

**CITY OF STORM LAKE
REGULAR COUNCIL MEETING, CITY HALL
COUNCIL CHAMBERS
MARCH 3, 2014
5:00 PM**



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

AGENDA

1. Hear the Public
2. Consent Agenda
 - A. **Approve Consent Agenda**
 - B. **Buy Local Information**
 - C. **Noise Variance Issuance For The 2014 Yellow Light Foundation Walk**
3. **Ordinance No. 07-O-2013-2014 Zoning Ordinance, Subdivision Ordinance, & Zoning Map**
4. Public Hearing FY 2014-2015 Budget
5. **Resolution No. 66-R-2013-2014 Adopting Fiscal Year 2014-2015 Budget**
6. **Public Hearing On FY 2015-2019 Five-Year Capital Improvements Plan**
7. **Resolution No. 67-R-2013-2014 Adopting The City of Storm Lake 5-Year Capital Improvements Plan**
8. **Submit Map 21 Application For Highway 7 Widening From Barton To Northwestern**
9. **Submit Map 21 Application For Oneida Street Reconstruction From Highway 7 To Railroad Street**
10. **Resolution No. 68-R-2013-2014 To Accept & Award Bid For The West 5th Street Overlay Project**
11. **Public Hearing On Amendment #1 To Storm Lake Urban Revitalization Plan**
12. **Resolution No. 69-R-2013-2014 Adopting Amendment #1 To Storm Lake Urban Revitalization Plan**
13. **Ordinance No. 08-O-2013-2014 Adopting Amendment #1 To Urban Revitalization Plan - First Reading**
14. **Motion Approving Engineering Agreement With Bolton & Menk For Engineering Work On Potential City Sub-Division**
15. **Motion Approving Settlement Agreement With WOW!**
16. Adjourn

Meeting Protocol

If you wish to speak today, please:

1. To speak on an agenda item please approach the podium when that agenda item is called and upon recognition by the Mayor identify yourself by stating your name and address.
2. If your issue is not a topic on the agenda please approach the podium under the "Hear the Public" agenda item and upon recognition by the Mayor identify yourself by stating your name and address.
3. Please keep your remarks to three (3) minutes or less.
4. If you require accommodation for this meeting including but not limited to translation services, hearing assistance, or accessibility please contact the City Clerk at least four (4) hours prior to the start of the meeting.

**If you have concerns about any of the items on the consent agenda, they may be separated from the consent agenda and voted on individually.*

***Ordinances may be read at three consecutive meetings or readings may be waived and ordinances may be passed at only one or two meetings.*



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Staff Summary



3/3/2014

Agenda Item # A.

City of Storm Lake
PO Box 1086
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REPORT TO: Honorable Mayor and City Council

FROM: Sue Vossberg, Deputy Clerk

SUBJECT: **Approve Consent Agenda**

BACKGROUND: The Consent Agenda Includes:

- List of bills for approval
- King's Pointe disbursements for approval
- Sunrise Pointe disbursements for approval
- Approve City Council Minutes - February 17, 2014 & February 27, 2014 Special City Council Meeting
- New liquor license for One Stop Shop - new owner KSL Convenience LLC
- Cigarette permit for One Stop Shop - new owner KSL Convenience LLC
- Approve Noise Variance for Yellow Light Foundation on Saturday, September 6, 2014 between the hours of 12:00pm and 3:00pm in AWAYSIS Park

FISCAL IMPACT: The City will pay the following expenditures:

- List of Bills - \$577,976.29
- King's Pointe Bills - \$94,246.92
- Sunrise Pointe Golf Course Bills - \$461.49

The City will receive the following revenues:

- Liquor license - \$100.00
- Cigarette Permit - \$37.50

RECOMMENDATION: Approve Consent Agenda

ATTACHMENTS:

Description	Type
 List of Bills	List of Bills
 King's Pointe & Sunrise Pointe List of Bills	List of Bills
 Minutes - Feb. 17, 2014	Minutes
 Minutes - Feb. 27, 2014	Minutes
 Liquor Application - One Stop Shop	Application
 Cigarette Permit Application - One Stop Shop	Application

City of Storm Lake
620 Erie Street PO Box 1086
Storm Lake IA, 505881086

Checks for Approval Report

From: 02/18/14 To 03/03/14
User: tyler.gibbins

UNAVAILABLE

AFLAC	PR Batch 00553.02.2014 Aflac Pretax	491.72
AFLAC	PR Batch 00553.02.2014 Aflac After tax	160.56
AFLAC	PR Batch 00554.02.2014 Aflac Pretax	50.17
AFLAC	PR Batch 00554.02.2014 Aflac After tax	54.06
AVILA RODRIGUEZ GERARDO	Refund Check	21.13
AVILA RODRIGUEZ GERARDO	Refund Check	38.76
AVILA RODRIGUEZ GERARDO	Refund Check	18.55
AVILA RODRIGUEZ GERARDO	Refund Check	1.48
AVILA RODRIGUEZ GERARDO	Refund Check	7.82
BLALOCK JOSEPH	Refund Check	65.00
BOTO JOHN	Refund Check	26.49
BOTO JOHN	Refund Check	45.51
BOTO JOHN	Refund Check	18.62
BOTO JOHN	Refund Check	1.85
BOTO JOHN	Refund Check	7.85
BRAVO JOSE	Refund Check	27.29
BRAVO JOSE	Refund Check	48.17
BRAVO JOSE	Refund Check	23.96
BRAVO JOSE	Refund Check	1.91
BRAVO JOSE	Refund Check	10.09
CHAIDEZ SANDRA	Refund Check	12.15
CHRISTENSEN SETH	Refund Check	95.76
City of Storm Lake	PR Batch 00553.02.2014 Dental employee/child	8.46
City of Storm Lake	PR Batch 00553.02.2014 Dental insurance employee c	15.68
City of Storm Lake	PR Batch 00553.02.2014 Dental employee/spouse	20.00
City of Storm Lake	PR Batch 00553.02.2014 Dental insurance family	97.75
City of Storm Lake	PR Batch 00553.02.2014 125 Flexible Benefits	672.44
City of Storm Lake	PR Batch 00553.02.2014 Flex- Child Care	115.38
City of Storm Lake	PR Batch 00553.02.2014 Health Insurance Family	2,061.88
City of Storm Lake	PR Batch 00553.02.2014 Health Insurance Single	338.56
City of Storm Lake	PR Batch 00554.02.2014 Dental insurance employee c	1.06
City of Storm Lake	PR Batch 00554.02.2014 Dental employee/spouse	8.68
City of Storm Lake	PR Batch 00554.02.2014 Dental insurance family	32.27
City of Storm Lake	PR Batch 00554.02.2014 125 Flexible Benefits	259.57
City of Storm Lake	PR Batch 00554.02.2014 Flex- Child Care	20.83
City of Storm Lake	PR Batch 00554.02.2014 Health Insurance Family	587.80
City of Storm Lake	PR Batch 00554.02.2014 Health Insurance Single	22.92
Collection Services Center	PR Batch 00554.02.2014 Child Support Payments to I	325.00
Collection Services Center	PR Batch 00553.02.2014 Child Support Payments to I	619.38
Conseco Health Insurance Co	PR Batch 00553.02.2014 Cancer Pre Tax Insurance	58.30
CORTES MEDINA JOSE	Refund Check	17.89
CORTES MEDINA JOSE	Refund Check	25.99
CORTES MEDINA JOSE	Refund Check	9.25
CORTES MEDINA JOSE	Refund Check	1.25
CORTES MEDINA JOSE	Refund Check	3.90
DE LIRA JUAN	Refund Check	160.00
DORMANEN ANDREW	Refund Check	26.36
DORMANEN ANDREW	Refund Check	46.65
DORMANEN ANDREW	Refund Check	23.15
DORMANEN ANDREW	Refund Check	1.85
DORMANEN ANDREW	Refund Check	9.74
EFTPS	PR Batch 00553.02.2014 Federal Income Tax	9,973.04
EFTPS	PR Batch 00553.02.2014 FICA Employee Portion	3,872.64
EFTPS	PR Batch 00553.02.2014 FICA Employer Portion	3,872.64
EFTPS	PR Batch 00553.02.2014 Medicare Employee Portion	1,424.33
EFTPS	PR Batch 00553.02.2014 Medicare Employer Portion	1,424.33
EFTPS	PR Batch 00554.02.2014 Federal Income Tax	4,102.78

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EFTPS	PR Batch 00554.02.2014 FICA Employee Portion	1,740.36
EFTPS	PR Batch 00554.02.2014 FICA Employer Portion	1,740.36
EFTPS	PR Batch 00554.02.2014 Medicare Employee Portion	495.75
EFTPS	PR Batch 00554.02.2014 Medicare Employer Portion	495.75
GALLEN SCHWITZER	Refund Check	28.85
GALLEN SCHWITZER	Refund Check	42.24
GALLEN SCHWITZER	Refund Check	12.48
GALLEN SCHWITZER	Refund Check	2.02
GALLEN SCHWITZER	Refund Check	5.26
GROSSMAN OR MICHELE	Refund Check	28.64
GROSSMAN OR MICHELE	Refund Check	50.83
GROSSMAN OR MICHELE	Refund Check	25.13
GROSSMAN OR MICHELE	Refund Check	2.00
GROSSMAN OR MICHELE	Refund Check	10.60
GUGEL JOHN	Refund Check	97.45
HAWKINS JASMIN	Refund Check	9.67
ICMA Retirement Trust 457	PR Batch 00553.02.2014 ICMA	985.00
ICMA Retirement Trust 457	PR Batch 00554.02.2014 ICMA	950.00
ICMA Retirement Trust 457	PR Batch 00554.02.2014 ICMA City Paid	529.18
ICMA Retirement Trust 457	PR Batch 00554.02.2014 ICMA City paid for Police	424.91
Iowa Public Employees	PR Batch 00554.02.2014 IPERS	1,403.11
Iowa Public Employees	PR Batch 00554.02.2014 IPERS City Share	2,105.86
Iowa Public Employees	PR Batch 00553.02.2014 IPERS	3,852.24
Iowa Public Employees	PR Batch 00553.02.2014 IPERS City Share	5,781.50
ITT Hartford AMS RPVA	PR Batch 00553.02.2014 457 Hartford	325.00
KYAW KANT	Refund Check	22.22
KYAW KANT	Refund Check	45.30
KYAW KANT	Refund Check	19.49
KYAW KANT	Refund Check	1.55
KYAW KANT	Refund Check	8.22
LARA ANGELA	Refund Check	6.01
LARA ANGELA	Refund Check	9.65
LARA ANGELA	Refund Check	3.71
LARA ANGELA	Refund Check	0.42
LARA ANGELA	Refund Check	1.56
LARSON SAMUEL	Refund Check	63.70
MCBRIDE ED	Refund Check	14.44
MCBRIDE ED	Refund Check	33.17
MCBRIDE ED	Refund Check	12.20
MCBRIDE ED	Refund Check	1.01
MCBRIDE ED	Refund Check	5.13
Muni Fire/Police Retire	PR Batch 00553.02.2014 Muni Police/Fire Pension	2,993.37
Muni Fire/Police Retire	PR Batch 00553.02.2014 Muni Police/Fire Pension Ci	9,591.54
Muni Fire/Police Retire	PR Batch 00554.02.2014 Muni Police/Fire Pension	521.22
Muni Fire/Police Retire	PR Batch 00554.02.2014 Muni Police/Fire Pension Ci	1,670.13
PENA ABELARDO	Refund Check	98.03
RODRIGUEZ ROXANA	Refund Check	12.68
RODRIGUEZ ROXANA	Refund Check	22.30
RODRIGUEZ ROXANA	Refund Check	9.06
RODRIGUEZ ROXANA	Refund Check	0.88
RODRIGUEZ ROXANA	Refund Check	3.82
RUDEEN RACHEL	Refund Check	4.63
RUDEEN RACHEL	Refund Check	7.69
RUDEEN RACHEL	Refund Check	3.67
RUDEEN RACHEL	Refund Check	0.32
RUDEEN RACHEL	Refund Check	1.55
SATI GINA	Refund Check	21.92
SATI GINA	Refund Check	34.14
SATI GINA	Refund Check	13.39

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SATI GINA	Refund Check	1.54
SATI GINA	Refund Check	5.63
SHAR LINE	Refund Check	160.00
Teamsters Local Union 554	PR Batch 00553.02.2014 Union Dues	254.00
Treasurer State Of Iowa	PR Batch 00553.02.2014 State Income Tax	3,828.42
Treasurer State Of Iowa	PR Batch 00554.02.2014 State Income Tax	1,771.23
VARGAS RAMON/ MONICA	Refund Check	160.00
WAH NYA	Refund Check	19.12
WAH NYA	Refund Check	26.95
WAH NYA	Refund Check	8.68
WAH NYA	Refund Check	1.34
WAH NYA	Refund Check	3.65
WILLIAMS JAMEL	Refund Check	13.23
WILLIAMS JAMEL	Refund Check	23.57
WILLIAMS JAMEL	Refund Check	11.62
WILLIAMS JAMEL	Refund Check	0.93
WILLIAMS JAMEL	Refund Check	4.89
YANG NISSON	Refund Check	27.63
YANG NISSON	Refund Check	55.41
YANG NISSON	Refund Check	24.24
YANG NISSON	Refund Check	1.95
YANG NISSON	Refund Check	10.22

UNAVAILABLE	Department Total =	74,307.21
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Police Department

City of Storm Lake	Health Ins Allocations Mar2014	20,830.60
City of Storm Lake	Serviced P-10	42.43
City of Storm Lake	Serviced P-11	49.27
City of Storm Lake	Serviced P-12	46.54
City of Storm Lake	Serviced P-9	36.47
City of Storm Lake	Serviced P-19	49.27
City of Storm Lake	Serviced P-13	36.47
City of Storm Lake	Serviced P-6	36.47
City of Storm Lake	Serviced P-4	49.27
Diekman Patrick L	Training - Altoona- Diekman	189.20
Hy-Vee, Inc	Supplies	26.97
Hy-Vee, Inc	Supplies- No Tax	20.66
Hy-Vee, Inc	Supplies- No Tax	3.19
Iowa Law Enforcement Academy	Innovation Training- Erskine & Eickholt	450.00
Iowa Office Supply Inc	Copier Contract	112.30
MidAmerican Energy Company	Electric Service Dec/Jan 2014	876.56
Nelson Jacob	Invoice reimbursement for Vehicle Repairs P-19	245.25
Principal Life Ins Co	Insurance Premium Mar 2014	2,139.48
Purchase Power	Postage February 12, 2014	125.29
Storm Lake Bakery	Meeting Expense	18.75
Wal Mart #01-1526	DVDs	34.88
Wede's Lock Service Joe	Fix Door Lock Between Hallway & Garage	65.00

Police Department	Department Total =	25,484.32
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Fire Department

Bomgaars Supply, Inc	Batteries	31.98
Buena Vista Regional Medical Center	Stress/Palm Test- Nebitt	470.00
City of Storm Lake	Health Ins Allocations Mar2014	1,912.64
Jones Mike	Dinner for Fire Marshall's Rep	77.23
Principal Life Ins Co	Insurance Premium Mar 2014	169.70

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Fire Department

Department Total = 2,661.55

Building Official

Bomgaars Supply, Inc	Pipe- Plans Storage	89.90
Bomgaars Supply, Inc	Bulb	2.59
City of Storm Lake	Health Ins Allocations Mar2014	2,147.52
Color-ize Inc	Sidewalk Door Hangers	147.00
Emmons & Olivier Resources Inc	SW Ordnance Work 1/1/14 to 1/31/14	589.00
Principal Life Ins Co	Insurance Premium Mar 2014	139.30
Purchase Power	Postage February 12, 2014	23.94

Building Official

Department Total = 3,139.25

Crime Prevention

Bomgaars Supply, Inc	Dog Food	214.95
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Crime Prevention

Department Total = 214.95

Roadway Maintenance

Bomgaars Supply, Inc	Supplies	13.85
Bomgaars Supply, Inc	Supplies	32.99
City of Storm Lake	Health Ins Allocations Mar2014	4,875.71
City of Storm Lake	New Wiper Blades #59	15.98
Iowa Office Supply Inc	Copier Contract	25.40
MidAmerican Energy Company	Electric Service Dec/Jan 2014	608.01
Principal Life Ins Co	Insurance Premium Mar 2014	369.12
Stern Dave	Remove & Replace Pins Bushing	27.00
Wal Mart #01-1526	Supplies	53.63
Wal Mart #01-1526	Supplies	59.78

Roadway Maintenance

Department Total = 6,081.47

Street Lighting

MidAmerican Energy Company	Electric Service Dec/Jan 2014	10,331.73
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Street Lighting

Department Total = 10,331.73

Signs & Signals

Budget Lighting Inc	Traffic Signal Lights	370.87
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Signs & Signals

Department Total = 370.87

Snow Removal

Bomgaars Supply, Inc	Electric Valve	121.99
City of Storm Lake	Health Ins Allocations Mar2014	1,716.60
City of Storm Lake	Straightened Plow Lift Arm #63	82.60
City of Storm Lake	Serviced #5	105.30
Principal Life Ins Co	Insurance Premium Mar 2014	139.06

Snow Removal

Department Total = 2,165.55

Airport

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Bolton & Menk, Inc	Engineering Services	7,849.00
Bomgaars Supply, Inc	Bulbs, Socket Adaptors	33.55
Bomgaars Supply, Inc	Light Bulbs	46.65
Bomgaars Supply, Inc	Fuse	5.89
City of Storm Lake	Replaced Rear View Mirror & Added Fuel Treatment t	63.00
Impact 7G Inc	Asbestos Testing- Chautauqua Park Bldg- Airport	3,500.00
Iowa Lakes Regional Water	Water Services February 2014	52.62
MidAmerican Energy Company	Electric Service Dec/Jan 2014	725.70
Nepple Electric Inc	Reel Light Repairs	212.42
Nepple Electric Inc	Replaced Lights	71.12
Purchase Power	Postage February 12, 2014	9.89
Sunshine Services of Iowa, Inc	Garbage Service 1/1 to 3/31/2014	151.50

Airport	Department Total =	12,721.34
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Library

Baker & Taylor, Inc	Books	1,060.81
Brodart Co	Books	20.04
Brodart Co	Books	14.88
Brodart Co	Books	100.97
Brodart Co	Books	31.25
Brodart Co	Books	77.62
Buena Vista Stationery & Print Inc	Markers	3.04
Buena Vista Stationery & Print Inc	Toner	149.99
Buena Vista Stationery & Print Inc	Calculator	109.95
Center Point Large Print Inc	Books	212.70
Central Iowa Distributing, Inc	Cleaning Supplies	51.00
Central Iowa Distributing, Inc	Cleaning Supplies	106.30
City of Storm Lake	Health Ins Allocations Mar2014	4,499.41
Custodian of Petty Cash Kim Mehlenbacher	Postage	8.49
Custodian of Petty Cash Kim Mehlenbacher	Postage	10.86
Custodian of Petty Cash Kim Mehlenbacher	Postage	14.15
Custodian of Petty Cash Kim Mehlenbacher	Postage	12.43
Custodian of Petty Cash Kim Mehlenbacher	Postage	2.40
Custodian of Petty Cash Kim Mehlenbacher	Postage	2.40
Custodian of Petty Cash Kim Mehlenbacher	Postage	15.26
Custodian of Petty Cash Kim Mehlenbacher	Postage	4.55
Custodian of Petty Cash Kim Mehlenbacher	Postage	4.80
Custodian of Petty Cash Kim Mehlenbacher	Postage	2.40
Custodian of Petty Cash Kim Mehlenbacher	Postage	8.06
Custodian of Petty Cash Kim Mehlenbacher	Postage	23.32
Custodian of Petty Cash Kim Mehlenbacher	Postage	10.03
Custodian of Petty Cash Kim Mehlenbacher	Postage	2.40
Custodian of Petty Cash Kim Mehlenbacher	Postage	7.33
Custodian of Petty Cash Kim Mehlenbacher	Postage	32.76
Custodian of Petty Cash Kim Mehlenbacher	Postage	11.16
Hy-Vee, Inc	Supplies	36.75
Ingram Library Services, Inc	Books	17.24
Ingram Library Services, Inc	Books	48.57
Ingram Library Services, Inc	Books	16.21
Ingram Library Services, Inc	Books	11.03
Ingram Library Services, Inc	Books	16.19
Ingram Library Services, Inc	Books	15.64
Ingram Library Services, Inc	Books	10.46
Ingram Library Services, Inc	Books	32.99
Ingram Library Services, Inc	Books	16.76
Ingram Library Services, Inc	Books	31.84

