

*City of Radcliffe, Iowa*

# **Zoning Ordinance**

**Zoning Ordinance of 2000**

## R-22W



SCALE IN KILOMETERS

# TABLE OF CONTENTS

<b>CHAPTER 1</b>	<b>1</b>
<b>CHAPTER 2</b>	<b>1</b>
SHORT TITLE	1
<b>CHAPTER 3</b>	<b>2</b>
DEFINITIONS	2
<b>CHAPTER 4</b>	<b>13</b>
DISTRICTS AND GENERAL REGULATIONS	13
Section 1. Districts	13
Section 2. Map	13
Section 3. General Regulations and Provisions	14
Section 4. Use Regulations	14
Section 5. Height Regulations	14
Section 6. Area Regulations	15
Section 7. Visual Clearance at Intersections	15
Section 8. Fences and Walls	15
Section 9. Accessory Buildings	16
Section 10. Home Occupations	16
Section 12. Adult Entertainment Businesses	17
Section 13. Annexation of Territory	18
Section 14. Application for Building Permit	18
<b>CHAPTER 5</b>	<b>20</b>
A-1 AGRICULTURAL RESERVE DISTRICT	20
<b>CHAPTER 6</b>	<b>22</b>
R-1 RESIDENTIAL DISTRICT	22
<b>CHAPTER 7</b>	<b>24</b>
B-1 CENTRAL BUSINESS DISTRICT	24
<b>CHAPTER 8</b>	<b>26</b>
B-2 HIGHWAY COMMERCIAL DISTRICT	26
<b>CHAPTER 9</b>	<b>28</b>
M-1 MANUFACTURING DISTRICT	28
<b>CHAPTER 10</b>	<b>30</b>
SIGNS	30
<b>CHAPTER 11</b>	<b>35</b>
SPECIAL USE REGULATIONS	35
<b>CHAPTER 12</b>	<b>40</b>
NONCONFORMING USES	40
<b>CHAPTER 13</b>	<b>41</b>
BOARD OF ADJUSTMENT	41
<b>CHAPTER 14</b>	<b>45</b>

INTERPRETATION, PURPOSES AND CONFLICT .....	45
CHAPTER 15.....	46
ENFORCEMENT.....	46
CHAPTER 16.....	47
CHANGES AND AMENDMENTS.....	47
CHAPTER 17.....	48
VIOLATION AND PENALTY .....	48
CHAPTER 18.....	49
VALIDITY .....	49
CHAPTER 19.....	50
REPEAL OF CONFLICTING ORDINANCES.....	50
CHAPTER 20.....	51
EFFECTIVE DATE.....	51

AN ORDINANCE ENTITLED THE ZONING ORDINANCE OF 2000 ENACTED TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, COMMERCE, RESIDENCE, OR OTHER PURPOSES; TO REGULATE AND RESTRICT THE HEIGHT OF BUILDINGS HEREAFTER ERECTED OR ALTERED; TO REGULATE AND DETERMINE THE AREA OF YARDS AND OTHER OPEN SPACES ABOUT BUILDINGS; TO REGULATE AND DETERMINE THE DENSITY OF USE OF LAND AND LOT AREAS AND FOR SAID PURPOSES TO DIVIDE THE CITY INTO DISTRICTS; AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS AND TO PROVIDE FOR ITS ENFORCEMENT AND A BOARD OF ADJUSTMENT; AND REPEALING ANY ORDINANCE OR ANY PART OF ANY ORDINANCE, INCLUDING, BUT NOT LIMITED TO, ANY PROVISION OF CHAPTER 17 OF THE CITY OF RADCLIFFE CODE OF ORDINANCES, KNOWN AS THE CITY OF RADCLIFFE, IOWA ZONING ORDINANCE, AND ALL AMENDMENTS THERETO, THAT CONFLICTS WITH ANY PROVISION OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Radcliffe, Iowa, deems it necessary to enact this Ordinance in order to lessen congestion in the streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of buildings and property and encourage the most appropriate use of land throughout the city with reasonable consideration and in accordance with a comprehensive plan.

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

#### **CHAPTER 1**

That any ordinance, or any part of any ordinance, including, but not limited to, any provisions of The City of Radcliffe, Iowa, Zoning Ordinance and all amendments hereto, that conflicts with any provisions of this Ordinance are hereby repealed.

#### **CHAPTER 2 SHORT TITLE**

This Ordinance shall be known as the Zoning Ordinance of 2000.



## **CHAPTER 3 DEFINITIONS**

In the interpretation of this Ordinance, unless the context clearly indicates otherwise, certain words and combination of words are to be construed as hereinafter defined. Words used in present tense shall include the future; the singular shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

1. **Accessory Building**: A subordinate building the use of which is incidental to that of the dominant use of the main building or land.
2. **Accessory Use**: A use which is incidental to the main use of the premises.
3. **Adult Entertainment Business**: Those places of commerce commonly called "adult book stores", i.e., a commercial establishment having as a substantial or significant portion of its stock in trade books, films, video cassettes, magazines and other material which is distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas". It also includes establishments which features live performances that are characterized by the exposure of "specified anatomical areas", commercial establishments commonly called "adult" or "triple X" theaters or movie arcades, i.e., places used for presentation, for a price, of motion picture films, video cassettes, cable television, or any similar visual media distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons.
4. **Amusement and Recreation Services**: Uses considered in this category include, but not limited to the following: Dance studios, schools, and halls; Theatrical producers (except motion picture) and miscellaneous theatrical services; Bands, orchestras, actors, and other entertainers and entertainment groups; Bowling centers; Professional sports clubs and promoters; Racing, including track operation; Physical fitness facilities; Public Golf courses; Coin-operated amusement devices; Amusement parks; Membership sports and recreation clubs; Amusement and recreation services.
5. **Antenna**: A microwave or television device, dish or array used to transmit or receive telecommunications signals.
6. **Apparel and Accessory Stores**: Uses considered in this category include, but not limited to the following: Men's and boy's clothing and accessory stores; Women's clothing stores; Women's accessory and specialty stores; Furriers and fur shops; Other women's accessory and specialty stores; Children's and infant's wear stores; Family clothing stores; Men's shoe stores; Women's shoe stores; Children's and juveniles' shoe stores; Family shoe stores; Athletic footwear stores.



7. Apartment, efficiency: A dwelling unit consisting of one principal room, in addition to a bathroom, hallway, closets, which serves as the occupant's living room, bedroom, and, in some instances, the kitchen.
8. Automotive Dealers and Gasoline Service Stations: Uses considered in this category include, but not limited to the following: New and used car dealers; Used car dealers; Auto and home supply stores; Auto parts, tires, and accessories stores; Home and auto supply stores; Gasoline service stations; Gasoline/convenience stores; Other gasoline service stations and truck stops; Boat dealers; Recreational vehicle dealers; Motorcycle dealers; Automotive, dealers, not elsewhere classified.
9. Automotive Repair, Services, and Parking: Uses considered in this category include, but not limited to the following:; Truck rental and leasing, without drivers; Passenger car rental; Passenger car leasing; Utility trailer and recreational vehicle rental; Automobile parking; Top, body, and upholstery repair shops and paint shops; Automotive exhaust system repair shops; Tire re-treading and repair shops; Automotive glass replacement shops; Automotive transmission repair shops; Automotive repair shops; Car washes; Automotive services, except repair and car washes.
10. Bed and Breakfast operation: A private residence which provides lodging and meals for guests and in which the host or hostess resides, and while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, and serves food only to overnight guests.
11. Building: Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.
12. Building, Height of: The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge of a gable, hip or gambrel roof.
13. Building Materials and Garden Supplies Stores: Uses considered in this category include, but not limited to the following: Lumber and other building materials dealers; Paint, glass, and wallpaper stores; Hardware stores; Retail nurseries, lawn and garden supply stores; Manufactured (Mobil) home dealers.
14. Business Services: Uses considered in this category include, but not limited to the following: Advertising Agencies; Outdoor advertising services; Radio, television, and publishers' advertising representatives; Advertising; Adjustment and collection services; Credit reporting services; Direct mail advertising services; Photocopying and duplicating services; Commercial photography; Commercial art and graphic design; Secretarial and court reporting services; Disinfecting and pest control services; Building cleaning and maintenance services; Medical equipment rental and leasing; Heavy construction equipment rental and leasing; Equipment rental and leasing; Employment agencies; Help supply services; Computer programming services; Prepackaged software; Computer integrated systems; Computer processing and data preparation and processing services; Informational retrieval services; Computer facilities management services; Computer rental and leasing; Computer maintenance and repair: Computer



related services; Detective, guard, and armored car services ; Security systems services; News syndicates; Photo-finishing laboratories.

