile home park shall provide service buildings to house such toilet, bathing, and other sanitary facilities and such laundry facilities as may be described.

7.12.0 Private Utilities.

7.12.01 Sanitary Sewers. The sewage system shall be designed, constructed and maintained in accordance with applicable City codes or specifications approved by the City. Each mobile home space shall be provided with a minimum of a four-inch diameter sewer, with a minimum of a three-inch riser pipe terminating at least four (4) inches above the ground surface and located such that the sewer connection to the mobile home unit drain outlet with approximate a vertical position. Provision shall be made for plugging the drain when a mobile home unit does not occupy the space.

7.12.02 Storm Drainage. The mobile home park shall provide for the collection and removal of all surface waters in compliance with local, state, and federal laws.

7.12.03 Water Supply. An adequate supply of potable water for drinking and domestic purposes shall be supplied by pipes to all mobile home spaces within the park. Individual water riser pipes shall provide

at least a three quarter inch valve outlet. In addition, a curb stop shall be installed for each mobile home space between the main and said riser pipe.

7.12.04 Electrical Outlet. An electrical outlet supply of at least two hundred twenty (220) volts shall be provided for each mobile home space with a minimum of one hundred (100) ampere individual service.

7.13 Garbage and Refuse. The storage, collection and disposal of refuse in the mobile home parks shall be in compliance with local, state and federal laws.

7.14 Fire Safety Standards. Standard city hydrants shall be located within three hundred (300) feet of all mobile home spaces, measured along the driveway or streets.

7.14.1 Violations. Persons who violate any provision of this article or who erect, construct, alter or repair or have erected, constructed, altered, or repaired a building or other portion of the park in violation of the approved plan, as cited by the building official, shall be guilty of a misdemeanor punishable by a fine of up to \$100 or imprisonment not exceeding thirty (30} days. The owner of any mobile home park where anything in violation of this article shall be placed or shall exist, and the owner or any agent who has assisted in the commission of such violation is permitted to exist after proper notice shall constitute a separate offense.

ARTICLE VIII-"B-1" DOWNTOWN BUSINESS DISTRICTS

8.0 Permitted Principal Uses.

8.01 Any use or structure permitted and as regulated in Sections 4.0, 5.0, 6.0 and 7.0, except as hereinafter modified.

8.02 Any retail business establishment, such as appliance store, auto accessory store, bakery with baking limited to goods for retail sales on the premises, book or stationery store, cafe or restaurant, camera or photographic supply shop, candy or ice cream store, delicatessen, drug store, fabric shop, floor-covering store, florist shop, furniture store including incidental upholstery, gift shop, grocery store, haberdashery or women's ready-to-wear shop, hardware or paint store, hobby shop, jewelry store, meat market, shoe store and variety store.

8.03 Any service establishment, such as a bank or other financial enterprise, barber or beauty shop, business or professional office, clothes cleaning or laundry pick-up station, funeral home, theater, and self-service laundry.

8.04 Bus terminal.

8.05 Business or trade school.

8.06 Commercial parking lot.

8.07 Department store.

8.08 Hotel.

8.09 Meeting hall, club and fraternal organization.

8.010 Music and dancing studio.

8.011 Public parking lot, customer and other accessory parking area, subject to the applicable provisions of Section 13.0.

8.012 The following uses when occupying a completely enclosed building located at least 100 feet from any "R" District:

8.0121 Dance hall, bar or cocktail lounge, night club, and similar enterprise.

8.0122 Furniture upholstery shop only when operated in conjunction with a retail business or the premises.

8.0123 Printing, publishing, engraving or lithographing shop.

8.0124 Laundry and dry-cleaning shop.

8.0125 Other business, professional or service establishment.

8.1 Permitted Accessory Uses.

8.11 Other accessory uses customarily incidental to a permitted use, including signs as regulated by Article XII.

8.2 Height Regulations. No structure shall exceed three stories or 45 feet in height, except as provided in Section 14.1.

8.3 Yard Requirements. Please see requirements as specified in Article 9.3.

IX - "B-2" GENERAL BUSINESS DISTRICTS

9.0 Permitted Principal Uses.

9.01 Any use or structure permitted and as regulated in Sections 4.0, 5.0, 6.0, 7.0, and 8.0 except as hereinafter modified.

9.02 Tourist/bed and breakfast homes.

9.03 Building material sales yards, if enclosed on all sides of an eight-foot high solid fence.

9.04 Wholesale businesses and warehouses.

9.05 Hotels or motor hotels, subject to the provisions of Section 13.3.

9.06 Drive-in eating establishments.

9.07 Motor fuel stations subject to the conditions stipulated in Section 13.1.

9.08 Greenhouses.

9.09 Animal hospitals, veterinary clinics or kennels, provided that buildings or enclosures in which animals are kept shall be at least 100 feet from any lot in any "R" District.

9.010 Commercial baseball field, bath house, or boat house, golf driving range, skating rink, swimming pool, or similar open air recreational uses and facilities, but not within 200 feet of any "R" District.