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Ingram Library Services, Inc	Books	6.18
MidAmerican Energy Company	Electric Service Dec/Jan 2014	711.09
Midwest Tape LLC	Tapes	79.96
Midwest Tape LLC	Tapes	136.95
Midwest Tape LLC	Tapes	49.97
Midwest Tape LLC	Tapes	22.99
Neuroth Kevin	Garbage Hauling Services- January 2014	35.25
Principal Life Ins Co	Insurance Premium Mar 2014	153.06
Purchase Power	Postage February 12, 2014	0.48
Recorded Books LLC	CDs	31.49
Recorded Books LLC	CDs	36.00

Library	Department Total =	8,127.86
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Parks Department

Bomgaars Supply, Inc	Wire Connectors, Screwdriver	13.58
Bomgaars Supply, Inc	Mirror	17.49
Central Iowa Distributing, Inc	Cleaning Supplies	264.40
City of Storm Lake	Replaced Drivers Door Strikerplate Area #92	33.00
City of Storm Lake	Serviced Engine #83	109.02
City of Storm Lake	Health Ins Allocations Mar2014	1,895.86
Fastenal Company	Supplies for Picnic Table	10.74
MidAmerican Energy Company	Electric Service Dec/Jan 2014	383.91
Principal Life Ins Co	Insurance Premium Mar 2014	183.82
ProBuild	Supplies for Picnic Tables	43.75
ProBuild	Supplies for Picnic Tables	17.50
Reinert Michael P	Toolcat Fabricating & Installation	492.00

Parks Department	Department Total =	3,465.07
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Golf Course

City of Storm Lake	Health Ins Allocations Mar2014	543.02
MidAmerican Energy Company	Electric Service Dec/Jan 2014	247.74
Principal Life Ins Co	Insurance Premium Mar 2014	40.73

Golf Course	Department Total =	831.49
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Campgrounds

Bomgaars Supply, Inc	Campground Cleaning Supplies	11.99
City of Storm Lake	Health Ins Allocations Mar2014	181.01
Graffix, Inc	Campground Shirts	299.20
McCrea Enterprises	Paint	143.60
Principal Life Ins Co	Insurance Premium Mar 2014	13.58
ProBuild	Campground Supplies	41.77

Campgrounds	Department Total =	691.15
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Shelter House

Bomgaars Supply, Inc	Shelter House Cleaning Supplies	8.78
MidAmerican Energy Company	Electric Service Dec/Jan 2014	249.98

Shelter House	Department Total =	258.76
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Dohrman Trust

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Century Business Products,Inc	Copier Maintenace Agreement (Partial)	15.00
Dohrman Trust		Department Total = 15.00
Economic Develop		
City of Storm Lake	Health Ins Allocations Mar2014	927.42
Price Jennifer A	Buidling Research, Preparing Site Forms & Reports	2,000.00
Principal Life Ins Co	Insurance Premium Mar 2014	60.24
RDG IA Inc	Professional Services through 1/31/2014	13,488.08
Sunset Bay Reflections LLC and Hemphill Law, PLC	Settlement with Sunset Bay Reflections LLC	100,000.00
Economic Develop		Department Total = 116,475.74
SLADC		
Storm Lake United	Payment #4 of FY 13/14	11,333.00
SLADC		Department Total = 11,333.00
Dredging		
City of Storm Lake	Health Ins Allocations Mar2014	139.04
Principal Life Ins Co	Insurance Premium Mar 2014	8.39
Dredging		Department Total = 147.43
Mayor, Council, Manager		
City of Storm Lake	Health Ins Allocations Mar2014	320.59
Principal Life Ins Co	Insurance Premium Mar 2014	48.10
Mayor, Council, Manager		Department Total = 368.69
Policy & Administration		
City of Storm Lake	Health Ins Allocations Mar2014	1,371.87
Principal Life Ins Co	Insurance Premium Mar 2014	105.55
Policy & Administration		Department Total = 1,477.42
City Hall Building		
MidAmerican Energy Company	Electric Service Dec/Jan 2014	521.72
Steve's Window Svc	Window Cleaning Service	34.00
City Hall Building		Department Total = 555.72
Other Policy & Administration		
Auditor State of Iowa	FY12-13 Audit Filing Fee- City of Storm Lake	850.00
IMFOA	Annual Membership- 4/14 to 4/15	23.33
Iowa Office Supply Inc	Copier Contract	0.27
Iowa Office Supply Inc	Office Supplies	30.39
Iowa Office Supply Inc	Copier Contract	25.41
King's Pointe Resort	Legislative Breakfast- 2/22/2014	86.40
Moss & Barnett	Cable Franchise Legal Fees	1,861.00
Patrick James H	Municipal League Legislative Day- Des Moines- Patri	64.63
Patrick James H	Iowa Lakes Corridor Meeting- Spencer- Patrick	14.30

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Patrick James H	NW Iowa Regional Planning- Spencer- Patrick	14.30
Pettibone & Co PF	Minute Books & Pages	350.85
Pizza Hut	Budget Workshop Meal	69.49
Purchase Power	Postage February 12, 2014	206.74

Other Policy & Administration	Department Total =	3,597.11
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Water Administration

City of Storm Lake	Health Ins Allocations Mar2014	3,175.86
IMFOA	Annual Membership- 4/14 to 4/15	23.33
Iowa Office Supply Inc	Copier Contract	25.41
Iowa Office Supply Inc	Office Supplies	30.38
Patrick James H	NW Iowa Regional Planning- Spencer- Patrick	14.30
Patrick James H	Iowa Lakes Corridor Meeting- Spencer- Patrick	14.30
Patrick James H	Municipal League Legislative Day- Des Moines- Patri	64.63
Principal Life Ins Co	Insurance Premium Mar 2014	260.45
Purchase Power	Postage February 12, 2014	31.48
Qualified Presort Service, LLC	Monthly Statements	365.42
Qualified Presort Service, LLC	ACH Statements	90.56
Springbrook Software, Inc	Jan 2014 Web Payments	105.75

Water Administration	Department Total =	4,201.87
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Water Plant

Bomgaars Supply, Inc	Grinder/Cutting Wheels	209.24
Bomgaars Supply, Inc	Ratchet Straps	6.88
Bomgaars Supply, Inc	Ladder	259.99
Bomgaars Supply, Inc	Gloves	67.56
Bomgaars Supply, Inc	Basin Anchor Rings & Fasteners	34.80
Bomgaars Supply, Inc	Pump, Bit Set	159.97
City of Storm Lake	Health Ins Allocations Mar2014	2,277.82
Hawkins, Inc	Fluoride	1,173.02
Hawkins, Inc	Fluoride Freight	33.50
Hawkins, Inc	Sodium Aluminate	665.88
Hawkins, Inc	Sodium Aluminate Freight	20.00
Hickman, Williams & Company	Lime	4,183.00
Hickman, Williams & Company	Lime Freight	249.69
Hickman, Williams & Company	Lime Freight	255.96
Hickman, Williams & Company	Lime	4,288.02
Hickman, Williams & Company	Lime	4,314.33
Hickman, Williams & Company	Lime Freight	268.07
Hickman, Williams & Company	Lime Freight	258.19
Hickman, Williams & Company	Lime	4,325.40
Hickman, Williams & Company	Lime	4,286.24
Hickman, Williams & Company	Lime Freight	255.85
Iowa Dept of Natural Resources	Water Dist Grade 3 Exam	30.00
Iowa Office Supply Inc	Copier Contract	5.99
Mailboxes & Parcel Depot	Chlorite Shipping	11.03
Mailboxes & Parcel Depot	Chlorite Shipping	11.38
MidAmerican Energy Company	Electric Service Dec/Jan 2014	15,984.22
MW Watermark, LLC	Down Payment for Production of Metal Materials	36,242.50
Nasers Mitchell	Lime Sludge Hauling	2,985.00
Nasers Mitchell	Lime Sludge Hauling	840.00
Neuroth Kevin	January 2014 Garbage Hauling Services	69.00
PraxAir inc	Carbon Dioxide	643.28
Principal Life Ins Co	Insurance Premium Mar 2014	409.70
Tomco2 Systems Company	CO2 Mixer/Heater	1,819.27

City of Storm Lake
620 Erie Street PO Box 1086
Storm Lake IA, 505881086

Checks for Approval Report

From: 02/18/14 To 03/03/14
User: tyler.gibbins

University of Iowa	T THM/HAAS Testing	411.00
University of Iowa	Chlorite Testing	152.00
University of Iowa	T THM/HAAS Testing	137.00
Wal Mart #01-1526	Supplies	31.92
Wal Mart #01-1526	Supplies	17.92
Wal Mart #01-1526	Computer Cords	29.88
Wal Mart #01-1526	Supplies	84.15
Wal Mart #01-1526	Security Camara Cord/Supplies	20.99

Water Plant	Department Total =	87,529.64
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Water Distribution

Bomgaars Supply, Inc	Supplies	32.98
Bomgaars Supply, Inc	Spray Gun, Wheel	65.97
City of Storm Lake	Health Ins Allocations Mar2014	1,901.56
City of Storm Lake	Repaired Dipstick #7	6.30
City of Storm Lake	First Service #137	48.74
City of Storm Lake	Fuel Filter & Treatment #7	66.85
Fastenal Company	Supplies	29.92
Mangold Environmental Testing	Testing	110.00
MidAmerican Energy Company	Electric Service Dec/Jan 2014	98.49
Principal Life Ins Co	Insurance Premium Mar 2014	191.74
Rebnord Technologies Inc	Tough Book	4,799.95
Reinert Michael P	Oxygen	16.00
Underground Location Company	Locates- January 2014	30.75
Wal Mart #01-1526	Poster Kit	3.97

Water Distribution	Department Total =	7,403.22
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Water Meters

City of Storm Lake	Health Ins Allocations Mar2014	1,128.93
Principal Life Ins Co	Insurance Premium Mar 2014	92.01

Water Meters	Department Total =	1,220.94
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Wastewater Administration

City of Storm Lake	Health Ins Allocations Mar2014	3,166.57
IMFOA	Annual Membership- 4/14 to 4/15	23.34
Iowa Office Supply Inc	Office Supplies	30.38
Iowa Office Supply Inc	Copier Contract	25.41
Patrick James H	Iowa Lakes Corridor Meeting- Spencer- Patrick	14.30
Patrick James H	NW Iowa Regional Planning- Spencer- Patrick	14.30
Patrick James H	Municipal League Legislative Day- Des Moines- Patri	64.64
Principal Life Ins Co	Insurance Premium Mar 2014	259.17
Purchase Power	Postage February 12, 2014	31.48
Qualified Presort Service, LLC	ACH Statements	90.55
Qualified Presort Service, LLC	Final Bills	5.94
Qualified Presort Service, LLC	Monthly Statements	365.42
Springbrook Software, Inc	Jan 2014 Web Payments	105.75

Wastewater Administration	Department Total =	4,197.25
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Wastewater Treatment Plant

Bomgaars Supply, Inc	Brown Bear Battery	95.89
Bomgaars Supply, Inc	Shop Supplies	152.27

City of Storm Lake
620 Erie Street PO Box 1086
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Checks for Approval Report

From: 02/18/14 To 03/03/14
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Bomgaars Supply, Inc	Safety Glasses	74.88
Century Link	Phone Services February 2014	218.15
Century Link	Phone Services February 2014- Less Taxes	180.19
City of Storm Lake	Health Ins Allocations Mar2014	2,277.82
Crescent Electric Supply Co	Cable Tie & Duct Seal	15.33
MidAmerican Energy Company	Electric Service Dec/Jan 2014	8,962.18
Principal Life Ins Co	Insurance Premium Mar 2014	592.51
US Peroxide, LLC	Jan 2014 Maintenance Service	750.00
US Peroxide, LLC	Dec 2013 Maintenance Service	750.00

Wastewater Treatment Plant	Department Total =	14,069.22
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Wastewater Collection

City of Storm Lake	Health Ins Allocations Mar2014	1,911.22
Principal Life Ins Co	Insurance Premium Mar 2014	192.58
Storm Lake Hydraulics Co Inc	Hose Ends (2)	14.98
Underground Location Company	Locates- January 2014	30.75
Veenstra & Kimm, Inc	Construction Staking- 1/19 to 2/15/2014	3,303.21
Veenstra & Kimm, Inc	Construction Staking- 1/19 to 2/15/2014	440.43
Veenstra & Kimm, Inc	Construction Staking- 1/19 to 2/15/2014	660.64
Veenstra & Kimm, Inc	Construction Services- 1/19 to 2/15/2014- Contract #6	7,571.78
Veenstra & Kimm, Inc	Construction Admin- 1/19 to 2/15/2014	5,108.47
Veenstra & Kimm, Inc	Construction Admin- 1/19 to 2/15/2014	681.13
Veenstra & Kimm, Inc	Construction Admin- 1/19 to 2/15/2014	1,021.70
Veenstra & Kimm, Inc	Construction Observation- 1/19 to 2/15/2014	2,060.14
Veenstra & Kimm, Inc	Construction Observation- 1/19 to 2/15/2014	1,373.43
Veenstra & Kimm, Inc	Construction Observation- 1/19 to 2/15/2014	10,300.70

Wastewater Collection	Department Total =	34,671.16
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Landfill

City of Storm Lake	Health Ins Allocations Mar2014	450.06
Iowa Office Supply Inc	Copier Contract	25.40
Principal Life Ins Co	Insurance Premium Mar 2014	19.95
Purchase Power	Postage February 12, 2014	15.74
Qualified Presort Service, LLC	ACH Statements	90.55
Qualified Presort Service, LLC	Monthly Statements	365.41
Springbrook Software, Inc	Jan 2014 Web Payments	105.75

Landfill	Department Total =	1,072.86
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Storm Water Administration

City of Storm Lake	Health Ins Allocations Mar2014	722.93
Iowa Office Supply Inc	Copier Contract	25.40
Patrick James H	IEDA Storm Water Tour- Patrick- Charles City	249.15
Principal Life Ins Co	Insurance Premium Mar 2014	38.04
Qualified Presort Service, LLC	Monthly Statements	365.41
Qualified Presort Service, LLC	ACH Statements	90.55
Springbrook Software, Inc	Jan 2014 Web Payments	105.75

Storm Water Administration	Department Total =	1,597.23
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Storm Water Collection

Buena Vista Co Treasurer	Pay Off DD#13 Stamped Warrants	62,019.07
City of Storm Lake	Health Ins Allocations Mar2014	451.42

City of Storm Lake
620 Erie Street PO Box 1086
Storm Lake IA, 505881086

Checks for Approval Report

From: 02/18/14 To 03/03/14
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Emmons & Olivier Resources Inc	Engineering Service 1/1 to 1/31/2014- Expansion	11,460.21
Principal Life Ins Co	Insurance Premium Mar 2014	21.93

Storm Water Collection	Department Total =	73,952.63
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Street Cleaning

City of Storm Lake	Health Ins Allocations Mar2014	450.73
Principal Life Ins Co	Insurance Premium Mar 2014	28.54

Street Cleaning	Department Total =	479.27
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Insurance

Group Resources	March Insurance Premium	17,502.36
Group Resources	February 2014 Admin Fees	90.00
Insurance Strategies Consulting	2013 509A Study	975.00
State of Iowa, Commerce-Insurance Division	2013 Filing Fee- 509A	100.00
Three Rivers Benefit Corporation	Flex Claims 2/17/2014	3,584.62
Three Rivers Benefit Corporation	Insurance Claims 2/24/2014	40,000.00

Insurance	Department Total =	62,251.98
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Vehicle Maintenance

Bomgaars Supply, Inc	Hose, Adapter, Couplings	53.40
Bomgaars Supply, Inc	Pulley	16.99
Fastenal Company	Rotery File Tools for Die Grinder	201.96
Napa Auto Parts	Diaphram Pump	28.27
Rasmussen's	Mirror	45.52
Reinert Michael P	Pump Brake Supplies	35.00
Reinert Michael P	Supplies & Services	82.60
Reinert Michael P	Diaphram Pump	40.00
Storm Lake Hydraulics Co Inc	O-Rings (4)	2.60

Vehicle Maintenance	Department Total =	506.34
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Grand Total =	577,976.29
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King's Pointe Resort
Disbursements 2/12/2014 through 2/24/2014

Vendor Name	Description	Amount
Al's Liquor	beverages	557.50
Chair Cover Elegance	supplies	225.00
Doll Distributing	beverages	907.37
First National Bank Omaha	credit card	2,099.32
Garbage Hauling Service	garbage service	434.42
Hy-Vee Food Stores	food	506.77
Jeff Carver Music LLC	entertainment	1,250.00
Johnson Brothers/Iowa Wine & Bev (2)	beverages	304.00
Kinseth Hotel Corporation (2)	payroll	58,799.78
Knology Inc DBA WOW Cable	cable TV, phone	2,615.94
MidAmerican Energy Company	utilities	10,435.49
Rebnord Technologies Inc.	tech support	120.32
Sara Kreutz	reimbursement	100.00
Sunrise Pointe Golf Course	passes, cart fees	2,514.50
Sysco Guest Supply LLC	supplies	657.32
Treasurer State of Iowa	sales tax	12,700.00
UPS	shipping	19.19
	Totals	94,246.92

Sunrise Pointe Golf Course
Disbursements 2/12/2014 through 2/24/2014

Julius Cleaners	cleaning	3.80
MidAmerican Energy Co.	utilities	363.20
Knology Inc. DBA WOW Cable	cable TV, phone	94.49
	Totals	461.49

REGULAR COUNCIL MEETING, CITY OF STORM LAKE, IOWA, CITY HALL, FEBRUARY 17, 2014, 5:00 P.M.

Present: Mayor Jon Kruse, Council Members Bruce Engelmann, David Walker, Sara Huddleston, and Mike Porsch (at 5:07PM). Absent: Dan Anderson. Staff present: City Manager Jim Patrick, City Attorney Phil Havens, Public Safety Director Mark Prosser, Building Official Scott Olesen, Fire Chief Mike Jones, Infrastructure Superintendent Pat Kelly, Project Manager/Community Development Director Mike Wilson, Doug Rainforth Water Quality Manager, Jacob Stewart Wastewater Plant Superintendent, Jennifer Movall Finance Department Manager, Elizabeth Huff Library Director, and Justin Yarosevich City Clerk.

Mayor Kruse called the meeting to order at 5:00pm

Hear the Public – None

Consent Agenda – Moved by Council Member Engelmann to approve the consent agenda which checks #45012 through #45132, minutes from the February 3, 2014 council meeting and February 11, 2014 Budget Workshop, liquor license renewals for Boathouse, Casey's West, Casey's East, and Dollar General. Seconded by Council Member Huddleston. Vote: All ayes with Council Member Porsch and Anderson absent. Motion carried.

Zoning Ordinance Update – Mayor Kruse opened the public hearing on the proposed update to the Zoning and Subdivision Ordinance and Zoning Map stating that this was the time and place for any comments.