15. Bulk Requirements: Requirements which relate to density, including height, setback, separation distance, and lot width.
16. Canopy: A roof projecting from and entirely supported by a wall of a building.
17. Car Porte: A roof over a driveway.
18. Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
19. Church: Any building the primary use of which is to provide a place in which people may worship.
20. Communications Tower: A tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed, or on a building.
21. Conditional Use: See Special Use.
22. Development: The division of land into two or more parcels, for the construction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure.
23. Developmental Disability: a disability of a person which has continued or can be expected to continue indefinitely and which is one of the following:
  - a) Attributable to mental retardation, cerebral palsy, epilepsy, or autism.
  - b) Attributable to any other condition found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation or requires treatment and services similar to those required for the persons.
  - c) Attributable to dyslexia resulting from a disability described in either subparagraph 'a' or 'b'.
  - d) Attributable to a mental or nervous disorder.
24. District: Any section of the City of Radcliffe, Iowa, in which the zoning regulations are uniform for the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use.
25. Dwelling: Any building or portion thereof which is designed or used for residential purposes, but not including a tent, cabin, automobile, mobile home, trailer, recreational vehicle, apartment house, motel or hotel.



26. Dwelling Unit: A room or group of adjoining rooms located within a structure and forming a single habitable unit with facilities which are intended to be used for living, sleeping, eating, cooking, and sanitation.
27. Dwelling, Single-Family: A building containing one dwelling unit.
28. Dwelling, Multiple-Family: A building containing two or more dwelling units.
29. Easement: The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.
30. Eating and Drinking Places: Uses considered in this category include, but not limited to the following: Restaurants; Cafeterias; Refreshment places; Other eating places; Social caterers; Contract feeding; Ice cream and frozen yogurt shops; Drinking places.
31. Engineering, Accounting, Research, Management, and Related Services: Uses considered in this category include, but not limited to the following: Engineering services; Architectural services; Surveying services; Accounting, auditing, and bookkeeping services; Commercial physical and biological research; Commercial economic, sociological, and educational research; Noncommercial research organization; Testing laboratories; Management services; Management consulting services; Public relations services; Facilities support management services; Business consulting services.
32. Family: One or more persons living as a single housekeeping unit and doing their cooking on the premises. The number of unrelated persons living in a single-family household shall not exceed 4.
33. Family Home: A community-based residential home which is licensed as a residential care facility under Chapter 135C of the Iowa Code or as a child foster care facility under Chapter 237 of the Iowa Code to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or a brain injury and any necessary support personnel. However, family home does not mean an individual foster care family licensed under Chapter 237 of the Iowa Code.
34. Farm: Agricultural activity, including forests and forest products; harvest and management; dairy farming; livestock grazing and pasturage; truck gardening; the raising of crops, fruit, and nursery stock; fish farms; the harvesting, processing, packaging, packing, shipping, and selling of products produced on the premises; and incidental farm operations such as machinery, farm equipment, and domestic repair and construction; excluding feedlots.
35. Feedlot: Any tract of land or structure, pen, or corral, wherein cattle, horses, sheep, goats, poultry, fowl, swine, and other similar animals are maintained in close quarters for the purpose of raising such livestock or livestock products for final shipment to market.



36. Fence: An enclosure or barrier such as wooden or metal posts, rails, slats or wire mesh used as a boundary or as a means of screening, protection or confinement.
37. Frontage: The length of the front boundary line of a lot measured along the street line.
38. Furniture and Homefurnishings Stores: Uses considered in this category include, but not limited to the following: Furniture stores; Floor covering stores; Drapery, curtain, and upholstery stores; Miscellaneous home furnishings stores; Household appliance stores; Radio, television, and electronics stores; Computer stores; Computer software stores; Record and prerecorded tape stores; Musical instrument stores.
39. General Merchandise Stores: Uses considered in this category include, but not limited to the following: Department stores; Conventional department stores; Discount or mass merchandising department stores; National chain department stores; Miscellaneous general merchandise stores; Warehouse clubs; Catalog Showrooms; Other miscellaneous general merchandise stores; Grocery stores; Supermarket and other general-line grocery stores; Convenience food stores; Convenience food/gasoline stores; Delicatessens; Meat and fish (seafood) markets; Fruit and vegetable markets; Candy, nut, and confectionery stores; Dairy product stores; Retail bakeries, Retail bakeries-baking and selling; Retail bakeries-selling only; Miscellaneous food stores.
40. Health Services: Uses considered in this category include, but not limited to the following: Offices and clinics of doctors of medicine; Offices and clinics of dentists; Offices and clinics of doctors of osteopathy; Offices and clinics of doctors of chiropractors; Offices and clinics of optometrists; Offices and clinics of podiatrists; Offices and clinics of health practitioners; Skilled nursing care facilities; Intermediate care facilities; Nursing and personal care facilities; General medical and surgical hospitals; Psychiatric hospitals; Specialty hospitals, except psychiatric; Medical laboratories; Dental laboratories; Home health care services; Kidney dialysis centers; Specialty outpatient facilities; Health and allied services.
41. Home-based business: Any business, profession, occupation or trade where the business or activity is not conducted at the place of residence, but where record keeping, bookkeeping and similar activities are permissible at the place of residence. Home-based businesses shall not change the residential character of the residence, nor shall there be any display that will indicate from the exterior that the premises is being utilized in part for any purpose other than that of a dwelling.
42. Home Occupation: Any business, profession, occupation or trade conducted on-site for gain or support which is clearly secondary to the main use of the premises as a dwelling, and does not change the character thereof, or that in connection with which there is no display that will indicate from the exterior that the premises is being utilized in part for any purpose other than that of a dwelling.
43. Hotel: A building in which lodging is, or boarding and lodging are, provided and offered to the public for compensation, wherein is maintained an inside lobby or office supervised by a person in charge at all hours, and through which all tenants must pass to gain access to all rooms.



44. Industry, Heavy: A use engaged in the basic processing and manufacturing of materials or products predominately for extracted or raw materials, or a use engaged in storage or, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
45. Industry, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
46. Institution: A non-profit organization of a public character, or a building occupied by such organization.
47. Junk: Old dilapidated, scrap or abandoned metal, paper, packaging materials, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, and parts thereof.
48. Junk Yard: An area of any lot two hundred (200) square feet or more in size which is used for the storage, abandonment, or keeping of junk, including scrap metals or scrap materials, or for the abandonment or dismantling of machinery, automobile or other vehicles or parts thereof.
49. Kenel. Means a place or establishment other than a pound or animal shelter where dogs or cats not owned by the proprietor are sheltered, fed and watered in return for a consideration.
50. Legal Services: (SIC Major Group 81)
51. Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance and having its principal frontage on a street.
52. Lot, Corner: A lot situated at the intersection of two (2) or more streets.
53. Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.
54. Lot, Zoning: A single tract of contiguous land to be used or developed as one unit under single unified ownership or control, and which meets all minimum requirements and provisions of the Zoning Ordinance.
55. Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County recorder of Hardin County, Iowa, or a parcel of land, the deed of which is recorded in the Office of the County Recorder of Hardin County, Iowa.
56. Manufactured Home: A factory-built single-family structure, which is manufactured or constructed after June 15, 1976 under the authority of 42 U.S.C. Sec. 5403, Federal



Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling. For the purposes of these regulations, manufactured homes shall be considered the same as a single-family, detached dwelling.