9.011 The following uses provided no part of a building where any activity is conducted shall have any opening other than stationary windows or required fire exits within 100 feet of any "R" District:

9.0111 Automobile, truck, trailer and garden implement establishments for display, hire, sales, including sales lots.

9.0112 Bottling of soft drinks or milk, or distribution stations.

9.0113 Bowling alley, pool hall or billiard parlor, dance hall, bar or cocktail lounge, night club and similar enterprises.

9.0114 Carpenter shop, electrical, heating, ventilating or plumbing shop, furniture upholstering shop, printing, publishing, engraving or lithographing plant, laundry and dry cleaning shop, sign painting shop, and similar establishments.

9.0115 Any other use that is determined by the Board of Adjustment to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in a "B-2" District.

9.1 Permitted Accessory Uses.

9.11 "B-1" Retail Business District accessory uses.

9.12 Other accessory uses customarily incidental to a permitted principal use, including signs as regulated by Article x11.

9.2 Height Regulations. No structure shall exceed three stories or 45 feet in height, except as provided in Section 14.1.

9.3 Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed for family residence districts and businesses as specified in the following table, subject to the additional requirements, exceptions and modifications in Sections 14.3 and 14.4, inclusive.

ARTICLE X - "I-1" INDUSTRIAL DISTRICTS

10.0 Permitted Principal Uses.

10.01 Any use or structure permitted and as regulated in Sections, 4.0, 5.0, 6.0, 7.0, 8.0 and 9.0, except as hereinafter modified.

10.02 The following uses if located not less than 100 feet from any "R" District, provided any such operations are enclosed by a solid wall or fence not less than six feet in height:

10.021 Builder's or contractor's plant or storage yard.

10.022 Building material sales and storage yard, including concrete mixing.

10.023 Lumber yard, including millwork.

10.024 Open yard for storage and sale of feed, fertilizer, or fuel.

10.03 The following uses, providing no part of a building occupied by such uses shall have opening other than stationary windows or required fire exits within 100 feet of any "R" District:

10.031 Automobile repair garage doing major repair, including tire retreading or recapping, battery service and repair.

10.032 The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceutical, toiletries, milk, and food products.

10.033 The manufacture of assembly of electrical appliances, electronic instruments and devices, phonographs, radio and television sets, electric and neon signs, refrigerators and stoves.

10.034 Laboratory, experimental, film, or testing.

10.04 Railroad freight stations, trucking or motor freight terminals, provided that service yards or docks are at least 100 feet from a lot in an "R" District.

10.05 Any other use that is determined by the Board of Adjustment to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in an "I-1" District. In determining the character of such use, the Board shall refer to the Subsection 16.212.

10.1 Permitted Accessory Uses.

10.11 "B-2" Business district accessory uses.

10.12 Other accessory uses customarily incidental to a permitted principal use, including signs as regulated by Article XII.

10.2 Prohibited Uses.

10.21 Dwellings, except for watchman or caretaker on premises.

10.22 Schools, hospitals, clinics, and other institutions for human care, except when incidental to a permitted principal use.

10.23 Auto salvage and wrecking operations, industrial metal and waste salvage operations, and junk yards.

10.3 Yard Requirements. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modification in Sections 14.2-14.4 inclusive.

Ht. of Permitted Uses	Min. Front Yd. Depth	Min. Side Yd Wd.
3 stories or 50' in ht.	25'	Equal to Bldg. Ht. Min. Rear Yd. Dept.
Height of Bldg. but not less than 20'		

ARTICLE XI - PLANNED DEVELOPMENTS

11.0 The following requirements shall be considered minimum for planned developments:

11.1 Dwelling Groups:

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

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

11.2 Residence Development Projects.

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

11.211 That the tract of land on which the project is to be erected meets minimum size requirements as specified in Subsection 11.22.

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

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

11.214 That there is to be provide within the tract, or immediately adjacent thereto, parking spaces in private garages or off-street parking areas as specified in Section 13.0.

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

11.216 That drives, access ways and parking areas are developed to a standard equal to that required for public use.

11.217 That such drives and access ways are protected by recorded deed covenants assuring their availability to all residents of the project.

11.218 That the proposed project will constitute a residential environment of a sustained desirability and stability; that it will be in harmony with the character of the surrounding neighborhood and insure substantially the same type of occupancy as obtained or may be expected to be obtained in said neighborhood; that it will result in intensity of land utilization no higher, and standards of open spaces at least as high as permitted or specified in the ordinance in the district in which to project is to be located.

11.219 That the project will be consistent with the intent and purpose of the ordinance to promote public health, safest, and general welfare.

11.22 Height, yards, and lot coverage shall be regulated by the following schedule and in no case shall the Board authorize standards less than:

	Detached One Family	Town House	High Rise Apartment
Minimum size of Development	3 acres	5 acres	10 acres
Garage & parking area (per dwelling unit)	600 sq. ft.	600 sq. ft.	600 sq. ft.

Development			
Garage & Parking Area (per dwelling unit)	600 sq. ft.	600 sq. ft.	600 sq. ft.
Land coverage (max. percent of land coverage)	20 percent	20 percent	10 percent
Height of main building	30'	35'	80'
Set-back from any dedicated public right-of-way	25'	25'	Height of bldg.
Distance between bldgs. face to face	80'	120'	150 percent of Building height
Distance between bldgs. face-to-rear or face-to-side	60'	80'	150 percent of Building height
Distance between bldgs. side-to-side	20'	30'	Height of bldg.
Distance between bldgs. rear-to-rear	80'	50'	Height of bldg.