David Crippin in reference to 131 Emerald Drive encourages to have this area go back to R1 and does not want more traffic.

Steve Roth is okay with the change of Emerald Park to be identified as R2 and with his entire lot zoned as R2.

Rob Smith appreciates the zoning commission backing off the recommendations around Methodist Manor and BVU. Still has concern about the parcel around Terrance and Barton, gives a green light to allow Methodist Manor to build whatever they want. Mr. Smith provided a sketch with what he was referring to. He would have liked to see a recommendation of some small residential housing within a small footprint or more dense housing. He talked with the CEO of Methodist Manor and if they did anything it would be to the west of their existing facility. No one is asking for this change it was the consultants idea.

Ellen Holmgren from Terrence Street is very pleased that the zoning is not going to be split but they are concerned about the west side of the block being zoned institutional. Referenced back to a conditional use permit and that Methodist Manor does not want this and so why are proposing to have this done? She is concerned that should the plans of

Methodist Manor change, the neighbors would not have the opportunity to speak to those changes at that time.

Carol Grundmeier has lived on Terrence for a number of years. They want to have a chance to say their piece. She wants to leave the zoning the same as it is now.

Hearing no other comments the Mayor then closed the public hearing.

Council Member Porsch arrived at 5:07pm.

Moved by Council Member Engelmann to pass Ordinance No. 07-O-2013-2014 on 1st Reading amending the City of Storm Lake Zoning and Subdivision Ordinance and adopting the official Zoning Map. Motion dies for the lack of a second

David Walker brought up a discussion with Mr. Langraf CEO of Methodist Manor and that he would like to see some revision to the terminology used for institutional zones.

Moved by Council Member Porsch to send the plan back to the P&Z Commission and to have them look at the zoning between Barton and Terrence Street in terms of R2 vs. Institutional and the terminology of institutional classification around Methodist Manor, Otsego Place, and BVU. Second by Council Member Huddleston. Vote: All ayes with Council Member Anderson absent. Motion carried.

#4 LMI Housing Urban Renewal Plan Amendment #1 – Mayor Kruse opened the public hearing on Amendment #1 to #4 LMI Housing Urban Renewal Plan stating that this was the time and place for any comments. Hearing no comments the Mayor then closed the public hearing.

Moved by Council Member Walker to adopt Resolution No. 59-R-2013-2014 approving Amendment #1 to #4 LMI Housing Urban Renewal Plan. Seconded by Council Member Porsch. Vote: All ayes with Council Member Anderson absent. Motion carried.

RESOLUTION NO. 59-R-2013-2014

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE AN ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR URBAN RENEWAL PROJECTS; AND ADOPTING AMENDMENT NO. 1 TO THE #4 LMI HOUSING URBAN RENEWAL PLAN

WHEREAS, by Resolution No. 02-R-2013-2014, adopted July 1, 2013, this

Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the #4 LMI Housing Urban Renewal Plan (the "Plan") for the #4 LMI Housing Urban Renewal Plan Area (the Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Buena Vista County; and

WHEREAS, this Urban Renewal Area currently includes and consists of:

Field Code Ch

A tract of land located in the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 34, Township 91 North, Range 37 West of the 5th P.M., within the corporate limits of the City of Storm Lake, Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Southeast (SE) corner of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section 34; thence North 00°02'19" West, along the East line of said Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), 30.00 feet to the North line of West 10th Street being also the Point of Beginning; thence North 89°56'56" East, along said North line, 332.89 feet to the West line of proposed Witter Street; thence North 00°01'00" West, along said West line, 770.00 Feet; thence North 89°55'06" West, 382.17 Feet to the East line of a tract described in document number 983710 in the office of the Buena Vista County Recorder; thence South 00°11'13" East, along said east line, 770.78 feet to the North line of said West 10th Street; thence South 89°55'30" East, along said North line, 46.99 feet to the point of beginning.

Tract contains 6.74 acres and is subject to all easements of record.

AND

The Urban Renewal Area also includes the full right-of-way of adjacent road and street bordering the Area, including proposed Witter Street; and

WHEREAS, a proposed Amendment No. 1 to the Plan for the Urban Renewal Area has been prepared, which proposed Amendment is on file in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to add and/or confirm the list of proposed projects to be undertaken within the Urban Renewal Area; and

WHEREAS, this proposed Amendment No. 1 to the Urban Renewal Area adds no new land; and

Field Code Ch

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by the Plan; and

WHEREAS, by resolution adopted on January 20, 2014, this Council directed that

a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Amendment No. 1 to the Plan and the division of revenue described therein, and that notice of the consultation and a copy of the proposed Amendment No. 1 to the Plan be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the City Council and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the City Clerk filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by resolution this Council also set a public hearing on the adoption of the proposed Amendment No. 1 to the Plan for this meeting of the Council, and due and proper notice of the public hearing was given, as provided by law, by timely publication in the Storm Lake Times, which notice set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with the notice, all persons or organizations desiring to be heard on the proposed Amendment No. 1 to the Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Council in connection therewith and the public hearing has been closed.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, STATE OF IOWA:

Section 1. That the findings and conclusions set forth or contained in Amendment No. 1 concerning the area of the City of Storm Lake, State of Iowa, described in the preamble hereof, be and the same are hereby ratified and confirmed in all respects as the findings of this Council for this area.

Section 2. This Council further finds:

- A. Although relocation is not expected, a feasible method exists for the relocation of any families who will be displaced from the Urban Renewal Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;
- B. The Plan, as amended, and Amendment No. 1 to the Plan conform to the general plan for the development of the City as a whole; and
- C. Acquisition by the City is not immediately expected, however, as to any areas of open land to be acquired by the City included within the Urban Renewal Area:

1. Residential use is expected and with reference to those portions thereof which are to be developed for residential uses, this City Council hereby determines that a shortage of housing of sound standards and design with decency, safety and sanitation exists within the City; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

A. That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

B. That conditions of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

C. That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

D. The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

2. Non-residential use is not expected, however, with reference to any portions thereof which are to be developed for non-residential uses, such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 3. That the Urban Renewal Area, as amended, continues to be an economic development area within the meaning of Iowa Code Chapter 403; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403 of the Code of Iowa; and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of this City.

Section 4. That Amendment No. 1 to the #4 LMI Housing Urban Renewal Plan of the City of Storm Lake, State of Iowa, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as "Amendment No. 1 to the #4 LMI Housing Urban Renewal Plan for the City of Storm Lake, State of Iowa"; Amendment No. 1 to the #4 LMI Housing Urban Renewal Plan of the City of Storm Lake, State of Iowa, is hereby in all respects approved; and the City Clerk is

hereby directed to file a certified copy of Amendment No. 1 with the proceedings of this meeting.

Section 5. That, notwithstanding any resolution, ordinance, plan, amendment or any other document, the original #4 LMI Housing Urban Renewal Plan, as amended, shall be in full force and effect from the date of this Resolution until the Council amends or repeals the Amendment. The proposed Amendment No. 1 to the #4 LMI Housing Urban Renewal Plan shall be forthwith certified by the City Clerk, along with a copy of this Resolution, to the Recorder for Buena Vista County, Iowa, to be filed and recorded in the manner provided by law.

Section 6. That all other provisions of the Plan not affected or otherwise revised by the terms of Amendment No. 1, as well as all resolutions previously adopted by this City Council related to the Plan be and the same are hereby ratified, confirmed and approved in all respects.

PASSED AND APPROVED this 17th day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Exhibit 1

#4 LMI HOUSING URBAN RENEWAL PLAN

AMENDMENT #1

CITY OF STORM LAKE, IOWA

**Original Area Adopted –2013
Amendment #1 – 2014**

AMENDMENT #1
to the
#4 LMI HOUSING URBAN RENEWAL PLAN
CITY OF STORM LAKE, IOWA

The #4 LMI Housing Urban Renewal Plan (“Plan”) for the #4 LMI Housing Urban Renewal Area (“Area” or “Urban Renewal Area”), adopted in 2013, is being amended to add and/or confirm the list of proposed projects to be undertaken within the #4 LMI Housing Urban Renewal Area by this Amendment #1 (“Amendment” or “Amendment #1”). No land is being added to the Area by this Amendment.

Except as modified by this Amendment, the provisions of the original #4 LMI Housing Urban Renewal Plan are hereby ratified, confirmed, and approved and shall remain in full force and effect as provided herein. In case of any conflict or uncertainty, the terms of this Amendment shall control.

AREA DESIGNATION

This area continues to be an economic development district that is appropriate for the development of LMI residential housing units.

AREA OBJECTIVES

There are no changes in the Area objectives.

TYPES OF RENEWAL ACTIVITIES

There are no changes in the types of renewal activities to be undertaken within the Area.

PREVIOUSLY APPROVED URBAN RENEWAL PROJECTS

The following urban renewal projects were previously authorized in the Plan and are continuing and have been updated by this Amendment.

The Previously Approved Projects, including those that will continue in the Area, include the following Public Improvements projects:

Public Improvements:

<u>Project</u>	<u>Date</u>	<u>Estimated Amount</u>
Extension of existing water main to provide water service to LMI housing development.	2013-2014	\$75,000
Installation of street lights needed to provide lighting to LMI housing development.	2013-2014	\$30,000
Construction and installation of two rain garden	2013-2014	\$20,000

intakes at LMI housing development.		
Construction and installation of a temporary gravel hammerhead at the north end of the extended Ontario Street	2013-2014	\$5,000
Total		\$130,000

Other urban renewal activities planned in the Urban Renewal Area:

<u>Project</u>	<u>Date</u>	<u>Estimated Amount</u>
Assistance to 10 th Street Townhomes LLLP for construction of LMI residential Townhomes Project	Undetermined	\$410,700
TOTAL		\$410,700

Furtherance of urban renewal activities will continue to require engineering and planning costs and attorney fees (estimated at \$20,000).

PROPOSED URBAN RENEWAL PROJECTS (Amendment #1)

Although certain project activities may occur over a period of years, in addition to the projects previously proposed in the #4 LMI Housing Urban Renewal Plan, as previously amended, the proposed urban renewal projects under this Amendment include:

- 1) Amendment No. 1 to Agreement for Private Development with 10th Street Townhomes LLLP:

Project	Estimated Date	Not to Exceed Cost	Rationale
Rebate of a portion of the building permit fee	2014	\$27,011.06	This payment will promote economic development and the creation of LMI housing by supporting the 10 th Street Townhomes LLLP LMI residential townhomes project.
Total		Not to exceed \$27,011.06	

2) **Planning, engineering fees (for urban renewal plans), attorney fees to support urban renewal projects and planning**

Project	Date	Estimated cost
Fees and costs	2013-2015	Not to exceed \$20,000

FINANCIAL INFORMATION

1.	July 1, 2013 constitutional debt limit:	\$22,588,439
2.	Current outstanding general obligation debt:	\$15,620,000
3.	Proposed amount of indebtedness to be incurred: A specific amount of debt to be incurred for the Proposed Urban Renewal Project (Amendment #1) has been determined to be \$27,011.06 plus up to \$20,000 of urban renewal-related fees and costs. This document is for planning purposes only. In no event will the City's constitutional debt limit be exceeded. The City Council will consider each project proposal on a case-by-case basis to determine if it is in the City's best interest to participate before approving an urban renewal project or expense. It is further expected that such indebtedness, including interest on the same, may be financed in whole or in part with tax increment revenues from the Urban Renewal Area. Subject to the foregoing, it is estimated that the cost of the Proposed Urban Renewal Projects as described above will be approximately as follows:	\$47,011.06

DEVELOPMENT PLAN

Storm Lake has a general plan for the physical development of the City, as a whole, outlined in the Storm Lake Comprehensive Plan that was adopted by the City Council in February, 2013. The goals, objectives, and projects proposed in this Urban Renewal Plan Amendment #1 are consistent with the City's Comprehensive Plan.

This Urban Renewal Amendment #1 does not in any way replace the City's current land use planning or zoning regulation process.

PROPERTY ACQUISITION/DISPOSITION

The City will follow any applicable requirements for the acquisition and disposition of property.

URBAN RENEWAL PLAN AMENDMENTS

The #4 LMI Housing Urban Renewal Plan may be amended from time to time for a variety of reasons, including but not limited to, adding or deleting land, adding urban renewal projects, or modifying goals or types of renewal activities.

The City Council may amend this Plan in accordance with applicable state law.

EFFECTIVE PERIOD

This Urban Renewal Plan Amendment No. 1 will become effective upon its adoption by the City Council. Notwithstanding anything to the contrary in the Urban Renewal Plan, any prior amendment, resolution, or document, the Urban Renewal Plan shall remain in effect until terminated by the City Council, and the use of incremental property tax revenues, or the "division of revenue," as those words are used in Chapter 403 of the Code of Iowa, will be consistent with Chapter 403 of the Iowa Code and the division of revenues shall continue on the Area, including all Amendment Areas, for the maximum period allowed by law.

Amendment No. 1 adds and/or confirms a list of proposed projects to be undertaken within the Urban Renewal Area and does not impact any expiration or sunset dates of the City's ability to collect incremental taxes.

REPEALER

Any parts of the previous Plan, as previously amended, in conflict with this Amendment are hereby repealed.

SEVERABILITY CLAUSE

If any part of the Amendment is determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the previously adopted Plan as a whole or the previous amendments to the Plan, or any part of the Plan not determined to be invalid or unconstitutional.

Amendment #1 10th Street Townhomes Development Agreement - Mayor Kruse opened the public hearing on Amendment #1 to 10th Street Townhomes LLLP Development Agreement stating that this was the time and place for any comments. Hearing no comments the Mayor then closed the public hearing.

Moved by Council Member Porsch to adopt Resolution No. 60-R-2013-2014 approving

Amendment #1 to 10th Street Townhomes LLLP Development Agreement. Seconded by Council Member Walker. Vote: All ayes with Council Member Anderson absent. Motion carried.

RESOLUTION NO. 60-R-2013-2014

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE AGREEMENT FOR PRIVATE DEVELOPMENT BY AND BETWEEN THE CITY OF STORM LAKE AND 10TH STREET TOWNHOMES LLLP

WHEREAS, by Resolution No. 02-R-2013-2014, adopted July 1, 2013, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the #4 LMI Housing Urban Renewal Plan (the "Plan") for the #4 LMI Housing Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan is on file in the office of the Recorder of Buena Vista County; and

WHEREAS, it is desirable that properties within the Area be redeveloped as part of the overall redevelopment area covered by said Plan; and

WHEREAS, 10th Street Townhomes LLLP (the "Developer") has proposed a First Amendment to the Agreement for Private Development ("Amendment") between Developer and the City which would obligate the City to reimburse Developer for a portion of the Building Permit Fee paid by Developer in the amount of \$27,011.06; and

WHEREAS, Iowa Code Chapters 15A and 403 authorize cities to make loans and grants for economic development in furtherance of the objectives of an urban renewal project and to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of said Chapters, and to levy taxes and assessments for such purposes; and

WHEREAS, the Council has determined that the Amendment is in the best interests of the City and the residents thereof and that the performance by the City of its obligations thereunder is a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Amendment and the City's performance thereunder is in furtherance of appropriate economic development activities and objectives of the City within the meaning of Chapters 15A and 403 of the Iowa Code taking into account any or all of the factors set forth in Chapter 15A, to wit:

- a. Businesses that add diversity to or generate new opportunities for the Iowa economy should be favored over those that do not.
- b. Development policies in the dispensing of the funds should attract, retain, or expand businesses that produce exports or import substitutes or which

generate tourism-related activities.

- c. Development policies in the dispensing or use of the funds should be targeted toward businesses that generate public gains and benefits, which gains and benefits are warranted in comparison to the amount of the funds dispensed.
- d. Development policies in dispensing the funds should not be used to attract a business presently located within the state to relocate to another portion of the state unless the business is considering in good faith to relocate outside the state or unless the relocation is related to an expansion which will generate significant new job creation. Jobs created as a result of other jobs in similar Iowa businesses being displaced shall not be considered direct jobs for the purpose of dispensing funds; and

WHEREAS, pursuant to notice published as required by law, this Council has held a public meeting and hearing upon the proposal to approve and authorize execution of the Amendment and has considered the extent of objections received from residents or property owners as to said proposed Amendment; and, accordingly the following action is now considered to be in the best interests of the City and residents thereof.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF STORM LAKE IN THE STATE OF IOWA:

Section 1. That the performance by the City of its obligations under the Amendment, including but not limited to making of loans and grants to the Developer in connection with the development of the Development Property under the terms set forth in the Amendment, be and is hereby declared to be a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Amendment and the City's performance thereunder is in furtherance of appropriate economic development activities and objectives of the City within the meaning of Chapters 15A and 403 of the Iowa Code, taking into account the factors set forth therein.

Section 2. That the form and content of the Amendment, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the Mayor and the City Clerk be and they hereby are authorized, empowered and directed to execute, attest, seal and deliver the Amendment for and on behalf of the City in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers, and that from and after the execution and delivery of the Amendment, the Mayor and the City Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Amendment as executed.

PASSED AND APPROVED this 17th day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

FY 2014-2015 Budget – Moved by Council Member Huddleston to set Monday, March 3, 2014 at 5:00pm for the public hearing on the FY 2014-2015 Budget. Seconded by Council Member Porsch. Vote: All ayes with Council Member Anderson absent. Motion carried.

5-Year CIP Plan – Moved by Council Member Engelmann to set Monday, March 3, 2014 at 5:00pm for the public hearing on the FY 2015-2019 Five-Year Capital Improvements Plan. Seconded by Council Member Walker. Vote: All ayes with Council Member Anderson absent. Motion carried.

Water Revenue Capital Loan Note – Moved by Council Member Huddleston adopt Resolution No. 61-R-2013-2014 approving and authorizing amendment to loan and disbursement agreement with the Iowa Finance Authority, and authorizing and providing for the reissuance of the \$7,500,000 Water Revenue Capital Loan Note, Series 2003. Seconded by Council Member Walker. Vote: All ayes with Council Member Anderson absent. Motion carried.

RESOLUTION NO. 61-R-2013-2014

A RESOLUTION APPROVING AND AUTHORIZING
AN AMENDMENT TO LOAN AND DISBURSEMENT
AGREEMENT BY AND BETWEEN THE CITY OF
STORM LAKE AND THE IOWA FINANCE
AUTHORITY, AND AUTHORIZING AND PROVIDING
FOR THE REISSUANCE OF THE \$7,500,000 WATER
REVENUE CAPITAL LOAN NOTE, TAXABLE SERIES
2003, OF THE CITY

WHEREAS, the City of Storm Lake (hereinafter the "Issuer") previously issued its Water Revenue Capital Loan Note, Taxable Series 2003, dated August 5, 2003, to the extent of \$7,500,000 (hereinafter the "Note") currently outstanding in the amount of \$4,664,000, pursuant to a Loan and Disbursement Agreement between Issuer, the Iowa Finance Authority, the Iowa Department of Natural Resources and Wells Fargo Bank, N.A., dated of like date (the "Agreement"), for the purpose of defraying the costs of the Project (as defined in the resolution authorizing issuance of the same (hereinafter the "Resolution")); and

WHEREAS, the Iowa Finance Authority, as Original Purchaser and current holder of the Notes, has authorized a reduction in the interest rate on the Notes to 1.75%; and

WHEREAS, an Amendment to the Loan and Disbursement Agreement (hereinafter the "Amendment") has been prepared to reflect said interest rate reduction, a copy of which is attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IN THE COUNTY OF BUENA VISTA, STATE OF IOWA:

- Section 1. That the Resolution is hereby amended to reflect the interest rate reduction to 1.75% per annum on the outstanding principal amount from and after December 1, 2013 for the remainder of the life of the Notes.
- Section 2. That the Amendment in substantially in the form attached to this Resolution is hereby authorized to be executed and issued on behalf of the Issuer by the Mayor and attested by the City Clerk.
- Section 3. Except as amended herein, all of the other terms and conditions of the Resolution and Agreement are in all respects ratified, confirmed and approved and shall remain in full effect.