57. Miscellaneous Repair Services: Uses considered in this category include, but not limited to the following: Radio and television repair shops; Refrigeration and air-conditioning service and repair shops; Electrical and electronic repair shops; Watch, clock, and jewelry repair; Re-upholstery and furniture repair; Welding repair; Armature rewinding shops; Repair shops and related services.
58. Miscellaneous Retail Stores: Uses considered in this category include, but not limited to the following: Drug stores; Proprietary stores; Liquor stores; Used merchandise stores; General-line sporting goods stores; Specialty-line sporting goods stores; Book stores; Stationary stores; Jewelry stores; Hobby, toy, and games shops; Camera and photographic supply stores; Gift, novelty, and souvenir shops; Luggage and leather goods stores; Sewing, needlework, and piece goods stores; Catalog and mail-order houses; Mail-order houses, department store merchandise; Mail-order houses, other general merchandise; Mail-order houses, specialized; Automatic merchandising machine operators; Direct selling establishments; Direct selling, furniture, home furnishings, and equipment; Direct selling, mobile food service; Direct selling, books and stationary; Direct selling, other; Fuel oil dealers; Liquefied petroleum gas (bottled gas) dealers; Fuel dealers, not elsewhere classified; Florists; Tobacco stores and stands; News dealers and newsstands; Optical goods stores; Miscellaneous retail stores, not elsewhere classifies; Pet shops; Art dealers.
59. Mobile Home: Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa.
60. Mobile Home Park: Any site, lot, field or tract of land upon which two or more occupied mobile home trailers are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or other enclosure used or intended for use as a part of the equipment of such mobile home park.
61. Modular Home: Any single-family dwelling unit manufactured, in whole or in components, at a place other than the location where it is placed; which is assembled, whole or in components, at the location where it is to be permanently located; which rests on a permanent foundation or slab; which does not have wheels or axles affixed as a part of its normal construction; and which does not require a license by any agency as a motor vehicle, special equipment, trailer, motor home or mobile home.



62. Motel: A building other than a hotel where lodging is provided and offered to the public for compensation, and intended primarily for automobile transients and having a parking space conveniently located to each lodging unit.
63. Motion Pictures: Uses considered in this category include, but not limited to the following: Motion picture and video tape production; Services allied to motion picture production; Motion picture and video tape distribution; Services allied to motion picture distribution; Motion picture theaters, except drive-in; Drive-in motion picture theaters; Video tape rental.
64. Museums, Art Galleries, and Botanical and Zoological Gardens: Uses considered in this category include, but not limited to the following: Museums and art galleries; Arboreta and botanical or zoological gardens.
65. Nonconforming Use: The use of land or a building or a portion thereof which use does not conform with the use regulation of the district in which it is situated.
66. Nursing Home: Any institution, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding 24 hours of two or more non-related aged or infirm persons requiring or receiving chronic or convalescent care, and shall include sanitariums, rest homes or related institutions.
67. Parking Space: A surfaced area, other than a street or alley, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than one hundred and eighty (180) square feet exclusive of driveways (except in single-family and two-family dwelling units), permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.
68. Personal Service Establishments: An establishment engaged in providing services generally involving the care of the person or person's apparel. Such establishments include but are not limited to, the following: laundry, cleaning and garment services; photographic studios; beauty shops; barbershops; shoe repair shops, shoeshine parlors; and other establishments engaged in providing personal services, such as steambaths, reducing salons and health clubs, clothing rental, locker rental and porter services.
69. Personal Services: Uses considered in this category include, but not limited to the following: Power laundries, family and commercial; Garment pressing, and agents for laundries and dry-cleaners; Linen supply; Coin-operated laundries and dry-cleaning; Dry-cleaning plants, except rug cleaning; Carpet and upholstery cleaning; Industrial laundries; Laundry and garment services; Photographic studios, portrait; Beauty shops; Barber shops; Shoe repair shops and shoe shine parlors; Funeral service and crematories; and Tax return preparation services.
70. Principal Building: A building in which the primary use of the lot on which the building is located or conducted.



71. Redevelopment: Structurally altering the building, changing the facade exterior finish or appearance, with the exception of routine maintenance work. Routine maintenance work includes painting, replacing windows, tuck pointing, patching, and other similar activities.
72. Right of Way: An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.
73. Selected Educational Services: Uses considered in this category include, but not limited to the following: Libraries; Data Processing schools; Business and secretarial schools; Vocational schools; Schools and educational services.
74. Selected Membership Organizations: Uses considered in this category include, but not limited to the following: Business associations; Professional membership organizations; Civic, social and fraternal associations.
75. Setback: The required minimum horizontal distance between the overhang line and the related front, side, or rear property line.
76. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, parking, sidewalks, and principal site development features proposed for a specific parcel of land.
77. Social Service: Uses considered in this category include, but not limited to the following: Individual and family social services; Job training and vocational rehabilitation services; Child day care services; Residential care; Social services.
78. Special Use: A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Board of Adjustment, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be located.
79. Specified Anatomical Areas:
- a) Less than completely and opaquely covered (1) human genitals, pubic region; (2) buttock; and (3) female breast below a point immediately above the top of the areola; and;
  - b) Human male genitals in a discernable turgid state, even if completely and opaquely covered.
80. Specified Sexual Activities:
- a) Human genitals in a state of sexual stimulation or arousal.
  - b) Acts of human masturbation, sexual intercourse or sodomy.
  - c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.



81. Stable, Private: An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.
82. Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.
83. 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.
84. Street: A public or private thoroughfare which affords the principal means of access to abutting property.
85. Street Line: A dividing line between a lot or parcel of land and a contiguous street.
86. Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts, and pergolas.
87. Structural Alterations: Any substantial change in the foundation, roof, or exterior walls, excepting such repairs or replacements as may be required for the safety of the building.
88. Telecommunications: The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
89. Truck Garden: A farm devoted to the growing of fruits or vegetables for marketing.
90. Unit: When referring to a dwelling, see Dwelling Unit.
91. Use: The purpose for which land or a building thereon is designed, arranged, or intended, for which it is occupied or maintained, let or leased.
92. Variance: A relaxation by the Board of Adjustment of the dimensional regulations of the code where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this code would result in unnecessary and undue hardship.
93. Wall: An upright structure constructed of wood, concrete, masonry or similar materials, whose vertical surface is intended to prevent the passage of light, and which is used as a boundary or as a means of screening, protection, confinement or support. In this context, this term shall not apply to supporting structures on the main or accessory buildings nor shall it apply to retaining walls.

94. Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.
95. Yard, Front: A yard extending across the front of the lot between the side lot lines and being in depth the minimum horizontal distance between the street line and the main building or any projection thereof other than the projections of the usual steps, terraces, balconies or porches covered only by a covering attached to and supported entirely by or from the front wall of such main building. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
96. Yard, Rear: A yard extending across the rear of a lot and being in depth the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.
97. Yard, required: The minimum open space required between a lot line and the buildable area of a lot, unoccupied and un-obstructed from ground to sky, except as otherwise specified in this Ordinance.
98. Yard, Side: A yard between the main building and the side lot line and extending from the required front yard to the required rear yard, and being in width the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof other than the projection of uncovered steps.



## **CHAPTER 4 DISTRICTS AND GENERAL REGULATIONS**

### **Section 1. Districts.**

For the purpose of this Ordinance, the City of Radcliffe, Iowa, is hereby divided into five (5) Districts, which are as follows:

- A-1    Agricultural Reserve District
- R-1    Single-Family District
- B-1    Highway Commercial
- B-2    Downtown Commercial
- M-1        Manufacturing District

### **Section 2. Map.**

The boundaries of these districts are shown upon the map made part of this Ordinance, which map is designated as the "District Map of the City of Radcliffe, Iowa". The District Map made a part of this Ordinance and on file in the City Clerk's Office of the City of Radcliffe, Iowa, and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the District Map and all such notations, references, and other information shown thereon were fully set forth or described in metes and bounds herein. Where there is uncertainty as to the boundaries of the Districts as shown on the District Map of Radcliffe, Iowa, the following rules shall apply:

1.        Where boundaries are shown approximately following street and alley lines, such street and alley lines shall be interpreted to be the boundaries.
2.        Where boundaries are indicated so that they approximately follow lot lines and are not more than fifteen (15) feet distant therefrom, such lot lines shall be interpreted to be the boundaries.
3.        In un-subdivided property where a district boundary divides a parcel of land, the boundary shall be determined by the use of the scale appearing thereon.