11.23 Any change in an approved plan shall be referred by the Board of Adjustment to the Planning Commission for study and report, prior to any action by the Board.

11.24 The Board of Adjustment shall approve or disapprove any plan or revision of an approved plan within 60 days of the filing of all elements in the plan.

ARTICLE XII - SIGNS

12.0 Standard of Measurement.

12.01 The total area of all signs permitted on a lot shall include:

12.011 The total area of the faces visible from a public way of all permanent exterior signs, plus

12.012 The area of permanent signs placed upon the surface of windows and doors, plus

12.013 The area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.

12.02 A building or use having frontage on a second street may include 20 percent of the length of the lot facing the second street.

12.03 Standard of Measurement. A building permit shall be required before any sign

may be installed or erected on any property. A business sign covenant shall hereinafter be part of this ordinance requiring that any sign erected within the city limits be of a quality and appearance of general acceptance to community standards. The City Council or its designee will have the final discretion in determining what those standards entail.

12.04 If at any time the City Council deems a sign in violation of "acceptable community standards" after it has been erected, because of lack of maintenance or change of business ownership, the City Council may order the sign be removed or repaired depending on the particular circumstances.

12.1 Signs Permitted in the "R-1" District.

12.11 Real estate signs of a temporary nature, not exceeding two in number per lot nor larger than six square feet set back 20 feet from any highway, street or road.

12.12 Small announcement or professional signs, not over six square feet in area, may be erected in connection with any of the permitted principal uses of nonresidential nature.

12.13 One nameplate not exceeding two square feet for each dwelling.

12.2 Signs Permitted in the "R-2" District.

12.21 Signs as permitted and regulated in Section 12.1.

12.3 Signs Permitted in the "R-3" District.

12.31 Signs as permitted and regulated in Section 12.2.

12.32 Signs flat against the building, appertaining to any of the permitted principal uses of a nonresidential character.

12.4 Signs Permitted in the "B-1" District.

12.41 Signs as permitted and regulated in Section 12.3, except as hereinafter modified.

12.42 The total area of all signs permitted on any one lot shall not exceed two times the number of linear feet the lot abuts on the street.

12.5 Signs Permitted in the "B-2" District.

12.51 Signs as permitted and regulated in Section 12.4, except as hereinafter modified.

12.52 Billboards and signboards subject to the same height and location requirements as other structures in the "B-2" District and also subject to the following conditions and restrictions:

12.521 No billboard, signboard or similar advertising signs shall be located at intersections so as to obstruct vision, hearing or interfere with pedestrian or vehicular safety.

12.522 No billboard, signboard or similar advertising signs shall be located within 50 feet of any lot in an "R-1" District or within 40 feet of any lot in an "R-2" District.

12.523 No billboard or signboard shall exceed 300 feet in area.

12.524 No billboard, signboard or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

12.53 Elevated signs at least five feet from any lot line.

12.54 Projecting signs at least eight feet above the sidewalk and extending no further than five feet from the building to which it is attached.

12.6 Signs Permitted in the "I-1" District.

12.61 Signs as permitted and regulated in Section 12.5.

ARTICLE XIII - SPECIAL PROVISIONS

13.0 Off-Street Parking Areas and Loading Spaces.

13.1 Sidewalk Standards. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

13.101 Cement. Portland cement shall be the only cement used in the constructions and repair of sidewalks.

13.102 Construction. Sidewalks shall be of one-course construction.

13.103 Sidewalk Base. Concrete may be placed directly on compact and well drained soil. Where soil is not well drained, a three (3) inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.

13.104 Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be established grade.

13.105 Length, Width, and Depth. Length, width and depth requirements are as follows:

13.1051 New Residential Sidewalks. Shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than four (4) feet in length.

13.1052 Pre-Existing Sidewalks may be replaced using pre-existing conditions.

13.06 Business Sidewalks. Shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length.

13.107 Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council establishes a different distance due to special circumstances.

13.108 Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.

13.109 Elevations. The street edge of a sidewalk shall be at an elevation even with the curb and or street; at the curb and or street; or not less than one-half (1/2) inch above the curb for each foot between the curb and the sidewalk.

13.110 Slope. All sidewalks shall slope one quarter (1/4) inch per foot toward the street.

13.111 Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.

13.112 Ramps for Persons with Disabilities. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch rise per eight (8) inches lineal distance may be used when necessary, shall have non-skid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for persons with disabilities using sidewalk.

13.2 In all district, in connection with every building or part thereof hereafter erected, having a gross floor area of 2,500 square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building at least one off-street loading space accessible from an alley, easement of access, or, when there is no such alley or easement of access, from a street, plus one additional such loading space for each 10,000 square feet or major fraction thereof of gross floor area so used in excess of 15,000 square feet. Such space may occupy all or any part of a required rear yard, or, with authorization of the Board of Adjustment, part of any other yard or court space on the same premises.