PASSED AND APPROVED this 17th day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Urban Revitalization Amendment – Moved by Council Member Walker to adopt Resolution No. 62-R-2013-2014 setting Monday, March 3, 2014 at 5:00pm for the public hearing on the proposed Amendment #1 to Storm Lake Urban Revitalization Plan. Seconded by Council Member Huddleston. Vote: All ayes with Council Member Anderson absent. Motion carried.

RESOLUTION NO. 62-R-2013-2014

RESOLUTION DETERMINING THE NECESSITY AND FIXING
DATE FOR A PUBLIC HEARING ON THE MATTER OF THE
ADOPTION OF A PROPOSED AMENDMENT NO. 1 TO STORM

LAKE URBAN REVITALIZATION PLAN

WHEREAS, the Council has determined that certain areas within the City of Storm Lake can be revitalized and the potential for certain permitted commercial and residential development enhanced by the adoption of an urban revitalization plan as authorized by Chapter 404, Code of Iowa (the "Act"); and

WHEREAS, a proposed Amendment No. 1 ("Amendment") to Storm Lake Urban Revitalization Plan (the "Plan") has been prepared, the purpose of which is to extend the expiration date of the Plan, amend the legal description to include the entire City limits as of January 1, 2014, provide that future annexed property shall be automatically included within the Area, and prohibit any eligibility for exemptions under this Plan for properties located within a current or future urban renewal area; and

WHEREAS, the property within the Area, after the proposed Amendment is adopted will be legally described as follows:

Entire corporate limits as of January 1, 2014. The Area shall also include all area annexed into the City after January 1, 2014, effective immediately upon the effective date of the annexation of such area.

WHEREAS, before such Amendment can be adopted, it is necessary pursuant to Iowa Code Section 404.2(6) that a public hearing be held thereon and that due notice be given in accordance with the requirements of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STORM LAKE, IOWA:

Section 1. It is determined that the rehabilitation, conservation, redevelopment, economic development or a combination thereof of the Area is necessary in the interest of the public health, safety, or welfare of the residents of the city, and the Area substantially meets the criteria of Section 404.1 and the proposed Amendment No. 1 to Storm Lake Urban Revitalization Plan, attached to this Resolution as Exhibit 1, is declared to substantially meet the criteria of Iowa Code Section 404.1.

Section 2. It is determined that it is in the best interests of the citizens of the City of Storm Lake, Iowa to hold a public hearing on the matter of the adoption of the Amendment No. 1 to Storm Lake Urban Revitalization Plan, on the 3rd day of March, 2014 at 5:00 o'clock P.M., in the Council Chambers, City Hall, 620 Erie Street, Storm Lake, Iowa.

Section 3. That the City Clerk be and is hereby directed to publish a notice of a public hearing on the Amendment No. 1 to the Storm Lake Urban Revitalization Plan, at least once not less than seven days prior to the date of said public hearing, as provided in Section 404.2(6) of the Code of Iowa. March 3rd is the next regularly scheduled city council meeting after the publication of the notice.

Section 4. Be it further resolved that copies of the Amendment No. 1 to Storm Lake Urban Revitalization Plan be made available to the public through the office of the City Clerk.

Section 5. The notice of the proposed hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL
OF THE CITY OF STORM LAKE, IOWA, ON THE MATTER OF THE
ADOPTION OF A PROPOSED AMENDMENT NO. 1 TO STORM
LAKE URBAN REVITALIZATION PLAN

Public notice is hereby given that the City Council of the City of Storm Lake, Iowa, will hold a public hearing on the 3rd day of March, 2014, at 5:00 o'clock P.M., in the Council Chambers, City Hall, 620 Erie Street, Storm Lake, Iowa, at which meeting the Council proposes to take action on the adoption of an Amendment No. 1 to Storm Lake Urban Revitalization Plan described therein, under the authority of Chapter 404 of the Code of Iowa, as amended.

The proposed Storm Lake Urban Revitalization Area is legally described as follows:

Entire corporate limits as of January 1, 2014. The Area shall also include all area annexed into the City after January 1, 2014, effective immediately upon the effective date of the annexation of such area.

The Amendment No. 1 to the Storm Lake Urban Revitalization Plan extends the expiration date of the Plan, amends the legal description to include the entire City limits as of January 1, 2014, provides that future annexed property shall be automatically included within the Area, and prohibits any eligibility for exemptions under this Plan for properties located within a current or future urban renewal area.

The Amendment No. 1 to Storm Lake Urban Revitalization Plan, if adopted, will allow property owners to apply for abatement on eligible improvements to certain residential property or commercial property. Limitations will apply.

Any persons interested may appear at said meeting of the Council and present evidence for or against the adoption of the Amendment. The proposed Amendment, including a map of the area, is on file in the office of the City Clerk and available for public inspection or copying during ordinary business hours. The Amendment is also posted on the City's website at www.stormlake.org/taxabatement.

This notice is given by order of the City Council of the City of Storm Lake, Iowa, pursuant to Section 404.2(6) of the Code of Iowa, 2013, as amended.

Dated this _____ day of _____, 2014

City Clerk of Storm Lake, Iowa
(End of Notice)

PASSED AND APPROVED this 17th day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Exhibit 1

URBAN REVITALIZATION PLAN

STORM LAKE REVITALIZATION AREA

CITY OF STORM LAKE, IOWA

February, 2005
Amendment #1 – March, 2014

SIMMERING-CORY, INC.

AMENDMENT #1 TO STORM LAKE URBAN REVITALIZATION PLAN

The City of Storm Lake (“City”) Urban Revitalization Plan (“Revitalization Plan” or “Urban Revitalization Plan”) for the Storm Lake Urban Revitalization Area (“Revitalization Area” or “Area”), dated February 2005, is being amended to:

- (a) extend the expiration date of the Plan to January 1, 2024;
- (b) prohibit any eligibility for exemptions under this Plan for properties located within an urban renewal area;
- (c) to amend the description of the Area to include the entire City limits as of January 1, 2014, thus including all annexed areas since the Original Plan was adopted in 2005; and
- (d) provide that future annexed property shall be automatically included within the Area upon the effective date of annexation.

Except as modified by this Amendment #1 (“Amendment”), the provisions of the original Storm Lake Urban Revitalization Plan are hereby ratified, confirmed and approved and shall remain in full force and effect as provided therein.

C. DESCRIPTION OF THE AREA

The original Storm Lake Revitalization Area (“Area”) included the entire area within the corporate limits as it existed on February 21, 2005, except that part of the City located south of Richland Street and east of Flint Drive. The excepted area had been designated as an Urban Renewal Area. The City has now determined to include the entire City within the Revitalization Area. However, all property within the City that is within a current or future Urban Renewal Area will not be eligible for any benefits under this Plan. (See Section R.)

The legal description of the Urban Revitalization Area is attached as Exhibit A.

Section J Modified: Section J of the Storm Lake Urban Revitalization Plan is hereby repealed and the following adopted in lieu thereof:

J. TIME FRAME

The Area shall be eligible for tax abatement under the Revitalization Plan until January 1, 2024. This means the improvements must be completed during the 2023 calendar year so that the assessor can make a full assessment of the improvements as of January 1, 2024. If, in the opinion of the City Council, the desired level of revitalization has been attained or economic conditions are such that the continuation of the exemption granted would cease to be of benefit to the City, the City Council may repeal the ordinance establishing the Revitalization Area, pursuant to Section 404.7 of the Code of Iowa at any time prior to February

1, 2024. In the event the ordinance is repealed, all existing exemptions shall continue until their expiration. The City may also extend the time period for tax abatement at any time.

Section K Modified: Section K of the Storm Lake Urban Revitalization Plan is hereby repealed and the following adopted in lieu thereof:

K. EXEMPTIONS

All qualified real estate assessed as residential property is eligible to receive a one hundred percent (100%) exemption from taxation on the first seventy-five thousand dollars (\$75,000) of actual value added by the improvements. The exemption is for a period of five (5) years.

All qualified real estate assessed as commercial property is eligible to receive a fifty percent (50%) exemption from taxation on the actual value added by the improvements. The exemption is for a period of three (3) years.

No exemption is applicable to commercial property that consists of three or more separate living quarters with at least 75% of the space used for residential use or for property classified as multiresidential property.

Section N Modified: Section N of the Storm Lake Urban Revitalization Plan is hereby repealed and the following adopted in lieu thereof:

N. OTHER SOURCES OF REVITALIZATION FUNDS

The City encourages the investment and reinvestment of funds to construct new or rehabilitate existing residential properties in the community. As such, the City has a history of utilizing various funding sources, including CDBG (Community Development Block Grant) and IFA (Iowa Finance Authority) programs for financing improvements to residential properties.

It is not the intention of the City of Storm Lake to prohibit the use of these or other appropriate federal or state revitalization or incentive programs within the Revitalization Area.

New Section R: The Storm Lake Urban Revitalization Plan is amended by adding a new Section R, which is adopted to read as follows:

R. EXCLUSION OF BENEFITS IN URBAN RENEWAL AREAS

Property located within any current or future Urban Renewal Area established in the City is ineligible for any Exemptions under this Plan.

Accordingly, in the future, as boundaries of existing or future Urban Renewal Areas are amended, or if new Urban Renewal Areas are established or modified, the land area within such Urban Renewal Areas shall automatically become ineligible for Exemptions under Section K of this Urban Revitalization Plan, without the need for an amendment to the Urban Revitalization Plan.

Likewise, if in the future, an Urban Renewal Plan expires or if an amendment removes property from an Urban Renewal Area and consequently such land is no longer within an Urban Renewal Area, such land shall automatically become eligible for Exemptions under Section K of this Urban Revitalization Plan, without the need for an amendment to the Urban Revitalization Plan.

A map of the current Urban Renewal Areas is attached hereto as Exhibit B. These areas will be modified in the future. For current information on the boundaries of the City's Urban Renewal Areas, see the City Clerk.

New Section S: The Storm Lake Urban Revitalization Plan is amended by adding a new Section S, which is adopted to read as follows:

S. ANNEXED AREAS TO BE INCLUDED

The Urban Revitalization Plan for the Storm Lake Urban Revitalization Area was adopted by Resolution #48-R-2004-2005 on February 21, 2005 (Original Plan).

This Amendment #1 to the Storm Lake Urban Revitalization Plan adds the additional property that has been annexed by the City of Storm Lake since the adoption of the Original Plan. For all property annexed after February 21, 2005, up to and through December 31, 2013, such property is eligible for exemptions under this Urban Revitalization Plan for projects on or after the effective date of this Amendment #1 to the Urban Revitalization Plan.

For all property annexed after January 1, 2014, and in the future, such property shall be automatically included within the Area as of the effective date of annexation and the provisions of the Plan, as amended, shall be applicable to such property.

Note, however, if annexed property is located within a current or future Urban Renewal Plan, as amended, such property is not eligible for abatement, meaning such property is not eligible for the Exemptions under Section K.

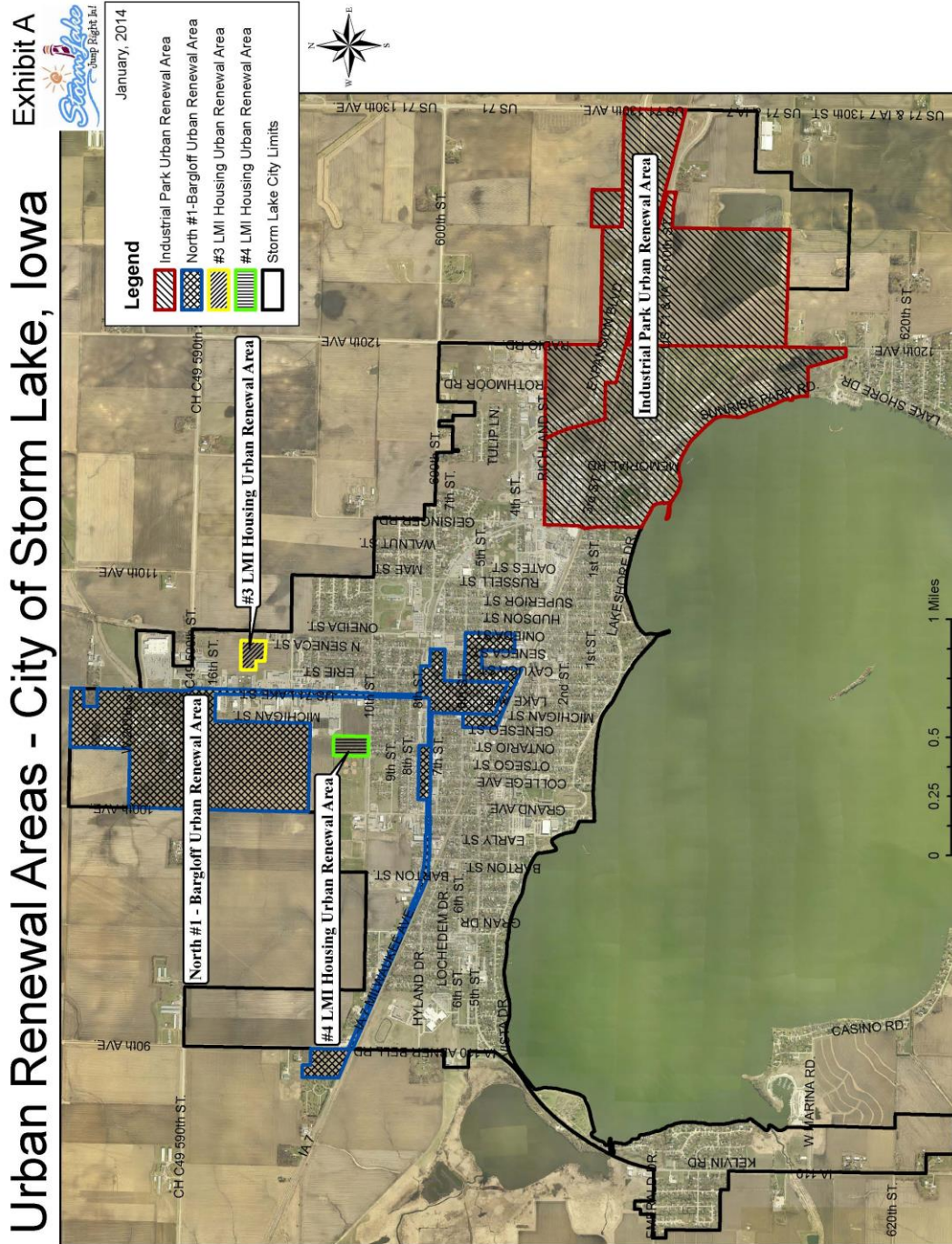
EXHIBIT A

Legal Description of Urban Revitalization Area

Entire corporate limits as of January 1, 2014. The Area shall also include all area annexed into the City after January 1, 2014, effective immediately upon the effective date of the annexation of such area.

EXHIBIT B

Map showing current Urban Renewal Areas that are not eligible for any Exemptions under this Revitalization Plan. Property within future modifications, additions and/or deletions of urban renewal areas are likewise not eligible for any Exemptions under this Revitalization Plan.



Annexation – Moved by Council Member Walker to adopt Resolution No. 63-R-2013-2014 setting a public hearing for May 5, 2014 at 5:00pm and a consultation session for March 11, 2014 at 9:00am on the voluntary annexation request from the Prunty and Zinn family. Seconded by Council Member Engelman. Vote: All ayes with Council Member Anderson absent. Motion carried.

RESOLUTION NO. 63-R-2013-2014

RESOLUTION SCHEDULING PUBLIC HEARING ON PROPOSED VOLUNTARY ANNEXATION

WHEREAS, the City of Storm Lake, Iowa has received an Application from the owners of property requesting that the City voluntarily annex their property which is generally adjacent to the northeastern boundary of the City of Storm Lake, located south of 600th Street and adjacent to, and east of, Redwood Drive, a private road, and is more specifically described as follows:

Parcels A and B, contiguous parcels identified for taxation purposes as Parcel Numbers 14-02-201-006 and 14-02-201-007, together owned by Suzanne Prunty and Wayne Prunty, wife and husband, and Sheryl Zinn and William Zinn, wife and husband, and together legally described as:

Part of the North Twenty-Five (25) acres of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section Two (2), Township Ninety (90) North, Range Thirty-Seven (37) West of the Fifth P.M., more particularly described as follows:

Beginning at a point 245 Feet East of the Northwest corner of said Northeast Quarter (NE1/4), thence East 274 Feet to the west line of Lot One (1), Block One (1), Ferry's Subdivision of part of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section Two (2), Township Ninety (90) North, Range Thirty-Seven (37) West of the Fifth P.M., thence South along said lot line a distance of 350 Feet; thence South 90°00' West a distance of 274 Feet; thence North to the point of beginning; and Lot One (1), Block One (1), Ferry's Subdivision of part of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section Two (2), Township Ninety (90) North, Range Thirty-Seven (37) West of the Fifth P.M., subject to existing road and easement for drainage.

WHEREAS, the proposed annexation of such parcels is 100% voluntary;

WHEREAS, the territory proposed to be annexed adjoins the northeastern boundary of the City of Storm Lake, is outside the boundaries of any other city, is within two miles of the city limits of the City of Lakeside, Iowa, but is not within two miles of the boundaries of any city other than the City of Lakeside, Iowa;

WHEREAS, the real estate proposed to be annexed adjoins 600th Street, also known as East Milwaukee Avenue, a Buena Vista County, Iowa road, on the north boundary of such real estate; and

WHEREAS, that part of the 600th Street right-of-way that adjoins and lies between the north boundary of the real estate described above and the centerline of 600th Street should be included with the real estate the applicants seek to annex in the territory to be annexed pursuant to the application.

NOW, THEREFORE, be it resolved by the City Council of the City of Storm Lake, Iowa as follows:

1. City staff shall hold a consultation meeting with regard to this proposed annexation with the Buena Vista County Board of Supervisors and the Hayes Township Trustees on March 11, 2014, at 9:00 a.m. at the Council Chambers in City Hall in Storm Lake, Iowa. City staff shall give notice to such Board and Trustees as required by law.

2. The City of Storm Lake shall consider the proposal to voluntarily annex the property described above. The meeting of the City Council at which the proposed annexation is to be considered shall be held in the Council Chambers at City Hall, Storm Lake, Iowa at 5:00 p.m. on the 5th day of May, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.

3. The City Clerk shall publish Notice of Hearing on Voluntary Annexation not less than 10 business days prior to the date of the hearing in the Storm Lake Times.

4. The City Clerk shall mail Notice to all owners of the adjoining land, to the Chairperson of the Buena Vista County, Iowa Board of Supervisors, to the affected utilities, and to all other parties giving notice of said public hearing as required by Iowa Code Section 368.7, not less than 14 business days prior to the hearing. Such notices shall be sent by certified mail when required by the Iowa Code or Administrative Rules.

Moved by Council Member Walker to adopt and seconded by Council Member Engelmann.

Passed and approved this 17th day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Seneca Street Reconstruction – Moved by Council Member Porsch to approve an

engineering agreement with Bolton & Menk, Inc. for the Seneca Street Reconstruction Project. Cost of contract \$23,500. Seconded by Council Member Huddleston. Vote: All ayes with Council Member Anderson absent. Motion carried.

All Way Stop – Moved by Council Member Engelmann to pass on 3rd reading Ordinance No. 04-O-2013-2014 adding all way stop at the intersection of 13th Street and Seneca Street. Seconded by Council Member Porsch. Vote: All ayes with Council Member Anderson absent. Motion carried.