## XX.XX TINY HOMES

Any proposed dwelling not meeting the size requirements for a dwelling unit in a residential district, may be regarded as a tiny home and shall meet the following minimum standards:

1. The dwelling unit must have a minimum width of 12 feet, said dimension to be exclusive of attached garages, porches, or other accessory structures.
2. All dwelling units including attached garages shall be attached to a permanent frost-free foundation, or be visually compatible with permanent foundation systems of surrounding residential structures.
3. All dwelling units shall provide for a minimum of 400 square feet of floor space.
4. All dwelling units shall have a minimum roof pitch of 3:12, this requirement shall not apply to manufactured housing if the housing otherwise complies with 42 U.S.C. Sec. 5403.
5. All dwelling units shall have an exterior wall covering that is either vinyl, wood, masonry finish or its appearance.

4. Whenever any street, alley, or other public way is vacated by action of the Council of the City of Radcliffe, Iowa, the Zoning District adjoining each side of such street, alley or public way shall be extended automatically to the center of such vacated area.
5. Streets, alleys, places and public ways are not included within any District.

### **Section 3. General Regulations and Provisions.**

1. Single-family dwellings. All single-family dwellings for which building permits have been issued after the effective date of this ordinance shall meet the following standards:
  - a) The principal portion of such building shall have a minimum dimension of not less than twenty (20) feet.
  - b) The principal portion of such building shall have a continuous and complete frost protected perimeter foundation.
  - c) The building shall have for the exterior wall covering either:
    - i) Wood or masonry finish, or its appearance, and/or
    - ii) Vertical or horizontal grooved siding or lap siding, or its appearance.
  - d) Use of flat, formed, or corrugated sheet metal or plastic type materials for the roof covering is prohibited.
2. More than one (1) main institutional, public or semi-public apartment, commercial or industrial building may be located upon a lot or tract, provided no such building or portion thereof is located outside the buildable area of the lot. Residential flexibility standards may also permit more than one residential unit to be placed on a single lot. Otherwise, every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot.

### **Section 4. Use Regulations.**

1. No building shall be erected, or structurally altered, nor shall any building or land be used except for a use permitted in the district in which the building or land is located.

### **Section 5. Height Regulations.**

1. No building shall be erected, or structurally altered, to exceed the height limit herein established for the district in which the building is located.
2. The height regulations of this Ordinance shall not apply to church spires, belfries, monuments, tanks, water towers, fire towers, stage towers, scenery lofts, cooling towers, ornamental towers and spires, radio and television towers, antenna or aerials, chimneys, elevator bulkheads, smoke stacks, conveyors and flag poles.



## **Section 6. Area Regulations.**

### **1. Lot Area Per Family:**

- a) A single lot having less area than required for the district in which it is located which was a lot of record on the effective date of this Ordinance may be used for any purpose permitted in that district.
- b) Where two or more vacant adjacent lots under common ownership, each having less than required for the district in which they are located and which were lots of record on the effective date of this Ordinance, that area shall be redivided as to conform with the area regulations of that district before any building is erected or placed thereon.

## **Section 7. Visual Clearance at Intersections.**

1. On a corner lot where required yards exist, no fence, wall, trees, shrubbery, sign or any other kind of structure or obstruction to vision with openings of less than seventy percent (70%) of its vertical surface area shall be erected, placed, planted, be allowed to grow, or be maintained between a height of two (2) feet and eight (8) feet above the established curb grade at the intersection of streets on the part of any yard located within the triangular zone formed by the intersecting property lines and a line connecting two (2) points on said property lines twenty (20) feet from their point of intersection.

## **Section 8. Fences and Walls.**

Fences and walls legally established or constructed prior to the effective date of this Ordinance shall be classified as legal structures, and shall not be required to be altered or removed.

### **1. General Provisions:**

- a) Fences shall require a building permit prior to construction.
- b) The finished side of a fence shall face the neighbor's property. Posts and supports shall be toward the owner of the fence.
- c) A fence shall be set back from the property lines a minimum of one (1) foot unless written permission has been granted by the adjacent property owner to place a fence closer than one foot to the property line.
- d) Chain link fences are preferred around all dog runs and kennels.

### **2. Height Limitations:**

- a) In any residential "R" district, fences and walls not exceeding four (4) feet in height may be located within the required front yard.
- b) In any residential "R" district, fences and walls not exceeding six (6) feet in height may be located within the required side and rear yards.
- c) In any commercial "B" district or industrial "M" district, fences and walls not exceeding eight (8) feet in height may be located within any required yard. A one



- (1) foot extension consisting of strands of barbed wire may be used at the top of any fence or wall with a minimum height of six (6) feet which is used for security or protective purposes.
- d) Fences and walls located on corner lots shall comply with the visual clearance requirements in Section 7 of this Chapter.

### **Section 9. Accessory Buildings.**

1. Any accessory building that is not a part of the main building shall be located not less than five (5) feet from any portion of the main building (i.e. eaves) or any other structure on the lot.
2. Any accessory building that may be located entirely in the required rear yard shall occupy not more than thirty 30 percent of the required rear yard.
3. Any accessory building located entirely in the required rear yard shall not be nearer than four (4) feet to any lot line.
4. Any accessory building located entirely or in part in a side yard shall be erected in conformity with the side yard regulations of the district in which the building is located.
5. Any accessory building shall not exceed fifteen 15 feet in mean height level between eaves and ridges of a gable, hip, or gambel roof or the highest point of a flat roof.
6. Where the rear lot line of a corner lot is the side lot line of the adjoining lot, the side yard regulations of the district shall apply to the location of the accessory building.
7. No accessory building or part thereof shall be located in the front yard.

### **Section 10. Home Occupations.**

1. Statement of Intent:

This section is intended to protect residential districts from potential adverse impacts of activities defined as home occupations; to permit residents of the community a broad choice in the use of their homes as a place of livelihood in the production or supplementing of personal/family income; to restrict incompatible uses; to establish criteria and develop standards for the use of residential structures or dwelling units for home occupations; it is not the intent to eliminate certain home-based businesses and occupations which may be compatible with residential areas.

2. Criteria:

- a) That in connection with which there is no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, with the exception of section 'd' herein;

- b) That the building shall include no features of design not customary for residential use;
- c) That the building or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to exterior appearance or by the emission of dust, gas, noise, odor, or smoke, or in any other way.
- d) Signs. Any sign utilized by a home occupation in an "R" district shall be limited to one building mounted sign which shall not exceed two (2) square foot in area.
- e) Equipment. Any merchandise or stock in trade sold, repaired or displayed shall be stored entirely within the residential structure or in an accessory building.
- f) Employment. Only on site occupants are allowed to work at the home occupation except by special permission from the board of adjustment. The board of adjustment shall have authority to allow a home occupation to have employees.
- g) Traffic and Parking. Traffic generated by the home occupation shall not be objectionable to the neighboring residents. Off-street parking shall be adequate to accommodate the parking demand generated by the home occupation.
- h) Structural modifications or additions to the residence for the expansion of a home-occupation is prohibited.
- i) Non-compliance. Any home-occupation which does not abide by the terms of this section shall be punishable under the Violation and Penalty section of the zoning ordinance.

3. Prohibited Home Occupations:

Prohibited home occupations shall not be allowed permission to operate. The following home occupations are considered prohibited:

- a) Animal hospitals.
- b) Private clubs.
- c) Restaurants.
- d) Stables and Kennels.
- e) Automobile repair or auto body shops. More than 2 vehicles per year which are not registered at the residence and are rebuilt, repaired, or reconstructed shall constitute an automobile repair or auto body shop.
- f) Automobile paint shops.
- g) Any occupation which is considered illegal by law.
- h) Any use which does not meet the criteria in Section 10 Part 2 .

4. Permitted Home Occupations:

Home occupations are permitted are ones which comply with the criteria in Section 10, Part 2 and are not specifically prohibited.

## Section 12. Adult Entertainment Businesses.

1. Establishment of Business:



The establishment of an adult entertainment business shall include the opening of such business as a new business, the relocation of such business, the addition of such business activity to that of any other business, or a conversion of an existing business location to any of the uses and activities herein described and defined. It shall also include any addition to or expansion of an existing adult entertainment business which causes said business to occupy over 20% more space than before such addition or expansion.