13.21 In all districts except "B-1", off-street accessory parking area, in the open or in a garage, shall be provided in connection with the uses set forth hereinafter and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas, in the case of "R" Districts and for dwellings in other districts, shall be on the premises intended to be served; such areas shall be on the premises intended to be served or on adjoining or nearby property within 100 feet of any part of said premises and in the same or less restricted district.

13.22 Number of Parking Spaces Required.

<u>USE</u>	<u>Parking Spaces Required</u>
Automobile or Machinery Sales and Service Garages	1 for each 1,000 square feet of floor area plus 1 for each full-time employee
Banks, Business and Professional Office	1 for each 200 square feet of floor area
Churches and Schools	1 for each 4 seats in principal auditorium
Convenience Stores (Grocery, Hardware, Drug)	1 for each 300 square feet of floor area devoted to sales plus 1 for each full-time employee
Assembly Halls	1 for each 50 square feet of floor area
Drive-In Eating Establishments	Not less than 1/3 of the total ground area be devoted Exclusively to parking and access ways
Food Pick-up Establishments area	Minimum of 1 plus 1 for each 100 square feet of floor
Funeral Homes, Mortuaries	6 per chapel room or parlor or 1 per 50 square feet of Rooms used for services, whichever is greater
Nursing Homes and similar Care Centers	1 for each bed 5 beds plus 1 for each 2 doctors and employees
Medical or Dental Clinics	1 for each exam room plus 1 for each employee
Motels or Hotels	1 for each unit, plus 1 for each 2 employees on maximum shift
Motor Fuel Stations	1 for each employee on duty plus 2 for each service bay

Barber/Beauty Shops	2 for each styling chair and 1 for each 2 employees on shift
Restaurants	1 for each 3 seats plus 1 for each 2 employees on maximum shift
Department/Furniture and Similar Stores	1 for each 500 sq. feet of floor area plus 1 for each full-time employee
Taverns or Bars	1 for each 2 seats plus 1 for each 2 employees on maximum shift
Wholesale Establishments	2 for each 4 employees on maximum work shift
Single-Family Dwelling	2 for each dwelling unit
Multi-Family Dwelling	1-1/2 for each dwelling unit

In the case of any use which is not specifically mentioned herein, the provisions for a similar use which is mentioned shall apply.

13.23 Handicapped Parking Spaces. Off-street public parking facilities and/or nonresidential parking in off-street public parking facilities shall provide not less than two percent of the total parking spaces in each parking facility as handicapped parking spaces rounded to the nearest whole number of handicapped parking spaces.

13.24 Parking facilities having ten or more parking spaces shall set aside at least one handicapped parking space.

13.25 On-street parking areas within a business district shall designate not less than two percent of the total parking spaces within each business district as handicapped parking spaces.

13.26 Units of Measurement.

13.27 Parking Space. Each parking space rectangular in shape shall not be less than 8 1/2 feet wide and 20 feet long, or not less than 170 square feet in area exclusive of access drives or aisles.

13.28 Loading Space. Each loading space shall not be less than 10 feet wide, 40 feet in length and 14 feet in height, exclusive of access and turning area.

13.29 Floor Area. In the case of merchandising or service types of use, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or restrooms, utilities, or dressing rooms.

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

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

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

13.33 Exceptions.

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

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

13.333 Garages, Motor Fuel Stations, and Car Washes.

13.334 No building, structure or premises shall be used, erected or altered which is intended or designed to be used as a public garage, automobile repair shop, motor fuel station or car wash having an entrance or exit for vehicles in the same block-front and having an entrance or exit for vehicles in the same block-front and within 200 feet of any school, public playground, church, hospital, public library or institution dependents or for children, and no such entrance or exit shall be located within the same block-front and within 20 feet of any "R" District; not shall any part of such public garage, automobile repair shop, motor fuel station, or car wash be located within 100 feet of any building or grounds of any of the aforesaid public or institutional uses.

13.335 All activities incidental to the sale of gasoline or oil such as battery and tire repair, car washing and greasing shall be conducted within the building and there shall be no storage or accumulation of miscellaneous equipment, machinery or motor vehicles, disabled or otherwise, outside of the principal structure.

13.336 Hotels or Motor Hotels.

13.337 No vehicular entrance to or exit from any motel or motor hotel wherever such may be located shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or on another street, which the premises in question do not abut.

13.338 The following regulations shall be complied with:

13.339 Any lot to be used for a motel or motor hotel shall be not less than 15,000 square feet in area and shall contain not less than 1,000 square feet of lot area per sleeping unit. All buildings and structures on the lot shall occupy in the aggregate not more than 25 percent of the area of the lot.

13.34 All areas used for automobile access parking shall comply with the provisions of Subsection 13.22.

13.341 All areas not used for access, parking, circulation, buildings and services shall be completely landscaped and the entire site maintained in good condition.

13.342 No enlargements or extensions to any motel or motor hotel shall be permitted unless the existing one is made to conform substantially to all the requirements for new construction for such an establishment.

13.343 Fencing.

13.343.1 The following provisions regarding fencing requirements shall apply in all "R-1", "R-2" Districts:

13.343.11 A "fence" shall mean any barrier, boundary, or other device constructed wood, steel, aluminum, plastic, brick, cement, stone, clay, rock or masonry. It shall specifically exclude the plaiting of vegetation along a borderline.