ORDINANCE NO. 04-O-2013-2014

AN ORDINANCE AMENDING TITLE 9, CHAPTER 7, SECTION 3 OF THE 1994 RECODIFICATION OF THE MUNICIPAL CODE OF THE CITY OF STORM LAKE, IOWA BY THE ADDITION OF STOP SIGNS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA:

Section 1. Title 9, Chapter 7, Section 3 of the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa is hereby amended by the addition of the following unnumbered Subsection at the end of said Section 3 (Stop Signs Required) as it now reads:

All corners of the intersection of Thirteenth Street and North Seneca Street

Section 2. This ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

PASSED AND APPROVED this 17th day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Sidewalk Ordinance – Moved by Council Member Walker to pass on 3rd reading Ordinance No. 05-O-2013-2014 amending regulations regarding sidewalks. Seconded by Council Member Engelmann. Vote: All ayes with Council Member Anderson absent. Motion carried.

ORDINANCE NO. 05-O-2013-2014

AN ORDINANCE AMENDING TITLE 10, CHAPTER 1, SECTIONS 2, 3, 5, 8, 9, 10, 11, 12 AND 15 OF THE 1994 RECODIFICATION OF THE MUNICIPAL CODE OF THE CITY OF STORM LAKE, IOWA FOR THE PURPOSE OF

UPDATING THE PROVISIONS OF THE CITY CODE RELATING TO SIDEWALKS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA THAT THE FOLLOWING CODE SECTIONS ARE AMENDED AS SET FORTH HEREFTER.

Section 1. Section 10-1-2 is hereby amended by the addition of the following the text of this Section as it currently reads:

“If standards determined pursuant to the Americans with Disability Act (ADA) require construction to a higher standard, the ADA Standard shall apply.”

Section 2. Section 10-1-3 is hereby amended by the addition of the following sentence following the text of that Section as it currently reads:

“The Notice shall provide that the owner must obtain a permit to make such sidewalk improvements at such cost for the permit as is prescribed from time to time by resolution by the Council, and shall provide a time limit in which the construction of the sidewalk must be completed, and which time limit shall not be less than 120 days.”

Section 3. Section 10-1-5 is hereby amended by adding the language set forth hereafter immediately following the text of the Section as it currently reads:

“When the City assesses the cost of constructing a sidewalk across the property where no sidewalk has previously existed, the property owner may elect to make the payments in equal payments over a period of not more than four years plus interest at the rate of five percent.”

Section 4. Section 10-1-8 is hereby amended by deleting the word “Administrator” wherever it appears in this Section and substituting the term “Manager” in its place.

Section 5. Section 10-1-9 is hereby amended by deleting the language of the present Section and substituting the following language within its place:

“Section 10-1-9 Owner’s Responsibility On Receiving Notice To Repair.

Upon receipt of Notice to Repair Sidewalks, all homeowners shall, within sixty (60) calendar days thereafter, first obtain a permit from the Code Enforcement Officer and pay the charge for said permit. The Application for the permit shall include the name of the contractor purposed to do the repair or replacement, or alternatively, provide notice that the owner will personally do the work and provide the tentative date of the repairs and provide notice as to whether the owner intends to repair or replace the sidewalk.

Following the issuance of this permit and within the same sixty (60) day time frame set

forth above, all sidewalk repair or replacement as required in the Notice to the property owner shall be completed. For good cause shown, the City Manager is hereby authorized to extend the period of time for completion of sidewalk repair or replacement beyond the sixty (60) day period for such additional period of time as the manager deems reasonable.”

Section 6. Section 10-1-10 is hereby amended by deleting the word “Administrator” wherever it appears and substituting the word “Manager” in its place. In addition, the following additional sentences shall be inserted at the end of Section 10-1-10 as follows: “Homeowners are given notice that if they fail to make the repairs required and if the City must then proceed, pursuant to this Section, to make the repair, it will be the policy of the City to make all repairs by removing the affected sections of the sidewalk and replacing them with new concrete notwithstanding that the homeowner might have pursued other possible remedies to bring the sidewalk into compliance. For assessments made pursuant to this Section, the property owner shall have the option of paying the assessment over a two (2) year period with interest at five percent (5%).

Section 7. Section 10-1-11 is hereby amended by deleting the language as it presently reads and substituting the following language in its place:

“Section 10-1-11 Appeal Of Notice To Repair Or Notice Of Assessment

Any property owner desiring to appeal a notice requiring the property owner to install and repair or replace sidewalk adjacent to or adjoining the owner’s property must file a notice of appeal with the City Clerk within five (5) days of receipt of the notice. The appeal shall be heard at the earliest possible date thereafter by three members of the City staff designated by the City Manager. In no case shall the appeal be heard by the City staff member who made the original inspection and determined the necessity of repairs. If the City makes the repairs required upon failure of the property owner to do so and thereafter files an assessment against the property, and the property owner desires to appeal that notice of assessment, the property owner shall file a notice of appeal with the City Clerk within ten (10) days following receipt of the notice of assessment. The appeal of the assessment shall be heard at the next regular council meeting following the receipt of the notice of appeal by the Clerk, and at the conclusion of the hearing on that property owner’s appeal, the Council shall either affirm, reverse or modify the original assessment order.”

Section 8. Section 10-1-13 is hereby amended by the deletion of the word “Administrator” wherever it appears in that Section and substituting the word “Manager” in its place.

Section 9. Section 10-1-15 is hereby amended by deleting the language of the current Section and substituting the following language in its place:

“Section 10-1-15 Municipal Infraction. A violation of any provision of this Chapter, specifically including the failure to obtain permits that are required by this Chapter or

failure to pay the permit fee, shall constitute a municipal infraction subject to the penalties and alternative relief authorized by Title I, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.”

Section 10. This Ordinance shall be in full force and effect from and after its final passage, approval and publication as provided by law.

Passed and approved this 17th day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Bargloff TIF – McDonalds Parcel – Moved by Council Member Engelmann to pass on 3rd reading Ordinance No. 06-O-2013-2014 providing for the collection of incremental taxes in connection with the Storm Lake Urban Renewal Area North #1 – Bargloff Urban Renewal Area (McDonald’s Parcel). Seconded by Council Member Walker. Vote: All ayes with Council Member Anderson absent. Motion carried.

ORDINANCE NO. 06-O-2013-2014

Field Code Ch

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON CERTAIN PROPERTY LOCATED WITHIN THE STORM LAKE URBAN RENEWAL AREA NORTH #1 - BARGLOFF URBAN RENEWAL AREA, IN THE CITY OF STORM LAKE, COUNTY OF BUENA VISTA, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF STORM LAKE, COUNTY OF BUENA VISTA, STORM LAKE COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE STORM LAKE URBAN RENEWAL AREA NORTH #1 - BARGLOFF URBAN RENEWAL AREA (MCDONALD’S PARCEL)

WHEREAS, the City Council of the City of Storm Lake, State of Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. 08-R-2010-2011 passed and approved on the 19th day of July, 2010, adopted an Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the Storm

Lake Urban Renewal Area North #1 - Bargloff Urban Renewal Area (the "Urban Renewal Area"), which Urban Renewal Area includes the property owned by Vermeulen Properties 5 LLC (the McDonald's Parcel) located within the area. The McDonald's Parcel is legally described as follows:

The East Two Hundred Ninety-Five and Nine Tenths feet (E. 295.90') of Block Sixty-Three (63), First Addition to the City of Storm Lake, Buena Vista County, Iowa.

Parcel #1403202007; and

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of Storm Lake, State of Iowa, in the future to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the City has determined to adopt individual TIF Ordinances on various properties within the Urban Renewal Area as parcels are developed and produce tax increment; and

WHEREAS, the City Council of the City of Storm Lake, State of Iowa, desires to provide for the division of revenue from taxation on the McDonald's Parcel in the Urban Renewal Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, STATE OF IOWA:

Section 1. That the taxes levied on the taxable property in the Urban Renewal Area legally described in the preamble hereof (the McDonald's Parcel), by and for the benefit of the State of Iowa, City of Storm Lake, County of Buena Vista, Storm Lake Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 2. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area (the McDonald's Parcel), as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Storm Lake, State of Iowa, certifies to the Auditor of Buena Vista County, Iowa the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein (which certification is directed to be made during the 2014 calendar year), shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid. Thus, if "debt" is certified by December 1, 2014, the frozen base valuation for the McDonald's Parcel shall be January 1, 2013.

Section 3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of the City of Storm Lake, State of Iowa, hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.12 of the Code of Iowa, as amended, incurred by the City of Storm Lake, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the entire Urban Renewal Area pursuant to the Urban Renewal Plan, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code Section 298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code Section 257.19 (but in each case only to the extent required under Iowa Code Section 403.19(2)); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Iowa Code Section 346.27(22) related to joint county-city buildings; and (iv) any other exceptions under Iowa Code Section 403.19 shall be collected against all taxable property within the Urban Renewal Area (the McDonald's Parcel) without any limitation as hereinabove provided.

Section 4. Unless or until the total assessed valuation of the taxable property in the Urban Renewal Area (the McDonald's Parcel) exceeds the total assessed value of the taxable property in the Urban Renewal Area (the McDonald's Parcel) as shown by the assessment roll referred to in Section 2 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area (the McDonald's Parcel) shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

Section 5. At such time as the loans, advances, indebtedness, bonds and interest thereon of the City of Storm Lake, State of Iowa, referred to in Section 3 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Urban Renewal Area (the McDonald's Parcel) shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect to the division of taxes from property within the Urban Renewal Area as described above (the McDonald's Parcel). In the event that any provision of this Ordinance shall be determined to be contrary to law, it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Urban Renewal Area and the territory contained therein.

Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 17th day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

City Clerk

Study Session – City Clerk presented information on Solicitor, Peddler, & Transient Merchant License Ordinance changes for the Council’s consideration. Council provided direction to staff on the proposed changes including the following: clarification on those businesses that are invited to operate out of the property of a local business, public vs. business sales, and sales to the employees of businesses vs. the general public. The Council also would like to leaving in the ordinance the ability of the Council to exempt certain activities based on it being a community event.

Adjourn – Moved by Council Member Walker to adjourn the meeting at 6:33pm. Seconded by Council Member Engelmann. Vote: All ayes with Council Member Anderson absent. Motion carried.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

These are Draft Minutes Subject to Final Council Approval

**SPECIAL COUNCIL MEETING, CITY OF STORM LAKE, IOWA, CITY HALL,
FEBRUARY 27, 2014, 8:00 A.M.**

Present: Mayor Jon Kruse, Council Members Dan Anderson, Bruce Engelmann, David Walker, and Mike Porsch. Absent: Sara Huddleston. Staff present: City Manager Jim Patrick, City Attorney Phil Havens, Public Safety Director Mark Prosser, Building Official Scott Olesen, and Justin Yarosevich City Clerk.

Mayor Kruse called the meeting to order at 8:00am.

Hear the Public – None

Settlement Agreement – Moved by Council Member Walker to adopt Resolution No. 64-R-2013-2014 approving and authorizing execution of settlement agreement and release with Sunset Bay Reflection, LLC, Craig Smith, Buena Vista County, Iowa, the Buena Vista County Treasurer, and the Buena Vista County Assessor and directing compliance by City staff with its terms. Seconded by Council Member Porsch. Vote: All ayes with Council Member Huddleston absent. Motion carried.

Purchase of Property – Moved by Council Member Anderson to adopt Resolution No. 65-R-2013-2014 approving and authorizing the purchase from Buena Vista County of the property formerly known as Sunset Bay Reflection LCC. Seconded by Council Member Engelmann. Vote: All ayes with Council Member Huddleston absent. Motion carried.

Adjourn – Moved by Council Member Porsch to adjourn the meeting at 8:07am. Seconded by Council Member Engelmann. Vote: All ayes with Council Member Huddleston absent. Motion carried.

Jon. F. Kruse, Mayor

ATTEST: Justin Yarosevich, City Clerk

License Application ()

Applicant

Name of Applicant:	<u>KSL Convenience LLC</u>		
Name of Business (DBA):	<u>One Stop Shop</u>		
Address of Premises:	<u>1101 N Lake Ave</u>		
City: <u>Storm Lake</u>	County: <u>Buena Vista</u>	Zip: <u>50588</u>	
Business Phone:	<u>(712) 732-2821</u>		
Mailing Address:	<u>1101 N Lake Ave</u>		
City: <u>Storm Lake</u>	State: <u>IA</u>	Zip: <u>50588</u>	

Contact Person

Name:	<u>Kaurav Randhawa</u>		
Phone:	<u>(347) 583-0000</u>	Email Address:	<u>kauravrandhawa@gmail.com</u>

Classification: Class C Beer Permit (BC)

Term: 12 months

Effective Date: 03/06/2014

Expiration Date: 01/01/1900

Privileges:

Class C Beer Permit (BC)
Sunday Sales

Status of Business

BusinessType:	<u>Limited Liability Company</u>		
Corporate ID Number:	<u>0</u>	Federal Employer ID #	<u>46-4841648</u>

Ownership

Kaurav Deep Randhawa

First Name: Kaurav Deep

Last Name: Randhawa

City: Storm Lake

State: Iowa

Zip: 50588

Position President

% of Ownership 100.00 %

U.S. Citizen

Insurance Company Information

Insurance Company:	
Policy Effective Date:	Policy Expiration Date:
Bond Effective Continuously:	Dram Cancel Date:
Outdoor Service Effective Date:	Outdoor Service Expiration Date:
Temp Transfer Effective Date:	Temp Transfer Expiration Date:

APPLICATION FOR IOWA RETAIL CIGARETTE / TOBACCO PERMIT

For period 03/06/14, 20 14 through June 30, 20 14

PLEASE TYPE OR PRINT LEGIBLY

Please mail this completed application to your local jurisdiction. If you have questions, call your city clerk (within city limits) or your county auditor (outside city limits).

I/We hereby make application for a retail permit to sell cigarettes and tobacco products:

BUSINESS INFORMATION

Name of Business/DBA: One Stop Shop

Location Address (Must Have): 1101 N LAKE AVE STORM LAKE IA 50588

Mailing Address: 1101 N LAKE AVE City: STORM LAKE State/Zip: IA 50588

Type of Sales: ☐ Vending Machine ☒ Over-the-counter Telephone Number (712) 732-2821

Type of Retail Establishment:

☐ bar ☒ convenience store - with gas ☐ convenience store - no gas ☐ drug store ☐ gas station
☐ grocery ☐ hotel/motel ☐ liquor store ☐ restaurant ☐ tobacco store
☐ other _____

☐ has vending machine that assembles cigarettes

Cigarettes must be sold at the minimum price set by the State of Iowa. Obtain a current copy from the Iowa Department of Revenue Web site at www.state.ia.us/tax or from TaxFax at 1-800-572-3943 (enter form number 71023).

ONLY APPROVED BRANDS OF CIGARETTES OR ROLL-YOUR-OWN PRODUCTS MAY BE SOLD IN IOWA

Any brand not on the list is contraband. In addition, all cigarettes sold in Iowa must have an Iowa Cigarette Tax Stamp affixed to each package. Any violation of contraband or non-Iowa cigarette tax stamped package is subject to seizure and penalties under the provisions of Iowa Code 453A and 453D.

The list of approved brands is always current at www.state.ia.us/tax/business/CigTobIndex.html and is called IOWA DIRECTORY OF CERTIFIED TOBACCO PRODUCTS MANUFACTURERS — THEIR BRANDS AND BRAND FAMILIES

Go to <http://elists.idrf.state.ia.us/scripts/wa.exe> and sign up for the Cigarette/Tobacco eList (listserv).

You will receive an e-mail every time the approved list changes or the minimum price changes.

LEGAL OWNER INFORMATION

Type of Ownership: ☐ Individual ☐ Partnership ☐ Corporation ☒ LLC ☐ LLP

Legal Owner: KSL CONVENIENCE LLC

(Name of Individual, Partnership, Corporation, LLC, or LLP)

Mailing Address: 1101 N LAKE AVE

City: STORM LAKE State: IA Zip: 50588 Ph. Number: (347) 583-0000

Fax Number: () E-mail Address: NW PETROLEUM 15 @ GMAIL.COM

If application is approved and permit granted, I/we do hereby bind ourselves to a faithful observance of the laws governing the sale of cigarettes and tobacco products.

SIGNATURE OF OWNER, PARTNER(S), OR CORPORATE OFFICIAL

Name (please print): KAURAV RANDHAWA Name (please print): _____

Signature: [Signature] Signature: _____

Date: 2/19/14 Date: _____

FOR OFFICE USE ONLY

Amount Paid: 37.50

Date Issued: 3/3/14

Permit #: _____

☒ New

☐ Renewal

FOR CITY CLERK/COUNTY AUDITOR ONLY
PLEASE SEND COMPLETED COPY TO THE IOWA
DEPARTMENT OF COMMERCE,
ALCOHOLIC BEVERAGE DIVISION

Name of Issuing (City) or County Storm Lake

Staff Summary

3/3/2014

Agenda Item # B.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Sue Vossberg, Deputy Clerk

SUBJECT: Buy Local Information

BACKGROUND: Early in 2011 during a Study Session discussion Council asked staff to look at putting together some analysis information regarding the amount of purchases made locally. We have pulled that information together and a provided a summary of purchases identified in the current list of bills to be approved that are purchased locally (within the City of Storm Lake), within Buena Vista County, and outside of Buena Vista County are presented here for Council's review. This information is presented for for both the City and King's Pointe's bills.

As the reader reviews the information they should note the following key notes:

- Costs associated with any major capital project (those bid under the State of Iowa Bid Law) are excluded from the calculation
- Costs associated with travel is excluded from the calculation and %
- Costs associated with payroll is excluded from the calculation and %
- In some cases there is only one vendor or an item is only available from vendors outside of the City limits and/or Buena Vista County – we have not identified these
- Some departments have fairly minor budgets and a major purchase can skew the % and or amount for a given review period (For Example: the Airport may have normally \$4,000 - \$6,000 in expenses until they purchase Jet Fuel or Av Gas which can be \$10,000 + and as a vendor who is not local this can skew the information for that review period)
- Local has been determined to be has an office front in the area and based on where the office front is located for local vs. BV County (For Example: Wal-Mart is considered local since they have a store in Storm Lake even though their headquarters is not located here)

As with all analytical data it is possible to interpret the numbers in a variety of ways and as we move forward we would be happy to provide further detail and or revise the way in which we show the data. Likewise if you have any questions or concerns please don't hesitate to contact city staff.

FISCAL IMPACT:

	Total Expenses	Calculated Expenses	Local	%	BV Co	%	Non Local	%
City	\$577,976.29	\$342,927.20	\$61,660.65	18	\$62,019.07	18	\$88,324.05	64
King's Pointe	\$94,246.92	\$22,647.14	\$17,184.94	76			\$5,462.20	24
Golf Course	\$461.49	\$461.49	\$461.49	100			\$	

RECOMMENDATION: Review Buy Local Information

Staff Summary

3/3/2014

Agenda Item # C.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Mark Prosser, Public Safety Director

SUBJECT: **Noise Variance Issuance For The 2014 Yellow Light Foundation Walk**

BACKGROUND: The Yellow Light Foundation Founder, Lindsay Westfall has submitted a request for a Noise Variance for outdoor amplified announcements and music for the 2014 Yellow Light Foundation Walk scheduled for Saturday, September 6, 2014 between the hours of 12:00pm and 3:00pm in AWAYSIS Park.

The request is consistent with previous years and I will issue the Variance upon receiving a consensus in the affirmative by the City Council.