**2. Regulation of Location and Operation:**

- a) Adult entertainment businesses shall be located only in the M-1 district.
- b) No person shall cause or permit the establishment of any adult entertainment business as herein defined within 750 feet of any other such business, any school, place of worship, library, public park, public playground or areas zoned for residential use.
- c) Measurement shall be taken on a direct line from the closest customer entrance of such adult entertainment business to the point on the property line of such other business, school, place of worship, library, public park, public playground or area zoned for residential use which is closest to the said customer entrance of such adult entertainment business.
- d) All building openings, entries, windows, etc. shall be constructed, located, covered or screened in such a manner as to prevent a view of display areas from, or a view into the interior of the adult entertainment business from, any pedestrian sidewalk, walkway, street, or other public or semi-public area.
- e) Any adult entertainment business in existence on the effective date of this Ordinance which does not comply with the minimum separation requirements defined in Paragraphs a and b above may be continued as a nonconforming use for a period of not more than six (6) years thereafter. Such nonconforming use shall not be expanded, extended or altered with regard to the land area, building or structure involved in such use. The provisions of Paragraph c above shall apply to all adult entertainment businesses, including said nonconforming uses, upon adoption of this Ordinance.

**Section 13. Annexation of Territory.**

All territory which may hereafter be annexed to the City of Radcliffe, Iowa shall be annexed as a part of the "A-1" Agricultural Reserve District.

**Section 14. Application for Building Permit**

1. No fence, building or structure shall hereafter be erected or structurally altered until a building permit is issued by the City of Radcliffe stating that the building or structure and use of land comply with the regulations of this Ordinance and of all building and health laws and ordinances of this City.
2. Fee: A fee of \$1 per every \$1,000 of construction cost or fraction thereof shall be paid to the City Clerk at the time of the filing of the building permit. The minimum zoning fee

is \$5. Fees shall be credited to the general government fund of the City of Radcliffe, Iowa.

3. Site Plan Required: Each application for a building permit shall be accompanied by a plat in duplicate showing the following:
  - a) The actual dimension of the lot or lots to be built upon
  - b) The exact size and location on the lot or lots of the buildings and accessory buildings existing, and
  - c) The lines within which the building shall be erected or structurally altered.
4. Information required: All applications for building permits shall show the following:
  - a) The existing and intended use of each building or part of building
  - b) The number of self-contained living units the building is designed to accommodate, and
  - c) Such other information with regard to the lot and neighboring lots as may be necessary to provide for the enforcement of the regulations of this Ordinance.
5. A careful record of such application and plat shall be kept in the office of the City Clerk.



## July 14, 2003 Regular Meeting

The City Council met on July 14, 2003 at 6:03 P.M. at the Council Chambers in Radcliffe. Mayor Richard Drake presided and the following named Council Members were present: Brad Fjelland, David Beck, Bryan Drake and Sarah Thompson. Others in attendance were Mike Trotter, Pat Trotter and Deb Benson.

AGENDA: A motion by Drake and seconded by Beck to approve the agenda. Motion carried unanimously.

CONSENT AGENDA: Moved by Fjelland, seconded by Drake to approve the following items: Minutes of the June 9, 2003 Regular Meeting; Treasurers Financial Report; Bills as Presented; and Building Permits for 205 E Minnie, 308 Catherine, 501 East and 604 E Newago. Motion carried unanimously.

The Council discussed the dog at 300 W Ionia. The Council has determined the dog vicious because of the police report dated May 25, 2003. Sarah Thompson arrived at 6:22 P.M.

A motion by Drake, seconded by Fjelland to send a letter to the owner of the dog. Motion carried unanimously.

The Public Hearing for the Wastewater System Improvements opened at 6:28 P.M. There were no residents present for discussion. Moved by Thompson, seconded by Fjelland to close the hearing. Motion carried. The hearing closed at 6:30 P.M.

The Public Hearing for the Building Permit fee opened at 6:33 P.M. There were no residents present for discussion. Moved by Drake, seconded by Fjelland to close the hearing. Motion carried unanimously. The hearing closed at 6:35 P.M.

A motion by Beck, seconded by Thompson to amend the City of Radcliffe, IA Zoning Ordinance Chapter 4, Section 14(2). The roll was called: Ayes-Drake, Fjelland, Beck and Thompson Nays-None Absent-Brown.

Whereupon the Mayor declared the ordinance amended as follows:  
14.2 Building Permit Fee: A fee of a minimum of \$20.00 per permit application plus \$1.25 per thousand dollars of construction costs shall be paid to the City Clerk at the time of filing of the building permit. The building inspector shall receive from each building permit the sum of \$10.00 plus 25 cents per one thousand dollars of construction costs of fractions thereof immediately following inspection of the proposed site. The fees shall be credited to the general government fund of the City of Radcliffe, Iowa.

A motion by Fjelland, seconded by Beck to waive the second and third reading of Ordinance. Motion carried unanimously.

Mayor Drake presented information on Resource Enhancement and Protection (REAP) grant. This is a grant for city parks and open spaces. The park board will do further research on the grant.

Thompson introduced RESOLUTION NO. 03-11 and moved its adoption, seconded by Drake to hold the Public Hearing for the disposition of real estate on Monday, August 11, 2003 at 6:15 P.M. at the Radcliffe City Hall. Ayes-Drake, Beck and Thompson Nays-None Absent- Brown Abstaining-Fjelland

The City Council discussed the clean up day that was held in June. There was good community participation. Moved by Beck, seconded by Thompson to sponsor another clean up day in September. Motion carried unanimously.

A motion by Drake, seconded by Thompson to approve Ordinance 4.01 vacating and closing a portion of platted alley in Block 4, original town

## **CHAPTER 5**

### **A-1 AGRICULTURAL RESERVE DISTRICT**

#### **Section 1. Purpose.**

The regulations set forth in this Chapter, or set forth elsewhere in this Ordinance when referred to in this Chapter, are the district regulations for the A-1 Agricultural Reserve District. The purpose of this district is to preserve prime farmland from development.

#### **Section 2. District Uses.**

A building or premises shall be used for the following purposes:

1. Farms excluding feedlots.
2. Feedlots existing at the time that this ordinance was approved provided that the intensity of the use does not increase, and there are no structural alterations to the feedlot buildings.
3. Cemeteries.
4. Golf courses, except miniature golf courses and driving ranges operated for commercial purposes.
5. Single family dwellings.
6. Churches and places of worship.
7. Public, elementary and high schools, private schools having a curriculum as ordinarily given in a public elementary and high school, and having no rooms regularly used for housing or sleeping purposes.
8. Country clubs.
9. Public park, playground, and recreational area.
10. Home occupations which comply with the requirements stated in this ordinance.
11. Truck gardens and wooded areas.
12. Accessory uses incidental to and on the same zoning lot as the principal permitted use as follows:
  - a) A single family detached home when occupied by the owner or lessee of the principal use;
  - b) Agricultural buildings and structures;
  - c) Garages and carports;
  - d) Private non-commercial greenhouses;
  - e) Roadside stands for the display and sale of agricultural products on zoning lots where the principal permitted use is agricultural;
  - f) Stable, private.

#### **Section 3. Special Uses.**

The following uses shall follow the Special Use process specified in Chapter 11 of this Ordinance.



1. Feedlots.

#### Section 4. Bulk Requirements.

1. Minimum Front yard Setback: Each permitted use shall provide a front yard of not less than 50 feet. Accessory buildings shall be permitted in the required front yard provided that the building is set back not less than 300 feet from the front property line.
2. Minimum Side Yard Setback: There shall be a side yard on each side of the permitted uses of not less than 15 feet in width.
3. Minimum Rear Yard Setback: There shall be a rear yard having a depth of not less than 50 feet.
4. Maximum Height: No building shall exceed four (4) stories nor shall it exceed fifty-five (55) feet in height.
5. Minimum Lot area per family: A lot or parcel of land occupied by a single family dwelling shall have an area of not less than 25 acres. A lot or parcel of land occupied by other permitted uses shall have a minimum of 35,000 square feet.

#### Section 5. Parking Requirements.

1. Single-family and two-family dwellings: spaces per unit. 2
2. Churches: 1 space per 3 seats in auditorium including the balcony.
3. Schools:
  - a) Elementary or junior high school: 1 parking space per employee, plus 1 parking space per 20 student desks or classroom seating capacity.
  - b) Senior high school: 1 parking space per employee, plus 1 parking space per 2.5 student desks or classroom seating capacity.
  - c) School auditoriums and gymnasiums: 1 parking space per 8 seats (seating capacity)
4. Golf Course and Country Club: One space per two employees, plus three per golf hole.
5. All other uses: One (1) parking space for each three hundred (300) square feet or fraction thereof of gross floor area.