13.343.12 The following regulations shall be complied with:

13.343.13 All fencing must be inside the property line with a minimum of (1) foot, and shall be of good appearance and properly maintained.

13.343.14 All fencing must not exceed building setback or front of existing structure.

13.343.15 Fencing must not exceed (6) feet in height (except for pool fencing as defined below) at the frontage of the building, dwelling or other structure. Fencing must not exceed (8) feet in height at the side or rear yard of such building, dwelling or structure.

13.343.16 Fencing of (8) feet in height maximum may exist past the frontage of a dwelling in an "R-1", "R-2" District, but not only next to the property line of existing parking lot that presently exists is abandoned, torn down, or otherwise removed, then said maximum (8) foot fencing must be lowered to a maximum height of (6) feet.

13.343.17 Fencing at the rear of a building, dwelling, or other structure that abuts an alley, street, sewer line, gas line, water line, or any City owned property or underlying City owned or utility owned lines or components outside the property lines shall have a setback of (6) feet from the property line. Residential properties abutting one another do not require fence setbacks.

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

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

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

13.343.21 Fencing at any property corner, alleys, or intersections must comply with Article 3.73.

13.343.22 Any fence in Front Yard shall be a minimum 1 foot above ground and no more than four foot tall.

13.4 A "swimming pool: within the meaning of this section shall be any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent, and either above or below ground in which water of more than Five (5) feet in depth is contained and which is used primarily for purpose of bathing and swimming.

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

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

LOT, AREA, FRONTAGE & YARD MINIMUM REQUIREMENTS

(Subject to additional requirements, exceptions and Modifications in Section 14.3 and 14.4 inclusive)

DISTRICT	1 *	2 *	3 *	4 *	5 *	TOTAL	TOTAL
						LOT AREA /	PER FAMILY
R-1 1 to 1 1/2 story	65'	30'	6'	14'	30'	8500 sq. ft.	
R-1 2 to 2 1/2 story	65'	32'	8'	18'	30'	8500 sq. ft.	
R-2 1 to 1 1/2 story	60'	30'	6'	14'	30'	6,000 sq. ft./5,000 sq. ft.	
R-2 2 to 2 1/2 story	60'	32'	8'	18'	30'	6,000 sq. ft./5,000 sq. ft.	
R-2 1 to 2 1/2 story	50'	30'	6'	13'	30'	5000 sq. ft./3000 sq. ft.	
R-2 2 to 2 1/2 story	50'	32'	7'	15'	30'	5000 sq. ft./3000 sq. ft.	
R-2 3 story	55'	35'	8'	20'	35'	5000 sq. ft./3000 sq. ft.	
B-1 Retail Business	None	None	None	10'			
B-2 General Business	50'	25'	None	10'		None/None	

- * # 1 — Minimum Lot Width
- # 2 — Minimum Front Yard Depth
- # 3 — Minimum (Each) Side Yard Width
- # 4 — Total Side Yards Must Equal
- # 5 — Minimum Rear Yard Depth

+ = When adjoining an "R" District minimum the same as "R" otherwise None

- R-1 District = One Family Residential District
- R-2 District = Multi-Family Residential District
- B-1 District = Retail Business District
- B-2 District = General Business District

ARTICLE XIV-ADDITIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS

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

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

14.11 To barns, silos, or other farm buildings or structures on farms, provided these are not less than 50 feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than 4 feet above the limiting height of the building. However, if, in the adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment.

14.12 To places of public assembly such as churches, schools, and other permitted public and semi-public buildings not to exceed six stories or 75 feet, provided that for each foot by which the height of such building and rear yards required for the highest building otherwise permitted in the district.

14.13 To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lots; to monuments, fire towers, hose towers, cooling towers, grain elevators gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Adjustment.

14.2 Front Yard Exceptions and Modifications.

14.21 Front Yard Requirements Do Not Apply. To bay windows or balconies occupying in the aggregate not more than 1/3 of the front wall, provided that these projections come entirely within planes drawn from either main corner of the front wall, making an interior angle of 22-1/2 degrees in the horizontal plane with the front wall: to chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches, plantings, or similar features not over three feet high above the average finished grade and distant five feet from every lot line.

14.22 In any district where the average depth of two or more existing front yards on lots within 100 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average of said existing front yards or the average depth on the two lots immediately adjoining; or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any "R" district shall be at least 20 feet and need not exceed 50 feet.

14.3 Side Yard Exceptions and Modifications.

14.31 Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have at least width equal to that required in the more restrictive district. Where a lot in an "I" or "B" District abuts a lot in an "R" District, the side yard shall be increased by three feet for each story that the building proposed on such lot exceeds the height limit of the said "R" District.

14.32 Side Yards Shall be Increased. In width by two inches for each foot by which the length of the wall of the building, adjacent to the side yard, exceed 40 feet in any "R-1" District, or 50 feet in any "R-2" District.

14.33 Side Yards May be Reduced. By three inches from the otherwise required least width of each side yard for each foot by which a lot of record at the time of enactment of the ordinance is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than 2-1/2 stories, and in case the owner of record does not own any adjoining property; provided, however, and irrespective of the provisions of Subsection 14.44 that no side yard shall be narrower at any point than three feet.