FISCAL IMPACT: None

RECOMMENDATION: Pass Motion Authorizing the Variance

ATTACHMENTS:

Description	Type
📎 Request and Permit	Permit



Public Safety Police & Fire

PERMIT

401 East Milwaukee Avenue
Storm Lake, IA 50588
Phone: 712-732-8010

Event Yellow Light Foundation Walk

Issued To: Name Lindsay Westfall
Organization Yellow Light Foundation - Founder
Address P.O. Box 128
Newell, IA 50568
Phone 641-203-1956

Date(s) of Event Saturday, 9-6-2014

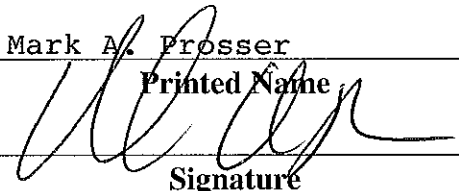
Time(s) of Event 12:00pm - 3:00pm

Expiration of Permit 9-7-2014

Location/Area of Use Awaysis Park

Type of Permit

<u>X X X</u>	1	Noise Variance -8-7-4
<u> </u>	2	Ride/Run/Walk - 9-13-4
<u> </u>	3	Parade -9-13-4
<u> </u>	4	Public Demonstration - 8-7-4
<u> </u>	5	Street Closing
<u> </u>	6	Fireworks - 8-2-1-(I2A)
<u> </u>	7	Authorized Burn - 7-2-2-B
<u> </u>	8	Other

Authorized by: Mark A. Prosser

Printed Name
Signature

3-3-2014
Date
Public Safety Director
Title

Mark Prosser

From: Lindsay Westfall <lwestfall@yellowlightfoundation.org>
Sent: Saturday, February 15, 2014 1:50 PM
To: Mark Prosser
Subject: Noise Variance Request

Mr. Prosser,

I am contacting you on behalf of Yellow Light Foundation which hopes to have our 3rd annual suicide awareness walk on Sat. Sept 6th along the lake from Awaysis Park to Chatauqua Park along the bike path and back.
This year all of our speakers and music will be held outside at the beach. If we do need, below is our information:

Date and Time: Saturday, September 6th Noon-3pm

Location: Awaysis Park, Storm Lake

Charity it is for: Yellow Light Foundation is an organization which provides immediate services to survivors of suicide in Northwest Iowa.

Mailing Address: PO Box 128, Newell, IA 50568

Phone: 641-203-1956 (Cell)

Thank you,

--

Lindsay Westfall
Founder -Yellow Light Foundation
lwestfall@yellowlightfoundation.org
641-203-1956
PO Box 128
Newell, IA 50568

www.yellowlightfoundation.org

Like us on Facebook!



Print Form

Storm Lake Parks Open Shelters Reservation Form
City of Storm Lake
City Hall, 620 Erie Street
712-732-8000
712-732-4114 (f)
cityhall@stormlake.org

Name: Yellow Light Foundation

Address: PO Box 128

Phone Number: 641-203-1956

City: Newell

Cell Phone: same as above

State: Iowa

Zip: 50568

E-mail Address: lwestfall@yellowlightfoundation.org

Rental Date: 9/6/2014

All Rentals + \$25.00 Deposit (per slot)

☐ Campground Open Shelter

☐ Dawn - 3:00PM

☐ 3:00PM - Dusk

\$50.00 Rental (per slot)

☐ Frank Starr Park Open Shelter

☐ Dawn - 3:00PM

☐ 3:00PM - Dusk

\$50.00 Rental (per slot)

☐ AWAYSIS Pavilion 1 (East)

☐ 10:00AM - 1:00PM

☐ 1:00PM - 4:00PM

☐ 4:00PM - 7:00PM

\$25.00 Rental (per slot)

☒ AWAYSIS Pavilion 2 (West)

☐ 10:00AM - 1:00PM

☒ 1:00PM - 4:00PM

☐ 4:00PM - 7:00PM

\$25.00 Rental (per slot)

By signing this rental agreement form you agree to the terms and rules of this rental agreement. You hereby agree that you will only have exclusive right to the open shelter or pavilion for the rental period. You agree to have the shelter or pavilion clean and ready for the next person to use at the end of the rental period. You agree not to attach anything to the shelter or pavilion structure by any means other than masking tape and to remove all items by the end of your rental period. You agree that you will not drive on or over any sidewalk, trail, or grass within the parks and to limit vehicles to the authorized parking areas of the park. You also agree to pick up all trash in and around the shelter house and to dispose of the garbage in a proper garbage facility provided within the park. If at the time you arrive there are persons utilizing the shelter please kindly ask them to move to another location. If they refuse to leave or the shelter is not clean you may contact the Buena Vista County Communications Center at 712-749-2525 for assistance - please provide them with your name and the shelter or pavilion you are renting. Signs indicating your rental will be posted at the shelter house the day of the rental. You agree to pay for any damages or clean up expenses that occur as a result of your rental including any costs that exceed your damage deposit.

You agree and understand that once the facility is rented there is no refund for cancellation.

Renter
Signature:

Lindsey Hogg - yellow light foundation

Date:

2/17/14

This Section - City of Storm Lake Use Only

Payment Rec'd Date:

Rental Taken By:

Payment Method

Deposit Payment Method - \$25.00/location/time slot

☐ Cash

Receipt #:

☐ Cash

☐ Check

Check #:

☐ Check

Check #:

Administrative Checklist

☐ Put on Rental Calendar

☐ Put on Web Calendar

☐ Parks Dept. Notified

Staff Summary

3/3/2014

Agenda Item # 3.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Emily Haselhoff, Planning Coordinator

SUBJECT: **Ordinance No. 07-O-2013-2014 Zoning Ordinance, Subdivision Ordinance, & Zoning Map**

BACKGROUND: The Planning and Zoning Commission have been working with City Staff and planning consultants at HKGI to update the Zoning Ordinance, Subdivision Ordinance, and Zoning Map since February 2013. The Commission has met monthly to review the ordinances, map, and all the proposed changes to make sure they coincide with the visions for the City of Storm Lake and Comprehensive Plan.

At the last Council meeting, the City Council sent the Zoning Ordinance and Subdivision Ordinance back to the Commission and asked the Planning and Zoning Commission to review the zoning located between Barton and Terrence Street and the institutional districts over Buena Vista University, Methodist Manor, and Otsego Place.

At the Planning and Zoning Commission meeting on February 24th, the Commission discussed the actions and zoning recommendations that they made in this area and felt that the scaled back the IN-2 and IN-3 zoning they did in January was appropriate with the IN-2 only over properties owned by Buena Vista University in the campus setting and with the IN-3 zoning over properties owned by Methodist Manor and one property that is surrounded by properties owned by Methodist Manor.

The Planning and Zoning Commission have held three public hearings and various study sessions relating to the Zoning Ordinance, Subdivision Ordinance and Zoning Map and more specifically relating to the IN Districts within the City.

The Planning and Zoning Commission was satisfied with their proposed zoning they submitted to Council. With their changes and modifications to scale back the IN Districts at the January study session, they felt the proposed changes to the Zoning Ordinance, Subdivision Ordinance, and Zoning Map were in

accordance with the Comprehensive Plan that the Council had approved in February 2013. The Commission did not wish to change their recommendation and referred this back to Council.

The Planning and Zoning Commission's recommendation to the City Council was to approve the Zoning Ordinance, Subdivision Ordinance, and Zoning Map as follows: "As requested by the City Council, and in consideration of the previous public hearings by this Commission, including refinements in response to citizen input, the Commission has reviewed the Ordinances. It is recommended that the document go to the City Council for consideration and adoption. The recommendation is also contingent upon the addition of Indexes and hyperlinks throughout the documents once the Zoning Ordinance, Subdivision Ordinance, and Zoning Map are approved."

Staff would also recommend the Council approve the updates to the Zoning Ordinance, Subdivision Ordinance, and Zoning Map. A comparison chart has been attached to this staff summary that compares the R-2, R-4, IN-2, & IN-3 zoning districts and includes the district purpose statements, permitted and conditional uses for each district, development regulations, and buffer requirements for those specific zoning districts. Copies of the draft ordinances and maps as well as the Planning and Zoning Commission recommendation are also attached to this staff summary.

Copies of the updated Zoning Ordinance, Subdivision Ordinance, and Zoning Map have been attached to this staff summary for Council review. The ordinances and maps are also located on the www.stormlake.org/draftzoning website.

FISCAL IMPACT:

The total cost for the project is \$17,000.

RECOMMENDATION:

Adopt Ordinance No. 07-O-2013-2014
1st Reading - March 3, 2014
2nd Reading - March 17, 2014
3rd Reading - April 7, 2014

ATTACHMENTS:

Description	Type
 Ordinance No. 07-O-2013-2014	Ordinance
 P&Z Action Taken	Backup Material
 Zoning Ordinance	Ordinance
 Updated Subdivision Ordinance	Ordinance
 New Zoning Map	Map
 New Zoning Map with Overlay Districts	Map
 Zoning Comparisons: R-2, R-4, IN-2, IN-3	Backup Material

ORDINANCE NO. 07-O-2013-2014

AN ORDINANCE AMENDING THE CITY OF STORM LAKE ZONING AND SUBDIVISION REGULATIONS AND ADOPTING THE OFFICIAL ZONING MAP

WHEREAS, the City Council of the City of Storm Lake, State of Iowa, is granted the power to adopt zoning and subdivision regulations as per Iowa Code Chapters 414 and 354 ; and

WHEREAS, the City Council of the City of Storm Lake deems it necessary to regulate the use and development of land in order to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, 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 promote the conservation of energy resources; to promote reasonable access to solar energy; to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, and other public requirements; and to carry out certain goals and strategies identified in the Storm Lake Comprehensive Plan; and

WHEREAS, Iowa Code Chapter 414.3 requires that zoning regulations be made in accordance with a comprehensive plan; and

WHEREAS, the City of Storm Lake adopted an updated comprehensive plan by Resolution No. 94-R-2012-2013 on February 18, 2013; and

WHEREAS, revisions to the zoning and subdivision regulations have been recommended for the purposes of ensuring consistency with the comprehensive plan, correcting technical errors and omissions, and enhancing clarity and usability; and

WHEREAS, the Planning and Zoning Commission has held a series of meetings in 2013 and 2014 discussing and reviewing changes including public hearings held on October 28th and November 25th of 2013 and February 10th, 2014; and

WHEREAS, the Planning and Zoning Commission has recommended approval of the proposed zoning and subdivision regulations and map amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, STATE OF IOWA:

Section 1. Adoption of the Zoning Ordinance by reference: The City Council of the City of Storm Lake, State of Iowa, hereby adopts the 2014 Zoning Ordinance, a copy of which is attached and incorporated by reference, and which is an ordinance regulating the use and

location of buildings and sites; establishing certain base zoning districts for residential, commercial, institutional, industrial and open spaces; providing standards for building setbacks, heights, lot cover and other spatial requirements; providing standards for minimum lot sizes and dimensions; establishing certain overlay districts for special uses and design parameters; providing certain supplemental use regulations for use such as horticulture, urban animal husbandry, residential uses, downtown residential uses, institutional uses, and commercial/industrial uses; providing requirements for certain site improvements such as parking, landscaping, lighting, circulation, and signage; and providing for administrative procedures to secure proper development entitlements.

Section 2. Adoption of the Subdivision Ordinance by reference: The City Council of the City of Storm Lake, State of Iowa, hereby adopts the 2014 Subdivision Ordinance, a copy of which is attached and incorporated by reference, and which is an ordinance regulating the division of lands; providing procedures and rules for the processing of plats; providing guidelines for subdivision layout and design including preservation of open space and natural features; providing requirements for access and circulation; requiring the provision of public improvements including sanitary sewer, potable water, stormwater infrastructure and utilities; and providing for the necessary dedication of public lands, financial guarantees and development agreement mechanisms to administer installation of public improvements.

Section 3. Adoption of the official zoning map by reference: The City Council of the City of Storm Lake, State of Iowa, hereby adopts the 2014 Zoning Map as its official zoning map.

Section 4. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Chapters 414 and 354 of the Code of Iowa, as amended, with respect to establishing zoning regulations and regulating the platting, division, and subdivision of land.

Section 5. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

**ACTION TAKEN ON UPDATED ZONING ORDINANCE,
SUBDIVISION ORDINANCE, & ZONING MAP**

CITY OF STORM LAKE

PLANNING AND ZONING COMMISSION

Date: February 24, 2014

Applicant: City of Storm Lake Zoning Ordinance, Subdivision
Ordinance, & Zoning Map



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
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The Planning and Zoning Commission has reviewed the foregoing documents and hereby recommends
to the City Council that the documents be:

X Approved _____ Denied

Reason for approval or denial: (list complete data) As requested by the City Council, & in
consideration of the previous public hearings by this Commission,
including refinements in response to citizen input, the Commission
has reviewed the Ordinances. It is recommended that the
document go to the City Council for consideration and
adoption. Contingent upon the addition of indexes and
hyperlinks throughout the documents.

Acted upon this 24 day of February 2014.

Signed: _____

Randy J. Jell
Chairman

Attest: _____

Emilee Haselhoff
Secretary

The City Council has reviewed the foregoing documents and recommendations and hereby
_____ Approves _____ Denies the documents.

Dated this _____ day of _____, 2014.

Signed: _____

Administrator

Attest: _____

City Clerk



The Zoning Ordinance Of the City of Storm Lake, Iowa

~ Proposed Amendments ~

Draft for Post Public Hearing – 7 February 2014

Comments can be submitted ahead of the workshop to Emily Haselhoff, Planning Coordinator at haselhoff@stormlake.org or to request a meeting or questions contact Emily at 712.732.8002.

* Recommended changes to the current zoning ordinance are provided in a separate document tracked by ~~striketrough~~ for deleted text and underline text for new additions in a separate document. A copy of the marked up document is available upon request.

GENERAL PROVISIONS

1 ARTICLE ONE – GENERAL PROVISIONS

101 Title

This title of the Storm Lake Municipal Code shall be known as the Zoning Ordinance of the City of Storm Lake.

102 Jurisdiction

The provisions of this chapter shall be applicable to all property within the corporate limits of the City of Storm Lake and within two miles of the corporate limits as provided by [Chapter 414, Code of Iowa](#).

103 Purpose

The purposes of the Zoning Ordinance of the City of Storm Lake are to:

- a. Serve the public health, safety, and general welfare of the city and its jurisdiction.
- b. Classify property in a manner that reflects its suitability for specific uses.
- c. Provide for sound, attractive development within the city and its jurisdiction.
- d. Encourage compatibility of adjacent land uses.
- e. Protect environmental, historical, and cultural assets.
- f. Further the objectives of the Comprehensive Plan of the City of Storm Lake.

104 Consistency with Comprehensive Plan

The City of Storm Lake intends that this Zoning Ordinance and any amendments to it shall be consistent with the City's Comprehensive Plan. It is the City's intent to amend this ordinance whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Plan.

GENERAL PROVISIONS

105 Conflicting Provisions

The Zoning Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Zoning Ordinance conflicts with any other provision of the Zoning Ordinance, any other Ordinance of the City of Storm Lake, or any applicable State or Federal law, the more restrictive provision shall apply.

106 Relief from Other Provisions

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

107 Severability of Provision

If any chapter, section, clause, or phrase of this Zoning Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

108 Publication

This Ordinance shall be published in book or pamphlet and electronic (online) form and shall, together with the maps being a part hereof, shall be filed with the City Clerk of the City of Storm Lake, Iowa.

2 ARTICLE TWO - DEFINITIONS

201 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

202 General Construction of Language

The following general rules of construction apply to the text of the Zoning Ordinance.

a. Headings

Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, intent of any provision of the Zoning Ordinance.

b. Illustration

In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.

c. Shall and May

“Shall” is always mandatory. “May” is discretionary.

d. Tenses and Numbers

Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

e. Conjunctions

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. “And” indicates that all connected items or provisions apply.
2. “Or” indicates that the connected items or provisions may apply singly or in any combination.
3. “Either ... or” indicates that the connected items or provisions shall apply singly but not in combination.

DEFINITIONS

f. Referenced Agencies

Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Chapter are those of the City of Storm Lake.

203 Definition of Terms

For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions, which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

204 A

1. **Abutting:** Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
2. **Accessory Structure:** A structure, which is incidental to and customarily associated with a specific principal use or building on the same site.
3. **Accessory Use:** A use, which is incidental to and customarily associated with a specific principal use on the same site.
4. **Addition:** Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
6. **Alley:** A public right of way, which is used as a secondary means of access to abutting property.
7. **Alteration:** Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
8. **Apartment:** A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.
9. **Attached:** Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

205 B

1. **Base Zoning District:** A district established by this Ordinance, which prescribes basic regulations governing land use and site development standards. No more than one Base

DEFINITIONS

- Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.
2. Basement: A level of a building below street level that has at least one-half of its height below the surface of adjacent ground.
 3. Beginning of Construction: The initial incorporation of labor and materials into the foundation of a building or structure.
 4. Block: An area of land within a subdivision that is entirely bounded by streets and the exterior boundaries of the subdivision, or by a combination of the above with a watercourse or lake, and which has been designated as such on a plat for the purposes of legal description of a property.
 5. Block Face: The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes, or the corporate limits of Storm Lake.
 6. Board of Adjustments: A body, established by the City, pursuant to [Chapter 414 of the Code of Iowa](#), expressly for the purpose of granting relief from situations of hardship, to hear appeals, and to provide for approval of variances and conditional uses as provided by this Ordinance.
 7. Buffer yard: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
 8. Building: A structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons or property.
 9. Building Coverage: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
 10. Building Envelope: The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.
 11. Building Footprint: The outer boundary of a building established by the location of its exterior walls.
 12. Building Official: The designee of the City Council, responsible for the enforcement of the Uniform Building Code.
 13. Business: Activities that include the exchange or manufacture of goods or services on a site.
 14. Business Center: A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.
 15. Boarding House for Students: A boarding house for students is a residential facility providing housing for students who are enrolled in any public, private or parochial school, vocational schools, college or university together with any necessary support staff.

DEFINITIONS

206 C

1. Certificate of Occupancy: An official certificate issued by the Building Official or his/her designee, upon finding of conformance with the Uniform Building Code, and upon receipt of a Certificate of Zoning Compliance.
2. Certificate of Zoning Compliance: An official certificate issued by the Zoning Administrator or his/her designee, which indicates that the proposed use of building or land complies with the provisions of the Zoning Ordinance.
3. Change of Use: The replacement of an existing use by a new use.
4. Cluster: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
5. City: The City of Storm Lake, Iowa.
6. City Code: The official rules and regulations for the City of Storm Lake, Iowa.
7. City Council: The City Council of Storm Lake, Iowa.
8. Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
9. Co-Housing Community: A cohousing community is a type of intentional community composed of private homes supplemented by shared facilities. The community is planned, owned, and managed by the residents – who also share activities which may include cooking, dining, child care, gardening, and governance of the community. Common facilities may include a kitchen, dining room, laundry, child care facilities, offices, internet access, guest rooms, and recreational features.
10. Common Area: An area held, designed, and designated for common or cooperative use within a development.
11. Common Development: A development proposed and planned as one unified project not separated by a public street or alley.
12. Common Open Space: Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
13. Compatibility: The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
14. Comprehensive Plan: The duly adopted Comprehensive Plan of the City of Storm Lake.
15. Conditional Use: A use that may be permitted in a zoning district subject to special conditions and with the approval of the Board of Adjustment. Conditional Uses are considered identical to Special Exception Uses as authorized by the Code of Iowa.

DEFINITIONS

16. Condominium: A real estate ownership arrangement that combines simple title to a specific unit and joint ownership in common elements shared with other unit owners. Types of units may include dwelling units, parking spaces, office spaces, or commercial spaces.
17. Conservation Subdivision: Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.
18. County: Buena Vista County, Iowa.
19. Court: An approved private right-of-way, which provides access to residential properties, does not function as a local street because of its alignment, design, or location and is completely internal to a development.
20. Courtyard: An open, unoccupied space, bounded on two or more sides by the walls of the building.