## **CHAPTER 6**

### **R-1 RESIDENTIAL DISTRICT**

#### **Section 1.**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations for the R-1 Residential District.

#### **Section 2. District Uses.**

A building or premises shall be used only for the following purposes:

1. Single-family dwellings.
2. Multiple-family dwellings, including the conversion of an existing structure, only after a Special Use Permit has been approved by the Board of Adjustment.
3. Home occupations which comply with the requirements stated in this ordinance.
4. Farms and truck gardens, orchards and wooded areas.
5. Churches and places of worship.
6. Public, elementary and high schools, private schools having a curriculum as ordinarily given in a public elementary and high school, and having no rooms regularly used for housing or sleeping purposes.
7. Parks, playgrounds, and community buildings owned or operated by public agencies.
8. Public libraries and museums.
9. Golf courses, country clubs, tennis courts, and similar recreational uses, all non-commercial.
10. Accessory buildings and accessory uses customarily incident to any of the above uses.
11. Family Home.

#### **Section 3. Area Regulations.**

1. Minimum Front Yard Setback: There shall be a front yard having a depth of not less than twenty-five (25) feet. Where two or more lots in any block are occupied by buildings which existed on the effective date of this Ordinance and are less than the required front yard setback requirement, the average of the front yard depths of adjacent lots shall be the established building line.
2. Minimum Side Yard Setback: There shall be a side yard on each side of the building not less than four (4) feet in width.
3. Minimum Rear Yard Setback: There shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot, but no lot shall be required to have a rear yard depth of more than twenty-five (25) feet.



4. Maximum Height: No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height.
5. Minimum Lot Area Per Family: Lots for single-family, two-family, and three family dwellings shall have an area of not less than seven thousand five hundred (7,500) square feet and have an average width of not less than fifty (50) feet. Lots for multiple-family dwellings greater than three families shall have an area not less than seven thousand five hundred (7,500) square feet plus an additional two thousand five hundred (2,500) square feet per family.

#### **Section 4. Parking Regulations.**

The following minimum parking requirements shall be provided for with any new development, conversion, or addition to an existing structure. Driveways for residential uses shall not be in front of a dwelling, but must be to the side of a dwelling. Driveways shall be permitted in front of a dwelling where there is an attached garage. Any extensions to a driveway shall be located between the driveway and the side property line away from the dwelling.

1. Single-family and two-family dwellings:  
spaces per unit. 2
2. Multi-Family Dwellings:
  - a) Efficiency apartments- 1.5 Spaces per unit
  - b) 1-2 Bedroom Units - 2.0 spaces per unit
  - c) 3+ Bedroom Units - 2.25 spaces per unit
3. Churches: 1 space per 3 seats in auditorium including the balcony.
4. Schools:
  - a) Elementary or junior high school: 1 parking space per employee, plus 1 parking space per 20 student desks or classroom seating capacity.
  - b) Senior high school: 1 parking space per employee, plus 1 parking space per 2.5 student desks or classroom seating capacity.
  - c) School auditoriums and gymnasiums: 1 parking space per 8 seats (seating capacity)

**CHAPTER 7**  
**B-1 CENTRAL BUSINESS DISTRICT**

**Section 1. Purpose.**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations for the B-1 Central Business District.

**Section 2. District Uses.**

1. Hotels, Motels, and Rooming Houses.
2. Existing dwellings. Existing dwelling units can be expanded or rebuilt. No new dwelling units on other zoning lots shall be permitted.
3. Personal Services.
4. Business Services.
5. Automotive Repair and Services.
6. Parking Lots.
7. Miscellaneous Repair Services.
8. Amusement and Recreation Services.
9. Health Services.
10. Legal Services.
11. Libraries.
12. Social Services.
13. Museums and Art Galleries.
14. Membership Organizations.
15. Engineering, Accounting, Research, Management, and Related Services.
16. Building Materials and Garden Supplies Stores.
17. General Merchandise Stores.
18. Automotive Dealers and Gasoline Service Stations.
19. Apparel and Accessory Stores.
20. Furniture and Homefurnishings Stores.
21. Eating and Drinking Places.
22. Retail Stores.
23. Wholesale Businesses.
24. Any light manufacturing or light industrial use which is carried on entirely within buildings which is not noxious or offensive due to emission of odor, gas, smoke or noise, which is not a menace to public health and safety and which will not substantially or permanently injure the appropriate use of the neighboring property.

**Section 3. Bulk Requirements.**

The following bulk requirements shall be observed for all uses within this district:

1. Minimum Front Yard Setback. None. Building setbacks shall be in harmony and style with other buildings in the district.



2. Minimum Side Yard Setback: A side yard is not required except for existing single family dwellings.
  - a) Existing Dwellings: There shall be a side yard on each side of the building, provided that in no case shall either side yard be less than four (4) feet in width.
1. Minimum Rear Yard Setback: A rear yard is not required except for existing single family dwellings.
  - a) Existing Dwellings: There shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot, but no lot shall be required to have a rear yard depth of more than twenty-five (25) feet.
4. Maximum Height: No building shall exceed four (4) stories nor shall it exceed fifty-five (55) feet in height.
5. Minimum Lot Area: Lot dimensions shall not be less than twenty-five (25) feet in width and one hundred (100) feet in depth.

#### **Section 4. Parking Regulations.**

None.

#### **Section 5. Architectural Standards.**

The following minimum standards shall apply to uses within the B-1 District. Any development or redevelopment of property shall be approved by the City prior to the start of work. Any deviation from these requirements shall be reviewed and approved by the Board of Adjustment.

1. All parts of a building that have frontage along a public street (alleys excluded) shall have an exterior appearance of brick, stone, veneers, granite, decorative concrete block, stucco, or similar materials.
2. No roof peaks or roof pitches shall be visible from the public street along the frontage of the buildings.

## **CHAPTER 8 B-2 HIGHWAY COMMERCIAL DISTRICT**

### **Section 1. Purpose.**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations for the B-2 Highway Commercial District.

### **Section 2. District Uses.**

1. Hotels, Motels, and Rooming Houses.
2. Personal Services.
3. Business Services.
4. Automotive Repair and Services.
5. Parking Lots.
6. Miscellaneous Repair Services.
7. Amusement and Recreation Services.
8. Health Services.
9. Legal Services.
10. Libraries.
11. Social Services.
12. Museums and Art Galleries.
13. Membership Organizations.
14. Engineering, Accounting, Research, Management, and Related Services.
15. Building Materials and Garden Supplies Stores.
16. General Merchandise Stores.
17. Automotive Dealers and Gasoline Service Stations.
18. Apparel and Accessory Stores.
19. Furniture and Homefurnishings Stores.
20. Eating and Drinking Places.
21. Retail Stores.
22. Wholesale Businesses.
23. Any light manufacturing or light industrial use which is carried on entirely within buildings which is not noxious or offensive due to emission of odor, gas, smoke or noise, which is not a menace to public health and safety and which will not substantially or permanently injure the appropriate use of the neighboring property.

### **Section 3. Bulk Requirements.**

The following bulk requirements shall be observed for all uses within this district:

1. Minimum Front Yard Setback: A thirty (30) foot setback required off of a county or state highway, a twenty (20) foot setback required off of all other streets.



2. Minimum Side Yard Setback: Sideyards adjacent to streets shall abide by the minimum front yard setback requirements; sideyards adjacent to a residential district shall have a ten (10) foot setback; otherwise, none required.
  - a) Existing Dwellings: There shall be a side yard on each side of the building, provided that in no case shall either side yard be less than four (4) feet in width.
3. Minimum Rear Yard Setback: A rear yard is not required except for existing single family dwellings.
  - a) Existing Dwellings: There shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot, but no lot shall be required to have a rear yard depth of more than twenty-five (25) feet.
4. Maximum Height: No building shall exceed four (4) stories nor shall it exceed fifty-five (55) feet in height.
5. Minimum Lot Frontage: A lot shall have a minimum frontage of one hundred (100) feet.

#### **Section 4. Parking Regulations.**

Each established business activity shall provide adequate parking facilities for customers off adjoining or adjacent highways or streets.

1. Eating and drinking establishments, amusement and recreation services: One (1) parking space for each one hundred (100) square feet or fraction thereof of gross floor area.
2. All other uses: One (1) parking space for each three hundred (300) square feet or fraction thereof of gross floor area.