14.34 Lot lines shared by two different property owners. Before issuing a building permit for a fence proposed to be located on a lot line that is shared by two or more different property owners, the City of Morning Sun will require the following conditions be met:

14.341 The owners of the properties that share the lot line on which the proposed fence will be located must sign a written agreement that outlines the material the fence will be constructed from, the location of the fence, and the agreement of both property owners to all of the above conditions.

14.342 The agreement must then be filed with the County Recorder.

14.343 A copy of the agreement and proof of filing with the County Recorder must be presented to the Zoning Administrator before the permit can be approved.

14.344 If an agreement can not be reached between the property owners on a shared lot line fence, and fence constructed on either property must be a minimum of three (3) feet from said shared lot line.

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

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

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

14.371 Chimneys, flues, belt courses, leaders, sills, pilasters and lintels, ornamental features, cornices, eaves, gutters and the like, into or over a required side yard not more than 11/2 feet.

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

14.4 Rear Yard Exceptions and Modifications.

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

14.42 Rear Yards May be measured to the Centerline of Adjoining Alleys. But in no case shall a building or structure be erected within 6 feet of such an alley.

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

14.431 Chimneys, flues, belt courses, leaders, sills, pilaster, lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required rear yard not more than 11/2 feet.

14.44 Any platted lot of record before 1972; The front yards may be same as average of adjoining property or a minimum of 20 feet. Side yards minimum may be 3 ft., rear yards minimum 6 ft. This shall include those lots in an "R" District only.

ARTICLE XV - ENFORCEMENT

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

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

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

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

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

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

15.6 Trees. No person shall plant a tree on City Property unless given permission by the City. No person shall plant in the City's Right of Way area between property lines and the street without a permit from the City.

ARTICLE XVI - BOARD OF ADJUSTMENT

16.0 Creation, Membership and Procedure. A Board of Adjustment consisting of five members shall be appointed by Council in accordance with the provisions of Chapter 415, Code of Iowa, 1991. At least one such member shall be named from among the members of the Morning Sun Planning and Zoning Commission. The appointing authority may remove any member of the Board for cause and after public hearing.

16.01 The Board shall elect its own Chairman and shall have the power to adopt rules and regulations for its own government, not inconsistent with law or with the provisions of the ordinance or any other ordinances of the City. Meeting shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel attendance of witnesses. The Secretary of the Planning and Zoning Commission shall act as the Board's secretary.

16.02 Meetings of the Board shall be open to the public, minutes shall be kept of proceedings, showing the action of the Board and the vote of each member upon each questions, or if absent or failing to vote, indicating that fact, and records shall be made of the Board's examinations and other official actions, all of which shall be filed immediately in the office of the Board as a public record.

16.03 Three members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of the City Council or its designee, or to decide in favor of an applicant any matter upon which it is required to pass under the ordinance, or to effect any variation in the requirements of the ordinance.

16.04 The Board may call on the City departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

16.1 Applications and Appeals.

16.11 An application to the Board, in cases in which it has original jurisdiction under the provisions of the ordinance, may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau. Such application shall be filed with the City Council or its designee, together with a fee of \$100, who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application to the Board.

16.12 An appeal to the Board may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau affected by any ruling of the City Council or its designee, Such appeal shall be taken within a minimum of 30 days as prescribed by the rules of the Board, by filing with the City Council or its designee a notice of appeal specifying the grounds thereof. The City Council or its designee shall forthwith transmit to the Board such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed from were taken. A fee of \$100 shall also accompany the appeal.

16.13 The Board shall fix a reasonable time, not to exceed 30 days, for the hearing of an application or of an appeal. it shall give at least 16 days' notice of the time and place of such hearing by insertion in a newspaper published in the community, and shall also give notice delivered by first class mail at least five days before the time fixed for such hearing to the applicant or appellant and to the Building Inspector, and to the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent or by attorney. The Board shall decide the application or appeal within a reasonable time, not to exceed 90 days unless a complication arises with a state or federal agency.

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

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

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

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

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

16.222 Temporary Uses and Permits.

16.2221 The temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by the ordinance, provided that such use of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a Twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

16.2222 The temporary use of a building or premises in undeveloped sections for a purpose that does not conform to the regulations prescribed by the ordinance, provide that such structure or use is of a true temporary nature, is incidental to the development of such undeveloped sections, is promotional in nature, and does not involve the erection of substantial buildings. Such permit shall be granted in the form specified under Subsection 16.2221.

16.223 Certain Industries in "I-1" Districts. In determining whether certain uses shall be located in an "I-1" District, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a special exception, the Board shall determine whether the proposed exception or use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board may utilize and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering research organizations, and can be applied to the proposed uses to assist it in reaching a fair and objective decision. Upon authorizing a special use and-or exception, the Board may impose such requirements and conditions in addition to those expressly stipulated in this report for the particular special use and-or exception as the Boar may deem necessary for the protection of adjacent properties and public interest.

16.224 Interpretation of Map. Where the street or lot layout actually on the ground or as recorded, differs from the street and lot lines indicated on the Zoning Map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of the ordinance for the particular section or district in question.