207 D

1. Density: The amount of development per specific unit of a site.
 - (a) Density, Gross: The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.
 - (b) Density, Net: The total number of dwelling units divided by the total developable land area of a project. Net density calculations exclude public or private street rights of way, dedicated public park or open space, wetlands or water bodies, and any utility easement that prohibits development.
2. Drive-in Services: Uses that involve the sale of products or provision of services to occupants in vehicles.
3. Deck – a structural platform with or without a roof structure that adjoins a house and is supported by a means other than the principal structure (i.e. footings.)
4. Detached: Fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.
5. Driveway: A permanently paved, surfaced area providing vehicular access between a street and an off-street parking or loading area.
6. Duplex: A structure containing two separate but connected dwelling units, each of which is designed to be occupied as a separate permanent residence for one family and each of which has direct access to the outside.
7. Dwelling Unit: One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

DEFINITIONS

208 E

1. Easement: A privilege or right of use granted on, above, under, or across a particular tract of land for a specific purpose by one owner to another owner, public or private agency, or utility.
2. Enclosed: A roofed or covered space fully surrounded by walls.

209 F

1. Family: Two or more persons (one of whom is the householder) related by birth, marriage, or adoption, living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit.
2. Federal: Pertaining to the Government of the United States of America.
3. Frontage: The length of a property line of any one premise abutting and parallel to a public street, private way, or court.

210 G

1. Grade: The horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
 - (a) For buildings having walls facing one street only, the grade shall be the elevation of the sidewalk at the center of the wall facing the street.
 - (b) For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.
 - (c) For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.
2. Gross Floor Area: The total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

211 H

1. Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the ridge for gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level adjacent to the building or structure.

DEFINITIONS

2. Home Based Business/Home Occupation: An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.
3. Housing Unit or Dwelling Unit: A building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.

212 I

1. Impervious Coverage: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

213 J

214 K

215 L

1. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, sod, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.
 - (a) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
 - (b) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.
2. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
3. Lot: A parcel of property with a separate and distinct number or other identifying designation which has been created, assigned and recorded in the Office of the Buena Vista County Register of Deeds, as provided for by appropriate sections of the Code of Iowa.
 - (a) Corner Lot: A lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.
 - (b) Double Frontage Lot: A lot, other than a corner lot, having frontage on two streets, private ways or courts. (Also known as a Through Lot)

DEFINITIONS

- (c) Interior Lot: A lot other than a corner lot.
 - (d) Common Development Lot: When two or more contiguous lots are developed as part of a Planned Unit Development, these lots may be considered a single lot for purposes of this ordinance.
- 4. Lot Area: The total horizontal area within the lot lines of a lot (as expressed in square feet or acres).
 - 5. Lot Depth: The mean horizontal distance measured between the front and rear lot lines.
 - 6. Lot Line: A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement.
 - (a) Front Lot Line: The lot lines separating a lot and a public or private street right-of-way or easement.
 - 1) For an interior lot, the lot line separating the lot from the right-of-way or easement.
 - 2) For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the Zoning Administrator shall determine the front lot line, or as may be noted on the final plat.
 - 3) For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Zoning Administrator at the time of application for the original building permit for the lot, or as may be noted on the final plat.
 - (b) Rear Lot Line: The lot line, which is opposite and most distant, from the front line.
 - (c) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
 - 7. Lot Width: The horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.

216 M

- 1. Manufactured Housing: Prefabricated houses that are constructed in parts off site or in a factory and then assembled at the building site in modular sections. Manufactured housing is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles; bears a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards promulgated by the US Department of Housing and Urban Development

DEFINITIONS

2. Mixed Use Building: A building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.
3. Mixed Use Development: A single development, which incorporates complementary land use types.
4. Mobile Homes: A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Iowa Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.
5. Mobile Home Park: A unified development under single ownership, developed, planned, and improved for the placement of mobile home units for non-transient use. Mobile Home Parks include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but does not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
6. Mobile Home Subdivision: A development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile Home Subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sale, or storage.
7. Modular Home: See manufactured home dwelling.
8. Multi-Generational Household: a family household consisting of three or more generations living under the same roof.

217 N

1. Nonconforming Development: A building, structure, or improvement which does not comply with the regulations for its Zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time of construction.
2. Nonconforming Lot: A lot which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.
3. Nonconforming Sign: A sign that was legally erected prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.
4. Nonconforming Structure: A structure which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.

DEFINITIONS

5. Nonconforming Use: A land use which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.
6. Nuisance: An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

218 Q

1. Open Space: Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state. Open space does not include required yard areas.
2. Outdoor Storage: The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.
3. Overlay District: A district established by this Ordinance to prescribe special regulations to be applied to a site only in combination with a base district.
4. Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

219 P

1. Parking Facility: An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is distinct from parking, and is regulated by provisions in Sections 307c, 308, 309j, Table 4-2. Provisions of Article 9 also govern vehicle storage: Parking Regulations.
2. Parking, Remote: A supply of off-street parking at a location not on the site of a given development. (also considered “off –site parking”)
3. Parking Spaces: An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle and with a means of access to a public street. This term is used interchangeably with “parking stall”.
4. Paved: Permanently surfaced with poured concrete, concrete pavers, or asphalt.
5. Permitted Use: A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
6. Planning and Zoning Commission: The Planning and Zoning Commission of the City of Storm Lake, as authorized pursuant to [Chapter 414 of the Code of Iowa](#).
7. Planned Unit Development: A development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of

DEFINITIONS

development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

8. Porch, Unenclosed: A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than forty two inches above its floor other than a roof with supporting structure.
9. Premises: A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.
10. Private Garage: A building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.
11. Property Line: See "Lot Line."

220 **Q**

221 **R**

1. Recreational Vehicle: A vehicle towed or self propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers.
2. Regulation: A specific requirement set forth by this Zoning Ordinance, which must be followed.
3. Retention Basin: Similar to a detention basin, a retention basin is a natural or manmade depression that retains storm water runoff and does not outlet it to a surface water body. Retention basins temporarily store water until it has infiltrated into the ground or has evaporated.

222 **S**

1. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of this ordinance.
2. Setback: The required distance between every structure and the lot lines of the lot on which it is located.
3. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.

DEFINITIONS

4. Site: The parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of this ordinance.
5. 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, and principal site development features proposed for a specific parcel of land.
6. State: The State of Iowa.
7. Story: The portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet.
8. Street: A right of way, dedicated to public use, which affords a primary means of access to the abutting property. This definition is intended to be inclusive of the term as defined in Iowa statute.
 - (a) Street, Arterial: A major thoroughfare primarily intended for through traffic that carries the largest volume of traffic with limited access to private property and high degree of connectivity to the regional highway system.
 - (b) Street, Collector: A street that collects traffic from local streets and disperses traffic between larger arterial highways and smaller streets and provides for access to private properties, particularly in commercial corridors or districts.
 - (c) Street, Intersecting and Principal: In regard to a site, the principal street shall be the street to which the majority of lots on a block face are oriented; the intersecting street shall be a street other than a principal street.
 - (d) Street, Local: A street, which is used primarily for access to the abutting properties and distribution of traffic from neighborhoods to collector and arterial streets.
 - (e) Street, Major: Arterial or collector
 - (f) Street, Minor: Local Streets. In some cases “minor” street may be referencing determining a street that carries less traffic or serves a lesser function in the street system when comparing one or more streets (for example when determining lot frontage on double frontage lots)
9. Structure: Any object constructed or built, the use of which requires location on the ground or attachment to something located on the ground.

223 T

1. Townhouse: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit. (also called a townhome or rowhouse)
2. Townhouse Structure: A building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.

DEFINITIONS

224 U

1. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
2. Utilities: Installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatments, or storage of water, solid or fluid wastes, storm water, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

225 V

1. Variance: Permission to depart from the zoning code when, because of special circumstances applicable to the property, strict application of the provisions of this development code deprives such property of privileges enjoyed by other property in the vicinity that is under identical zoning.

226 W

1. Wind Energy Conservation System (WECS): any structure or device designed to convert wind into energy for use on site or to be put back into the grid. WECS may include a standalone structure or a structure affixed to a permanent building, sign, light pole or other secure structure.

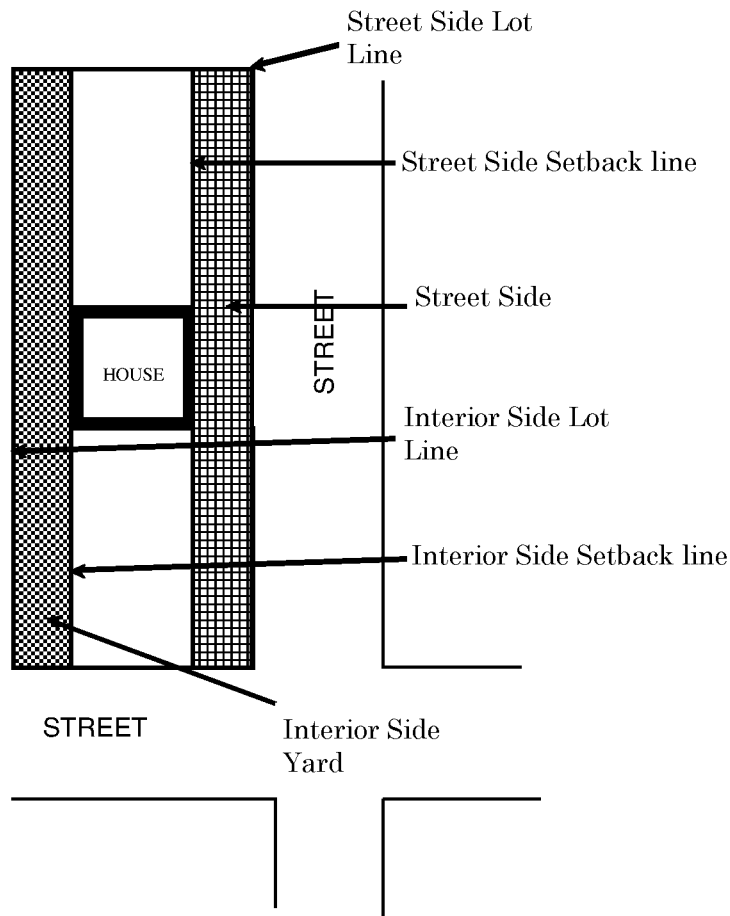
227 X

228 Y

1. Yard; Required: That portion of a lot that lies between a lot line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by this ordinance.
 - (a) Front Yard: The space extending the full width of a lot, lying between the front lot line and the front setback line. For a corner lot, the front yard shall ordinarily be defined as that yard along a street, which meets one of the following two criteria:
 - 1) the yard along the block face to which a greater number of structures are oriented; or
 - 2) the yard along a street that has the smaller horizontal dimension.

DEFINITIONS

- (b) Rear Yard: The space extending the full width of a lot, lying between the rear lot line and the rear setback line.
- (c) Side Yard: The space extending the depth of a lot from the front to rear lot lines, lying between the side yard setback line and the interior lot line.
- (d) Street Side Yard: On a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.



229 Z

1. Zoning Administrator: The designee of the City Council, responsible for the interpretation and administration of the City of Storm Lake Zoning Ordinance.
2. Zoning District: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.

USE TYPES

3

ARTICLE THREE - USE TYPES

301 Purpose

Article Three shall be known as the Use Types. The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. The Use Types section also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

302 Determinations

a. Classification of Uses

In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Zoning Administrator of the City of Storm Lake shall have the authority to determine the appropriate use type. A determination of the Zoning Administrator may be appealed to the Board of Adjustment. In making such determinations, the Zoning Administrator and Board of Adjustment shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.

b. Records

The Zoning Administrator shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

303 Agricultural Use Types

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

a. Animal Production

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.

USE TYPES

b. Crop Production

The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis.

c. Horticulture

The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.

d. Livestock Sales

Use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

e. Urban Agriculture

Urban agriculture means farming in the city and includes such actions as cultivating, processing, and distributing food within the city. The following specific uses are a part of urban agriculture:

1. Home Garden: A garden managed by one household for the production of produce for that homestead's consumption.
2. Community Garden: A garden managed by a group of individuals to grow/harvest produce for individual or group consumption, or for sale or donation with some stipulation. Generally a community garden is no larger than a traditional single family residential lot.
3. Market or Community Supported Agriculture (CSA) Garden: These are gardens used to grow produce for donation or sale only, on a small scale (generally less than 1 or 2 acres) using traditional gardening methods. Sale can occur on or off site.
4. Urban Farms: These areas are used to grow produce for donation or sale only, on a larger scale (generally 2-5 acres), either outside or within a structure, using more intensive methods such as vertical farming, aquaponics, etc. within a more urban setting (i.e. within the City of Storm Lake corporate limits). Sale can occur on or off site.
5. Urban Animal Husbandry: The keeping of smaller animals (chickens, ducks, turkeys, goats, bees, fish, rabbits, or similar) within developed areas of the city.
 - a. Keeping of animals within city limits requires a license/permit from the City of Storm Lake per Ordinance _____.

304 Residential Use Types

Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing 24-hour skilled nursing or medical care, forced residence, or therapeutic settings.

a. Boarding House for Students

A building other than a motel or hotel where, for compensation and by prearrangement for

USE TYPES

definite periods of time, a room is used or intended to be used for living or sleeping but not used for cooking or eating purposes.

b. Co-Housing

Use of a site for a housing project developed as a common development and including variety of types of housing and/or common facilities. Housing units are generally developed around shared open spaces and include a homeowners association.

c. Commercial Residential

The use of a portion of a commercial business structure for no more than one residential dwelling unit. The dwelling unit must be located above, alongside or to the rear of the permitted businesses.

d. Downtown Residential

The use of upper levels above street level of a building within the Central Business District of the City of Storm Lake for single- or multiple-family residential uses.

e. Duplex Residential

The use of a legally-described lot for two dwelling units, each occupied by one family within a single building, excluding mobile home units, but including manufactured or modular housing units.

f. Group Residential

The use of a site for a residence by more than three unrelated persons, not defined as a family, on a weekly or longer basis.

g. Manufactured Housing (also modular housing)

Use of a site for one or more manufactured home dwellings, as defined in Section 216 M (1).

h. Mobile Home Park

Use of a site under single ownership for one or more mobile home units. Generally, the land on which mobile homes are placed in a Mobile Home Park is leased from the owner of the facility.

i. Mobile Home Subdivision

Division of a tract of land into lots that meet all the requirements of the City of Storm Lake's Subdivision Ordinance for the location of mobile homes. Generally, a lot within a Mobile Home Subdivision is owned by the owner of the mobile home placed upon such lot.

j. Multiple-Family Residential

The use of a site for three or more dwelling units within one building.

USE TYPES

k. Rural Residential

Generally, rural residential uses are defined by larger lot sizes of 10 or more acres, large yards, outbuildings, farm lanes, and agricultural uses that are more of a hobby than a commercial enterprise. Rural residential uses may have private sewer systems or water wells.

l. Single-Family Residential

The use of a site for one dwelling unit, occupied by one family.

1. Single-Family Residential (Detached): A single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.
2. Single-Family Residential (Attached): A single-family residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another single lot. This is also known as a Twin Home.

m. Two-Family Residential

The use of a site for two dwelling units, each occupied by one family, each in a separate building. This use type accommodates accessory living units or multi-generational housing.

n. Townhouse Residential

The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical sidewalls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.

305 Civic Use Types

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses, which are strongly vested with social importance.

a. Administration

Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.

b. Campground

Privately or publicly-owned facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than 7 consecutive days during any one month period.

USE TYPES

c. Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

d. College and University Facilities (also considered post-secondary education)

An educational institution of higher learning, which offers a course of study, designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.

e. Community Centers and Clubs

Uses providing meeting, recreational, or social facilities for a private, non-profit or non-commercial association, primarily for use by members and guests.

f. Convalescent Facilities

A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

g. Cultural Facilities

A library, museum, or similar registered non-profit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

h. Day Care Facilities (Limited)

Any private agency, institution, establishment, or place, which provides supplemental, supervised care for no more than six (6) individuals without overnight accommodations. This term includes home day care facilities, nursery schools, preschools; day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

i. Day Care Facilities (General)

Any private agency, institution, establishment, or place, which provides supplemental, supervised care for more than six (6) individuals without overnight accommodations. This term includes nursery schools, preschools; day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

j. Detention Facilities

A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.

USE TYPES

k. Emergency Residential Facilities

A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

l. Group Care Facility

A facility licensed or approved by the State of Iowa or other appropriate agency, which provides for the care and short or long-term, continuous multi-day occupancy of more than five unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Group Care Facilities include facilities which provide for the:

1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
2. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or of developmental disabilities.
3. Rehabilitation from the effects of drug or alcohol abuse.
4. Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work release, and probationary programs.

m. Guidance Facilities

A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.

n. Health Care

A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors.

o. Helipads

A designated take-off and landing area for rotary wing aircraft. Helipads considered under the Civic Use Type, must be approved as a conditional use by the Zoning Board of Adjustment and must be accessory to a hospital or emergency medical center.

p. Hospital

A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors.

q. Maintenance Facilities

A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

USE TYPES

r. Parks and Recreation Facilities

Publicly owned and operated parks, playgrounds, recreation facilities, and open spaces. This category shall include camping facilities owned and operated by the City of Storm Lake and included as part of the city's park system, as provided by the Comprehensive Plan.

s. Postal Facilities

Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.

t. Primary Educational Facilities

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Iowa.

u. Public Assembly

Facilities owned and operated by a public agency or a charitable non-profit organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.

v. Religious Assembly

A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day-care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to Property Tax Code of the State of Iowa shall constitute prima facie evidence of religious assembly use.

w. Safety Services

Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.

x. Secondary Educational Facilities

A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Iowa.

y. Utilities

Any above ground or below ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.

USE TYPES

306 Office Use Types

Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

a. Financial Services

Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, and loan companies. An ATM (Automatic Teller Machine) that is not accompanied on-site by an office of its primary financial institution is considered a "General Retail Services" Use Type.

b. General Offices

Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.

c. Medical Offices

Use of a site for a facility which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Doctors, dentists, operate medical offices or similar practitioners licensed for practice in the State of Iowa.

307 Commercial Use Types

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

a. Adult Oriented Businesses

Establishments or places of business engaged in providing entertainment and/or merchandise for adults as defined in Article 614-d.

b. Agricultural Sales and Service Facilities

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally-related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

c. Automotive and Equipment Services

Establishments or places of business primarily engaged in sale, rental, leasing, and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

USE TYPES

1. **Automotive Rental and Sales:** Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.
2. **Auto Services:** Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
3. **Body Repair:** Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
4. **Equipment Rental and Sales:** Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
5. **Equipment Repair Services:** Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages; tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

d. Bed and Breakfast

A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner of the structure, include no more than ten units, and accommodate each guest or visitor for no more than 7 consecutive days during any one month period.

e. Business Support Services

Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.

USE TYPES

f. Business or Trade Schools

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

g. Cocktail Lounge

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.

h. Commercial Recreation

Private businesses or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Typical uses include golf courses, driving ranges, theaters, private dance halls, or private skating facilities.

i. Communications Services

Establishments primarily engaged in the provision of broadcasting and other information relay service accomplished through the use of electronic and telephonic mechanisms but excludes those classified as utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast towers, and their minor ancillary ground structures are classified as "Miscellaneous Use Types."

j. Construction Sales and Services

Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales.

k. Consumer Services

Establishments, which provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

l. Convenience Storage

Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

m. Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household

USE TYPES

products for home consumption. Food Sales establishments may include the sale of non-food items. However, the sales of non-food items may account for no more than 33% of the sales area of the Food Sales establishment. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

1. Convenience Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, and by the sales of fuel for motor vehicles.
2. Limited Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, and candy shops, small grocery stores.
3. General Food Sales: Establishments selling a wide variety of food commodities, using facilities larger than 10,000 square feet. Typical uses include supermarkets.

n. Funeral Services

Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

o. Gaming Facilities

Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to licensing regulations of the City of Storm Lake or the State of Iowa.

p. Kennels

Boarding and care services for dogs, cats and similar small mammals or large birds; or any premises on which three or more animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich raising facilities; pet motels, or dog training centers.

q. Laundry Services

Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

r. Liquor Sales

Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

USE TYPES

s. Lodging

Lodging services involving the provision of room and/or board, but not meeting the classification criteria of Bed and Breakfasts. Typical uses include hotels, apartment hotels, and motels.

t. Personal Improvement Services

Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a non-professional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

u. Personal Services

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barbershops; seamstress, tailor, or shoe repair shops; photography studios; or dry cleaning stations serving individuals and households.

v. Pet Services

Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

w. Research Services

Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

x. Restaurants

A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the establishment's gross income.