#### **Section 5. Architectural Standards.**

The following minimum standards shall apply to uses within the B-2 District. Any development or redevelopment of property shall be approved by the City prior to the start of work. Any deviation from these requirements shall be reviewed by the Board of Adjustment.

1. All parts of a building that have frontage along a public street (alleys excluded) shall have an exterior appearance of brick, stone, veneers, granite, decorative concrete block, stucco, or similar materials.

## **CHAPTER 9 M-1 MANUFACTURING DISTRICT**

### **Section 1. Purpose.**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations for the M-1 Manufacturing District.

### **Section 2. District Uses.**

A building or premises may be used for any industrial, manufacturing, commercial, or related purpose except the following:

1. Disposal, reduction, or dumping of dead animals or offal.
2. Fertilizer manufacturing.
3. Manufacturing of explosives.
4. Oil refining and alcohol plants.
5. Production of stone, clay, and glass materials, including Portland cement plants and quarries.
6. Radioactive waste storage or disposal site.
7. Steel mills.
8. Stockyards and slaughterhouses.

### **Section 3. Dwelling Units.**

No new dwelling units are permitted in an M-1 Manufacturing District, except that a dwelling is permitted only on lots where:

1. Each of the adjoining lots is occupied by a dwelling, or
2. The Board of Adjustment determines that there will not be a conflict between the residential and adjacent industrial or commercial uses.

### **Section 4. Bulk Requirements.**

The following bulk requirements shall be observed for all uses within this district:

1. Minimum Front Yard Setback:
  - a) A lot occupied by a dwelling shall abide by the minimum requirements set forth for the R-1 District.



- b) All other uses. In all other cases there shall be a front yard having a depth of not less than twenty-five (25) feet.
- 2. Minimum Side Yard Setback:
  - a) A lot occupied by a dwelling shall abide by the minimum requirements set forth for the R-1 District.
  - b) All other uses. In all other cases a side yard is not required except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than ten (10) feet in width.
- 3. Minimum Rear Yard Setback:
  - c) A lot occupied by a dwelling shall abide by the minimum requirements set forth for the R-1 District.
  - a) All other uses. In all other cases a rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than fifteen (15) feet in depth.
- 4. Minimum Lot Area:
  - a) A lot occupied by a dwelling shall abide by the minimum requirements set forth for the R-1 District.
  - b) All other uses. In all other cases a lot shall not be less than fifty (50) feet in width.

## **Section 5. Parking Regulations.**

The parking regulations for uses permitted in the B-2 Highway Commercial District shall apply to such uses when located in the M-1 Manufacturing District. Whenever any building for any manufacturing or industrial use permitted in this district is erected or structurally altered, there shall be provided on the lot one (1) parking space for every employee on the shift of maximum employment.

## **CHAPTER 10 SIGNS**

### **Section 1. Purpose.**

The purpose of this Ordinance is to permit and regulate signs which allow businesses to communicate, advertise, and be identified; to assure compatibility of signs with surrounding land uses; to prevent a proliferation of signage which may reduce the effectiveness of individual signs; to prevent visual clutter and promote the aesthetic appearance of the community; and to prevent the size, location, construction, or manner of display of signs from endangering the public safety of individuals; confusing, misleading or obstructing the vision necessary for traffic safety; or otherwise endangering the public health, safety, morals, and general welfare.

### **Section 2. Definitions.**

The following definitions shall apply to this Article. Unless specifically defined below, words or phrases used in this Article shall be defined in accordance with Article III.

1. **Abandoned Sign**: A sign which advertises or identifies a product, place, activity, person, profession, service, institution or business which is no longer conducted or available on the premises or elsewhere. Signs which have been in a state of disrepair for at least 90 days are also considered abandoned signs.
2. **Accessory Sign**: A sign which directs attention to a product, place, activity, person, profession, service, institution or business which is located, produced, conducted, sold or offered on the same premises where the sign is located.
3. **Advertising Sign**: A sign which directs attention to a product, place, activity, person, profession, service, institution or business which is located, produced, conducted, sold or offered elsewhere than on the premises where the sign is located.
4. **Billboard**: A form of advertising sign designed for both painted bulletins and paper posters which advertises a product, place, activity, person, profession, service, institution or business located upon property other than the premises on which the sign is located.
5. **Directional/Information Sign**: Any sign giving directions, instructions, or information principally to pedestrian or vehicular traffic.
6. **Freestanding Sign**: A sign which is supported by one or more columns, ropes or lines, uprights, poles or braces in or upon the ground and not attached to any building, structure or wall. This term shall include signs placed directly upon the ground.



7. Home Occupation Sign: A non-illuminated sign or nameplate that identifies only the name and/or occupation of a practitioner or one conducting a permitted home occupation in a dwelling.
8. Incidental Sign: A sign pertaining to specific products, services, or facilities available on the premises.
9. Main Identification sign: A sign which is limited to the name, address and/or number of a building and to the activity carried on in the building.
10. Nonconforming Sign: Any sign which does not conform to the regulations of this Article.
11. Portable Sign: A sign which by its construction or nature is designed to be moved from one location to another. When on a trailer, the removal of wheels or undercarriage, or the anchoring of the sign by means of chains, wires, concrete blocks, sandbags, or other types of temporary anchors, does not change the classification of the sign.
12. Projecting Sign: A sign attached to and projecting more than 18 inches from the building face or wall.
13. Roof Sign: A sign erected upon or above a roof or parapet wall of a building, and which is wholly or partially supported by said building.
14. Sign: Any object, device, display or structure, or part thereof, which is affixed to or represented directly or indirectly upon a building, structure or parcel of land and which advertises, displays, identifies or directs attention to a product, place, activity, person, profession, service, institution or business.
15. Sign Area: The area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary exposed supports or uprights on which the sign is placed. If the sign consists of more than one section or module, all areas shall be totaled. The area of signs composed of words or characters attached directly to a building or wall shall mean and shall be computed as the area within a regular geometric shape which encloses the words or characters. The area of signs composed of spherical, three dimensional, free form, sculpture, and other nonplanar shapes shall be the sum of the areas of the four vertical sides of the smallest polyhedron (cube-like volume) that will enclose the sign structure. The area of back to back signs shall be taken as the area of one sign face if the two sign faces are of equal area, or as the area of the larger face if the two faces are of unequal area.
16. Sign Height: The vertical distance from the uppermost point on a sign to the surrounding grade level immediately below and upon which the sign is located.



17. Sign Structure: Any supports, uprights, braces, mounting device, hardware or framework of a sign.
18. Temporary Sign: A sign not permanently attached to a building, structure, or the ground and designed or intended to be displayed for a limited period of time such as political signs, real estate signs, portable signs, and special event signs.
19. Wall Sign: A sign painted on or attached to a wall or building with the face in a parallel plane to the plane of the building or wall.
20. Zoning Lot: A single tract of contiguous land to be used or developed as one unit under single unified ownership or control, and which meets all minimum requirements and provisions of the Zoning Ordinance.

### **Section 3. General Provisions.**

Except as otherwise provided in this code it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the city, or cause the same to be done, without first obtaining approval by the Radcliffe Zoning Board.

### **Section 4. District Regulations.**

The following signs require approval by the Radcliffe Zoning Board.

1. A-1 and R-1:
  - a) One main identification sign for principal permitted uses other than single family dwellings and home occupations, not to exceed 48 square feet and not to exceed 6 feet in height. Freestanding signs shall be set back a minimum of 10 feet from all property lines.
2. B-1:
  - a) The total signage per building shall not exceed 1-1/2 square foot for each one linear foot (1-1/2:1) of wall frontage.
  - b) Freestanding signs are not encouraged and shall be reviewed and approved on an individual basis by the Radcliffe Zoning Board.
3. B-2 and M-1:
  - a) The sum of all wall signs, including incidental signage, shall not exceed 1.5 square foot for each one linear foot (1-1/2:1) of the wall frontage.
  - b) One freestanding sign shall be permitted per zoning lot. Freestanding signs shall not exceed one hundred and twenty (120) square feet and shall not exceed twenty-five (25) feet in height. No setback is required, except that freestanding signs shall not be located closer than thirty (30) feet to a residential district.
  - c) Directional/information signs displayed strictly for the direction, safety or convenience of the public, including signs which identify restrooms, telephones,



- danger areas, parking area entrances or exits, freight entrances, or the like. Such signs shall not exceed 6 square feet in area and shall not exceed 4 feet in height.
- d) Advertising signs, including billboards, shall be permitted as follows:
- i. Structures shall be limited to two faces per sign, shall not exceed 30 feet in height, and shall have a total sign face area visible in any one direction of traffic not exceeding 300 square feet. Advertising structures shall be constructed of metal or other durable materials. Poles made of wood shall not be considered acceptable.
  - ii. The minimum distance between advertising signs shall be 300 feet.
  - iii. Advertising signs shall be set back a minimum of 50 feet from the front property line. No advertising sign shall be permitted within 100 feet of any residential zoning district boundary.