16.23 Administrative Review and Variances. The Board of Adjustment also shall have the power:

16.231 Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, decision, grant or refusal made by the City Council or its designee in the enforcement of the provisions of the ordinance.

16.232 Variances. To authorize on appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done as follows:

16.2321 Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the ordinance, or by reason of exceptional topographic conditions, or other extraordinary and exceptional situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the provisions of the ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, unnecessary to carry out the spirit and purpose of the ordinance, shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the interest of the furtherance of the purposes of the ordinance.

16.2322 No such variance in the provisions or requirements of the ordinance shall be authorized by the Board unless the Board finds beyond reasonable doubt that all of the following conditions exist:

- a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or the intended use of the property that do not

apply generally to other properties or class of uses in the same zoning district.

b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.

c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of the ordinance or the public interest.

16.2323 No grant or variance shall be authorized unless the Board specifically finds the condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment of the ordinance, for such conditions or situations.

16.2324 The Board shall have no power to authorize a variance for the establishment of a nonconforming use where not previously existed.

16.2325 In considering a request for a variance from the regulations concerning signs, the Board shall give consideration and arrive at a finding on the following:

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

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

16.25 Review by Council. The Council may review any variances granted by the Board of Adjustment before its effective date and may reverse or affirm, in whole or in part, or may remand a decision to the Board of Adjustment for further study. Such review shall be taken within thirty (30) days of the decisions of the Board of Adjustment.

16.3 Judicial Review. All final administrative decisions of the Board of Adjustment shall be subject to judicial review pursuant to the provisions Chapter 414, Code of Iowa, 1991, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

16.4 Mobile home ordinance administrative review and variances.
The board of adjustment shall have all of its administrative review and variance powers in connection with the City of Morning Sun Mobile Home ordinance, Ordinance Title VI, Chapter 7.

ARTICLE XVII-DISTRICT CHANGES AND ORDINANCE AMENDMENTS

17.0 In accordance with the provisions of Chapter 414, Code of Iowa, 1991, the City Council may from time to time amend or change by ordinance the number, shape or area of districts established on the Zoning Map or the regulation set forth in the ordinance; but no such amendment or change shall be come effective unless the ordinance proposing such amendment or change shall first be submitted to the Planning and Zoning Commission for approval, disapproval or suggestions and said Commission shall have been allowed a reasonable time, not less than 30 days, for consideration and report.

17.1 Before submitting its recommendations and report to the Council, the Planning and Zoning Commission shall hold a public hearing on the proposed amendment, supplement or change. It shall give not less than 15 or more than 30 days' notice of the time and place of such hearing by publication in a newspaper published in the community and by mailing notices to all property owners directly involved, contiguous to or directly across a street or alley from the area proposed to be altered.

17.2 Any person desiring a change in zoning of property may make application therefore, and in so doing shall accompany the petition for such change in zoning, or the ordinance introduced for the purpose of changing such zoning, with a fee in the amount of \$75 toward the cost of processing the application.

17.3 During the 15 days prior to the public hearing the text or copy of the text of such ordinance or petition, together with the maps or plans or copies thereof shall be on file, for public examination, in the office of the Secretary o the Planning and Zoning Commission. No ordinance which differs from the recommendation made by the Planning Commission shall become effective unless passed by not less than 3/4 of all members of the Council.

17.4 In case of a written protest against a proposed change in the boundaries of a district signed and acknowledged by the owners of 20 percent or more of either the frontage proposed to be altered, or of the frontage immediately adjoining or across an alley there from, or directly opposite the frontage proposed to be altered, is filed with the City Council such amendment shall not be passed or become effective except by the favorable vote of 3/4's of all members of the Council.

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

SUBDIVISION REGULATIONS

SECTION 1. TERRITORIAL LIMITS OF REGULATIONS

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

SECTION 2. DEFINITIONS

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

- a. Alley or service drive - A passage or way affording generally a secondary means of vehicular access to abutting properties.
- b. Building Inspector - The Building Inspector of the City of Morning Sun.
- c. City Council - The governing body of the city.
- d. City Engineer - The engineer for Morning Sun.
- e. Collector Street - A street serving as a connection between a thoroughfare and minor or local street.
- f. Cul-de-sac - A minor residential street with a turn-around.
- g. Lot - A parcel of land intended for transfer of ownership or building development, whether immediate or future. A lot shall have frontage on a public street.
- h. Local Street- A street intended to serve and to provide access to neighborhoods.
- i. Minor Street- Any street not a highway, primary, or secondary thoroughfare, or local street, and intended to serve and provide access exclusively to the properties abutting thereon.
- J. Official or City Plan - The adopted plan for orderly growth of the city.
- k. Primary or Secondary Thoroughfare - The streets or roads designated as such in the Transportation Plan.
- l. Plats Officer - The employee designated by City Council to administer the Regulations.
- m. Subdivision - The division or restructuring of a subdivision in a tract or parcel of land into two (2) or more lots, plots, sites or other division of land;

or the consolidation or parcels, for the purpose, whether immediate or future, of transfer of ownership or building development. A restructuring of a subdivision of land or lots shall also be considered a subdivision.