## **Section 5. Exemptions.**

The following signs shall be permitted without approval by the Radcliffe Zoning Board, but must be in compliance with all other applicable codes and ordinances:

- e) Miscellaneous traffic or other signs of a public agency, such as railroad crossing signs, and signs warning of danger, hazards or unsafe conditions.
- f) Display of any official flag or emblem of a nation, state, or city, or a religious, charitable, educational, or non-profit institution or organization.
- g) Any sign which is located within a structure.
- h) Grave markers, statues, or remembrances of persons or events that are non-commercial in nature.
- i) Works of fine art, if not displayed in conjunction with a commercial enterprise for the principal purpose of commercial advertisement.
- j) Signs applied directly onto the body of a car, truck, bus, trailer, or other vehicle if such vehicle is operated in the normal course of a business and such vehicle is not used primarily to display such sign.
- k) Nameplates posted in conjunction with doorbells or mailboxes, and not exceeding one square foot in surface area.
- l) Signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.
- m) Plaques, tablets, or names of buildings and date of erection when cut into any surface of when such sign is attached flush to the building.
- n) Commemorative plaques or monuments placed by historical organizations.
- o) Public Notices.
- p) Signs for Home Occupations that do not exceed 2 square feet in area, are not illuminated, are building mounted, and are limited to one sign per home.
- q) Temporary signs.

## **Section 6. Prohibited Signs.**

The following signs are prohibited in all zoning districts within the City of Radcliffe:

- a) Abandoned signs.
- b) Flashing signs, including those illuminated by or containing flashing, intermittent, rotating, or moving light or lights.
- c) Snipe signs or signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or public right-of-way.
- d) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.
- e) Signs which revolve or swing with normal wind currents or mechanical devices.
- f) Any sign which contains statements, words or pictures of an obscene, pornographic or immoral character.
- g) In no event shall an illuminated sign or lighting device be placed or directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. All signs shall be screened from beaming on residential windows.
- h) No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct free and clear vision of the intersection.
- i) No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.
- j) No sign or sign structure shall be placed on private or public property without the consent of the owner or authorized agent thereof.
- k) No sign shall be placed on the roof of any building.



## **CHAPTER 11 SPECIAL USE REGULATIONS**

### **Section 1.**

The Board of Adjustment of the City of Radcliffe may, by Special Use Permit and subject to such protective restrictions as are deemed necessary, and after public hearing authorize the locations, extensions or structural alteration of any of the following buildings or uses, or an increase in their height, in any district from which they are prohibited or limited by this Ordinance. Notice of the time and place of the public hearing provided for herein shall be published once in a newspaper of general circulation in the City of Radcliffe at least ten (10) days prior to the date fixed for such a hearing.

### **Section 2. Special Uses.**

The Board of Adjustment may grant a Special Use Permit only to items specifically listed in this Ordinance as eligible for consideration. The following is a list of eligible special uses:

1. Any Special Use listed in any Article of this Ordinance.
2. Multiple dwellings in R-1 Residential District.
3. Dwelling units in the M-1 District, where it is determined that there will be no conflict between the residential use and adjacent industrial or commercial uses.
4. Mobile home and manufactured home parks. Such parks shall be a minimum of 2 acres. No unit shall be closer than 30 feet from the boundary of the park. Access to individual units shall be from the interior street system of the park. The composition and design of the streets shall be acceptable to the city. Individual lots shall be a minimum of 5,000 square feet with a minimum width of 50 feet. In no event shall there be less than 25 feet between any mobile home units.
5. Public buildings erected, leased, or used by any department of a Municipal, Township, County, State or Federal Government.
6. Private schools, pre-kindergarten, play and special schools.
7. Hospitals and clinics.
8. Nursing home in R-1 Residential District.
9. Airports, landing fields, or landing strips for aircraft.
10. Cemetery and mausoleum.

11. Extraction of sand, gravel, topsoil and other natural resources in M-2 Manufacturing District.
12. Parking lots, under such conditions as will protect the character of surrounding property.
13. Bed and breakfast operations.
  - a) The Board of Adjustment may restrict the number of guest rooms.
  - b) Only breakfast shall be served and only guests residing in the structure or family members may be served.
  - c) Off-street parking ratio shall be one space per guest room and a minimum of one space for the owner.
  - d) The establishment must comply with local and state regulations regarding all applicable permits and licenses including, but not limited to fire, health, food service, hotel, liquor, revenue, building and zoning permits and licenses.
14. Radio or television broadcasting tower and stations

### **Section 3. Special Uses.**

#### **DEFINITIONS:**

- Antenna: A device, dish, or array used to transmit or receive telecommunications signals.
  - Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades of the antenna site shall be used in calculating the antenna height.
  - Antenna Support Structure: Any antenna or any other structure which supports an antenna.
  - Tall Structure: Any structure the top of which is more than 50 feet above grade.
1. **Special Use Permit Not Required:** Any antenna that is attached to an existing antenna support structure, smoke stack, water tower, or other tall structure, is permitted in all zoning districts. The height of the antenna shall not exceed the height of the existing tall structure by more than 20 feet. If the antenna is to be mounted on an existing tall structure, a site plan shall not be required.
  2. **Special Use Permit Required:** Antenna support structures and antennas for entities providing licensed or unlicensed communications services, including but not limited cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that is either not mounted on existing tall structure, or is more than 20 feet higher than the tall structure on which it is to be mounted shall not be permitted except pursuant to the following conditions:
    - a) An application must be completed and returned to the zoning officer accompanied by a current fee for a special use permit. The application at a minimum must contain the following information:



- i) **Necessity:** The wireless communications company shall demonstrate, using technological evidence that the antenna must be located where it is proposed in order to satisfy the antenna's function in the company's system.
  - ii) **Co-Location Effort:** If the applicant proposes to build an antenna support structure (as opposed to mounting the antenna on an existing tall structure), it shall demonstrate that it contacted the owners of tall structures within a one-quarter mile radius of the site proposed, asked for a permission to install the antenna on those tall structures, and was denied for reasons other than failure to agree on compensation. The Board of Adjustment may deny the permit if it concludes that the applicant has not made a good faith effort to mount the antenna on an existing tall structure.
  - iii) **Antenna Height:** The applicant shall demonstrate, to the reasonable satisfaction of the Board of Adjustment, that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.
  - iv) **Setbacks from Base of Antenna Support Structure:** The minimum distance between the base of the support structure or any guy anchors and any property line shall be the largest of the following: a). 50% of the antenna height; b). The minimum setback in the underlying zoning district; c). 60 feet.
  - v) **Antenna Support Structure Safety:** The applicant shall demonstrate, to the reasonable satisfaction of the Board of Adjustment, that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, or radio frequency interference. All structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
  - vi) **Fencing:** An opaque fence shall be installed around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a maximum of 6 feet in height and serve to screen the base of the structure and to improve security.
  - vii) **Co-Location:** In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other wireless communications companies, and local police, fire, and ambulance companies.
  - viii) **FCC License:** The applicant shall provide proof that it is licensed by the Federal Communications Commission.
  - ix) **Required Parking:** If the site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
  - x) **Painting:** Antenna support structures should be painted in such a manner as to reduce the visual impact and create a harmonious appearance with its surroundings.
  - xi) **Site Plan:** A full site plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, and access.
  - xii) **Air Safety:** Support structures 200 feet in height or taller, or those near airports, shall meet all Federal Aviation Administration requirements.
3. Applicant must show that the proposed antenna support structure, antenna or accessory structure will be placed in a reasonably available location that will minimize the visual