- n. If the City does not have a Building Inspector, a City Engineer, or a Plats Officer then in each case, those duties shall be performed by the City Council or its designee.

SECTION 3. GENERAL

Within the territorial limits of the Regulations, no person, firm or corporation shall change, restructure, subdivide, or rearrange the boundary or division line of any lot or parcel of land, or divide the same by any means into lots for any purpose. Nor shall any such person, firm or corporation begin with any construction work in a proposed subdivision, including grading, without complying with provisions of the Regulations and before obtaining the tentative approval of the preliminary plat of the proposed subdivision as hereinafter provided.

Unless approved as a final plat as provided herein, no subdivision shall be entitled to be recorded in the County Recorder's office or have any validity; the Building Inspector shall not issue building or repair permits for any structure on a lot in any subdivision built in violation of the Regulations; the City Council shall not accept any public improvements or services in such subdivision.

Any person, firm or corporation who violates, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of the Regulations, is guilty of a public offense and upon conviction therefore shall be subject to a fine not to exceed \$100.00 or imprisonment not to exceed 30 days for each day of violation; and each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 4. PROCEDURE

Sketch Plan

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

Preliminary Plat

2. The person subdividing shall supply black or blue line prints to all public utilities. The person subdividing shall file with the Plats Officer an application in writing seeking the approval of said plat, accompanied by four (4) black lines or blue line prints (five (5) prints if subdivision lies outside city limits but within area of jurisdiction). Said application shall be submitted at least one (1) week prior to a regularly scheduled meeting of the Planning and Zoning Commission.

3. The Planning and Zoning Commission will check the preliminary plat as to its conformity with the adopted City Plan and ordinances of the city and principles, standards and requirements set forth in the Regulations. The Plats Officer and City Engineer will check the construction plans of proposed improvements. The Planning and Zoning Commission, upon receipt of the recommendations and advice from the Plats Officer and City Engineer will check the construction plans of proposed improvements. The Planning and Zoning Commission, upon receipt of the recommendations and advice from the Plats Officer and City Engineer concerning matters above, will approve, approve with modifications or disapprove the preliminary plat within thirty (30) days of receipt of the plat. If the preliminary plat is disapproved by the Commission, the person subdividing shall be furnished with a letter and copy of the plat stating the reason for disapproval and where the plat does not conform to municipal ordinances including the Comprehensive Plan. Such notification shall take place within the thirty (30) day period. Upon approval of the preliminary plat, one

(1) copy of the approved or conditionally approved plat shall be returned to the person subdividing within ten (10) days following Commission action, one (1) copy of the approved plat transmitted to the Superintendent of the Morning Sun Community School District, and one (1) to the City Engineer and the final copy retained on the Planning and Zoning Commission files. Where the subdivision lies outside the corporate limits but within the limits or jurisdiction, a copy of the plat will be transmitted to the County Engineer.

IMPROVEMENTS

4. The person subdividing, after approval of the preliminary plat, may: (a) secure from the Plats Officer the necessary permits to proceed with the street and sanitary improvements after approval of final construction drawings; or in lieu of this, (b) shall, to insure the satisfactory installation of said improvements in accordance with the Commission's regulations post with the City Clerk a surety bond, in form prescribed by the City Council sufficient to cover the full costs of said improvements based upon estimate approved by the City Engineer.

FINAL PLAT

5. The person subdividing, upon completion of all improvements required by the Regulations, or upon posting of a bond, shall file with the Planning and Zoning Commission the final or record plate for final approval. The plat must conform in every respect with the requirements specified in Number 7 of this report. The person subdividing shall submit the final plat not later than one (1) year after approval of the preliminary plat. A final or record plat may be a portion of a larger subdivision for which a preliminary plat had been previously approved. The person subdividing will submit plans for all or parts of subdivision for final approval. The person subdividing shall file with the Planning and Zoning Commission five

(5) black line or blue line prints six (6) copies when subdivision is outside city limits), the original tracing, and a formal request for approval, along with two (2) copies of all covenants or restrictions pertaining to the plat. The City Engineer and Plats Officer will check the final plat and plans and specifications for

improvements. If found satisfactory, the original tracing shall be forwarded to the Commission, with a certificate showing that (a) the technical details of the plat itself have been checked and found satisfactory (b) all required improvements have been satisfactorily completed, or in lieu thereof, a surety bond has been posted, assuring their installation.

6. After receiving notification from the City Engineer and Plats Officer that improvements are in order and after being satisfied that the final plat is in conformity with the approved preliminary plat and Regulations the Planning and Zoning Commission shall approve and certify the final plat and forward it to City Council for appropriate action. The Commission and City Council shall have sixty (60) days from the date of submission in which to take action on the final plat. After approval of the plat by the City Council, four (4) (five (5) if subdivision is outside city limits) approved prints and original tracing of the final plat shall be returned to the Plats Officer. The Plats Officer shall transmit one (1) copy of the approved plat to the City Engineering, one (1) to the Superintendent of the Morning Sun Community School District, one (1) to the Building Inspector, and retain one (1) for his files. One (1) copy shall be transmitted to the County Engineer if the subdivision is outside the city limits. The original tracing shall be transmitted to the person subdividing for recording.

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