1. Restaurant (Drive-in or Fast Food): An establishment, which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.
2. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to Drive-in or Fast Food Restaurants. Typical uses include cafes, coffee shops, and restaurants.

y. Retail Services, General

Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type

USE TYPES

classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).

General Retail Services include:

1. Limited Retail Services: Establishments providing retail services, occupying facilities of 5,000 square feet or less for any single establishment or 10,000 square feet or less for a multi-tenant facility. Typical establishments provide for specialty retailing or retailing oriented to Storm Lake and a local market.
2. Medium Scale Retail Services: Establishments providing retail services, occupying facilities of 20,000 square feet or less for any single establishment or 40,000 square feet or less for a multi-tenant facility. Typical establishments provide for general-purpose retailing oriented to Storm Lake and its immediate vicinity.
3. Large Scale Retail Services: Establishments providing retail services, occupying facilities over 20,000 square feet in a single establishment or 40,000 square feet for a multi-tenant facility. Typical establishments provide for general-purpose retailing oriented to the Storm Lake region.

z. Stables and/or Riding Academies

The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

aa. Surplus Sales

Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.

bb. Trade Services

Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.

USE TYPES

cc. Vehicle Storage

Short-term storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage. Long-term storage beyond 21 days constitutes an Industrial Use Type.

dd. Veterinary Services

Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.

308 Parking Use Types

a. Off-Street Parking

Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility that is the primary use of a site.

b. Parking Structure

The use of a site for a multi-level building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site.

309 Industrial Use Types

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

a. Construction Yards

Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

b. Custom Manufacturing

Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

1. The use of hand tools, or
2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
3. A single kiln not exceeding 8 KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods

USE TYPES

produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

c. Light Industry

Establishments engaged in the manufacturing or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or un-enclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, and apparel assembly from fabrics, electronics, and manufacturing, print shops and publishing houses.

d. General Industry

Enterprises engaged in the processing, manufacturing, compounding, assembling, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.

e. Heavy Industry

Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

f. Recycling Collection

Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

g. Recycling Processing

Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

h. Resource Extraction

A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries; borrow pits, sand and gravel operations, and mining.

i. Salvage Services

Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials, which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junkyards, or paper salvage yards.

USE TYPES

j. Vehicle Storage (Long-term)

Long-term storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage. Long-term storage of 21 days or less constitutes a Commercial Use Type.

k. Warehousing

Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, open storage.

310 Transportation Use Types

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

a. Aviation Facilities

Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities or helipads and the provision of safety and security.

b. Railroad Facilities

Railroad yards, equipment servicing facilities, and terminal facilities.

c. Transportation Terminal

Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, public transit facilities.

d. Truck Terminal

A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

311 Miscellaneous Type Uses

a. Alternative Energy Production Devices

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, geothermal energy installations, or water-powered mills or generating facilities.

USE TYPES

b. Amateur Radio Tower

A structure(s) for the transmission or broadcasting of electromagnetic signals by FCC-licensed Amateur Radio operators.

c. Broadcasting or Cellular Tower

A structure(s) for the transmission or broadcasting of radio, television, radar, microwaves, or telecommunication signals ordinarily exceeding the maximum height permitted in its zoning district.

d. Construction Batch Plant

A temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

e. Landfill (Non-Putrescible Solid Waste Disposal)

The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.

f. Landfill (Putrescible and Non-putrescible Solid Waste Disposal)

The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Iowa. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage) and manure.

g. Wind Energy Conservation System (WECS)

Any device, which converts, wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

4

ARTICLE FOUR - BASE ZONING DISTRICT REGULATIONS

401 Purpose

Article Four presents the Base Zoning District Regulations. Base Zoning Districts are established in the Zoning Ordinance to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district.

402 Establishment and Purpose of Districts

The following base districts are hereby established. Table 4-1 displays the purposes of these districts.

Table 4-1 Zoning District Purpose Statements

Symbol	Title	Purpose
RES	Reserve	The RES District serves as a holding zone. It provides for the continued agricultural and rural use of land areas that have been annexed into the City of Storm Lake but have not yet been planned for development serviced by municipal utilities. The district is intended to accommodate existing agricultural uses on an interim basis and rural residential development on a limited basis in a manner which facilitates the future extension of municipal services. The district reserves the land for future development.
R-1	Low Density Residential (4 or less du/acre net)	This district is intended to provide for low-density residential neighborhoods, characterized by single-family dwellings on larger lots with supporting community facilities and urban services. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure. Net densities will not exceed four units per acre.

ZONING DISTRICT REGULATIONS

Symbol	Title	Purpose
R-2	Low Medium Density Residential (4-8 du/ac net)	This district is intended to provide for low to medium-density residential neighborhoods, characterized predominantly by single-family dwellings on moderately sized lots with supporting community facilities and urban services. The district also permits duplexes, two-family units, and townhouses subject to appropriate standards and applies to much of the established part of Storm Lake. It provides special regulations to encourage innovative forms of housing development. It adapts to both established and developing neighborhoods, as well as transitional areas between single-family and multi-family neighborhoods. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure. Net densities will not exceed eight units per acre.
R-3	Medium Density Residential (8 -12 du/ac net)	This district is intended to provide locations primarily for medium density housing, with supporting and appropriate community facilities. The predominant housing pattern would consist of small lot single family and attached townhome/rowhouse units. It also permits some non-residential uses such as offices as conditional uses, to permit the development of mixed-use neighborhoods. Net densities will not exceed twelve units per acre.
R-4	High Density Residential (greater than 12 du/ac net)	This district is intended to provide locations primarily for multiple-family housing, with supporting and appropriate community facilities. The predominant housing pattern in the R-4 district is stacked (3-4 story) apartment or condominium type housing. The district would also include limited townhome or rowhouse housing types. It also permits some non-residential uses such as offices as conditional uses, to permit the development of mixed-use neighborhoods. Maximum densities will be based on the sites ability to adequately serve the development with municipal infrastructure, fire and safety needs, and traffic capacity.
IN-1	Public Services	This district is intended to accommodate uses which are available to or are necessary to serve the general public. These uses are typically located throughout the community rather than within a specific geographic area. The intent of this district is to allow a centralized location where such uses are consolidated for efficiency purposes.
IN-2	Institutional Facilities	This district reserves areas for educational and religious purposes, particularly in campus settings. The district is designed to minimize impacts on adjacent land uses while allowing these important civic institutions to be located throughout the community.

ZONING DISTRICT REGULATIONS

Symbol	Title	Purpose
IN-3	Hospital Medical Facilities	This district accommodates commercial and professional uses associated with the community's role as a regional medical center including the hospital, laboratories, clinics, nursing homes, physical fitness/rehab centers, and medical offices. Its regulations are intended to minimize traffic congestion and buffer adjacent uses, particularly residential, from negative impacts.
PO	Park, Recreation and Open Space	This district accommodates uses that are active or passive recreation or open space uses of a public nature. Key characteristics include a public or not-for profit ownership and public access.
LC	Limited Commercial	This district reserves appropriately located area for office development and a limited variety of low-impact commercial facilities, which serve the needs of residents of surrounding residential communities. The commercial and office uses permitted are more compatible with nearby residential areas. Development regulations are designed to ensure compatibility in size, scale, and landscaping with nearby residential uses.
CC	Community Commercial	This district is intended for commercial facilities (including retail and office buildings), which serve the needs of markets ranging from several neighborhoods to the overall region. Traffic and operating characteristics may have more negative effects on residential neighborhoods than those permitted in the LC District. CC Districts are appropriate along major arterials, major intersections, or at substantial commercial centers.
CBD	Central Business District	This district is intended to provide appropriate development regulations for Downtown Storm Lake. Mixed uses (retail, office, residential) are encouraged within the CBD District. The grouping of uses is designed to strengthen the Downtown's role as a center for trade, service, and civic life.
LI	Limited Industrial	This district is intended to reserve sites appropriate for the location of industrial and office uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.
GI	General Industrial	This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

****See Article 5 for Special Overlay Districts**

ZONING DISTRICT REGULATIONS

403 Application of Districts

A base district designation shall apply to each lot or site within the city and its planning jurisdiction. Each site must be in one base district.

The Overlay districts are established in Article 5 and may be applied to any lot or site or any portion thereof, in addition to a base district designation.

404 Hierarchy

References in the Zoning Ordinance to less intensive or more intensive districts shall be deemed to refer to those residential, commercial, institutional and industrial base zoning districts established in Section 402 (Table 4-1), and shall represent a progression from the RES Reserve District as the least intensive to the GI General Industrial District as the most intensive.

405 Development Regulations

For each Zoning District: Purposes are set forth in Table 4-1; Uses permitted are set forth in Table 4-2; Development Regulations are set forth in Tables 4-3a and 4-3b.

Supplemental Regulations may affect specific land uses or development regulations in each zoning district. References and links to applicable Supplemental Regulations are noted in Table 4-2 and can be found in Article 6. Other code references will also be noted in Table 4-2.

406 Zoning Map

a. Adoption of Zoning Map

Boundaries of zoning districts established by this Zoning Ordinance shall be shown on the Zoning Map. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with this Ordinance. Said Zoning Map shall be prominently displayed in the council chambers and/or an area accessible to the public at Storm Lake City Hall and available on-line at the City of Storm Lake official web site. The official zoning map shall be maintained by the City Planner or designee of the City Manager.

b. Changes to the Zoning Map

The Zoning Map may be changed from time to time by ordinance, following the procedure set forth by Article Twelve. Such changes shall be reflected on the Zoning Map. The City Planner or designee of City Manager shall keep a complete record of all changes to the Zoning Map.

ZONING DISTRICT REGULATIONS

407 Interpretation of District Boundaries

The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

- a. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.
- b. Where district boundaries are indicated as within street or alley, railroad, or other identifiable rights-of-way, the centerline of such rights-of-way shall be deemed the district boundary.
- c. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map, or shall be defined through the subdivision or platting process at the time application is made. Boundaries indicated as approximately following section lines, quarter section lines, or quarter quarter section lines shall be construed as following such lines;
- d. Boundaries indicated as approximately following City Limits shall be construed as following such City Limits;
- e. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line;
- f. Boundaries indicated as following center lines of streams, rivers, canals, lakes or other bodies of water shall be construed as following such center lines;
- g. The Board of Adjustment shall determine any other uncertainty regarding district boundaries not covered in this section.

408 Vacation of Streets and Alleys

Whenever a public street or alley is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

ZONING DISTRICT REGULATIONS

1 **Table 4-2 Permitted and Conditional Uses by Zoning Districts**

2

USES	RES	R-1	R-2	R-3	R-4	IN-1	IN-2	IN-3	PO	LC	CC	CBD	LI	GI	Additional Regulations
<u>Agricultural Uses</u>															
Animal Production	P														
Community Garden	P	C	C	C	C	C	C	C	C	C	C	C	C	C	
Crop Production	P														
Home Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	602
Horticulture	P												C	C	602
Livestock Sales													C	P	
Market or Community Supported Agriculture	P	C	C	C	C	C	C	C	C	C	C	C	C	C	
Urban Animal Husbandry	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			602b.
Urban Farm	P	C	C	C	C	C	C	C	C	C	C	C	C	C	
<u>Residential Uses</u>															
Boarding House for Students			C				P								
Co-Housing	C			C	P		P								603b
Commercial Residential										P	P	P			603e

ZONING DISTRICT REGULATIONS

USES	RES	R-1	R-2	R-3	R-4	IN-1	IN-2	IN-3	PO	LC	CC	CBD	LI	GI	Additional Regulations
Downtown Residential												P			603d
Duplex (or Two Family Residential)			P	P	P	P	P	P							
Group Residential				P	P	P	P	P		C					
Manufactured Housing	P	P	P	P	P					C					216 (1) 603f
Mobile Home Park				C	C										603g
Mobile Home Subdivision				C	C										603h
Multiple-Family			P	P	P	P	P	P		C	C	P			
Rural Residential	P														
Single-Family Attached		C	P	P	P	P	P	P							
Single-Family Detached	P	P	P	P		P	P	P				C			603a
Townhouse			P	P	P	P	P	P		C	C	P			603c
<u>Civic Uses</u>															
Administration	C			C	C	P	P	P		P	P	P	P	P	
Campground	P								P						605e
Cemetery	P					P			P						
Clubs/Community Centers	C	C	C	C	C	P	P	P		P	P	P			604a

ZONING DISTRICT REGULATIONS

USES	RES	R-1	R-2	R-3	R-4	IN-1	IN-2	IN-3	PO	LC	CC	CBD	LI	GI	Additional Regulations
College/University		C	C	C	C		P			P	P	P			
Convalescent Facilities		C	C	C	C			P		P	C				
Cultural Facilities	C	C	C	C	C	P	P			P	P	P			
Day Care (Limited)	P	P	P	P	P	P	P	P		P	P	P	C		604b
Day Care (General)	C	C	P	P	P	P	P	P		P	P	P	C		604b
Detention Facility						P							C	C	
Emergency Res.	P	P	P	P	P	P		P		P	P	P			
Group Care Facility	C	C	C	C	P	P	P	P		P	P	P			604c
Guidance Facilities						P		P		P	P	P	P	P	
Health Care					C			P		P	P	P	P	P	
Helipads			C	C	C			C		C	C	C			604d
Hospitals			C	C	C			P		P	P	P			
Maintenance Fac.	P					P	C	C	C			P	P	P	
Parks/ Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal Facilities						P				P	P	P	P		
Primary Education		C	C	C	C		P					P			
Public Assembly						P	P	P	P	C	P	P			
Religious		C	C	C	C	P	P	P	P	C	C	P			

ZONING DISTRICT REGULATIONS

USES	RES	R-1	R-2	R-3	R-4	IN-1	IN-2	IN-3	PO	LC	CC	CBD	LI	GI	Additional Regulations
Assembly															
Safety Services	P	C	C	P	P	P				P	P	P	P	P	
Secondary Educ.		C	C	C	C		P				P	P			
Utilities	P	C	C	C	C	P				C	P	P	P	P	
<u>Office Uses</u>															
Financial Services					C					P	P	P	P	P	
General Offices				C	C	P	P	P		P	P	P	P	P	
Medical Offices					C			P		P	P	P	P	C	
<u>Commercial Uses</u>															
Adult Oriented Businesses														P	614
Ag Sales/Service	C										P		P	P	
Auto Rental/Sales											P	C	P		605c
Auto Services										C	P	P	P	P	605a,b
Body Repair											C		P	P	605a
Equip Rental/Sales											P	C	P	P	605c
Equipment Repair											C		P	P	605a
Bed and Breakfast	C	C	C	C	C	P	P	P		P	P	P			605d
Business Support										P	P	P	P	P	
Bus. /Trade School							P				P	P	P		
Cocktail Lounge											P	P	C		

ZONING DISTRICT REGULATIONS

USES	RES	R-1	R-2	R-3	R-4	IN-1	IN-2	IN-3	PO	LC	CC	CBD	LI	GI	Additional Regulations
Commercial Rec.	C									C	P	P	P		
Comm. Serv.										P	P	P	P	P	
Construction Sale/Service											P	C	P	P	
Consumer Service										P	P	P	P		
Convenience Storage	C										C		P	P	605f
Food Sales (Convenience)										P	P	C	C		
Food Sales (Ltd)										P	P	P			
Food Sales (Gen)										C	P	P			
Funeral Services						P		P		P	P	P			
Gaming Facility											C	C	P	P	
Kennels	P												P		
Laundry Services							C				P	P	P	P	
Liquor Sales							C				P	P			
Lodging										C	P	P			
Personal Improve					C					P	P	P	P	P	
Personal Services					C					P	P	P	P	P	
Pet Services	C									P	P	P	P	C	
Research Services							P			C	P	P	P	P	
Restaurants (Drive-in or Fast Food)											P		P	C	605h

ZONING DISTRICT REGULATIONS

USES	RES	R-1	R-2	R-3	R-4	IN-1	IN-2	IN-3	PO	LC	CC	CBD	LI	GI	Additional Regulations
Restaurants (Gen)										P	P	P	P	C	605h
Retail (Limited)					C					P	P	P			
Retail (Medium)										C	P	P			
Retail (Large)											P	P			
Stables	P														
Surplus Sales											C		P	P	
Trade Services											C	C	P	P	
Veh. Storage (Short-term)											C		P	P	
Veterinary Services	C									C	P	P	P	P	
<u>Parking Uses</u>															
Off-Street Parking						P	P	P	P	C	P	P	P	P	
Parking Structure						P	P	P			C	P	P	P	
<u>Industrial Uses</u>															
Construction Yards													P	P	
Custom Manufacturing											P	P	P	P	
Helipads													C	C	606c
Industry Light													P	P	
Industry General													C	P	
Industry Heavy														C	

ZONING DISTRICT REGULATIONS

USES	RES	R-1	R-2	R-3	R-4	IN-1	IN-2	IN-3	PO	LC	CC	CBD	LI	GI	Additional Regulations
Recycling Collection											C		P	P	
Recycling Processing													P	P	
Resource Extraction	C													C	606a
Vehicle Storage (Long-term)													C	P	
Warehousing													P	P	
<u>Transportation Uses</u>															
Aviation						P								P	606c
Railroad Facilities												P	P	P	
Transportation Terminal											P	P	P	P	
Truck Terminal													P	P	
<u>Miscellaneous Uses</u>															
Alternative Energy Production Devices	P	C	C	C	C	C	C	C	C	C	C	C	C	P	
Amateur Radio Tower	P	P	P	P	P	P	P	P		P	P	P	P	P	703b
Broadcasting Tower	C										C	C	P	P	
Construction Batch Plant	C												C	P	613b

ZONING DISTRICT REGULATIONS

USES	RES	R-1	R-2	R-3	R-4	IN-1	IN-2	IN-3	PO	LC	CC	CBD	LI	GI	Additional Regulations
Wind Energy Conservation Sys.	P	C	C	C	C	C	C	C	C	C	C	C	C	P	703d

P=Uses Permitted by Right

C=Conditional Uses Permitted by Board of Adjustment Review and Approval

Blank=Use Not Permitted

ZONING DISTRICT REGULATIONS

Table 4-3a Summary of Residential Site Development Regulations

Regulation	RES	R-1	R-2	R-3	R-4
Minimum Lot Area (square feet) (Note 1)	5 Acres or 9,600 with subdivision approval and adequate provisions of centralized private sewer facilities	9,600	7,200 (1-fam) 8,400 (other)	4,500 (1-fam) 8,400 (other)	(Note 5)
Minimum Lot Width (feet)	240 or 80 with subdivision approval	80	60 (1-fam) 70 (other)	45 (1-fam) 70 (other)	50 (Note 4)
Site Area per Housing Unit (square feet)	5 Acres or 9,600 with subdivision approval and adequate provisions of centralized private sewer facilities	9,600	7,200 (1-fam) 4,200 (duplex) 3,000 (Other resid.)	4,500 (1-fam) 4,200 (duplex) 3,000 (Other resid.)	(Note 5)
Minimum Yards (feet)					
Front Yard (Note 8)	25	25	25	25	25
Street Side Yard (Note 8)	35	25	25	25	15
Interior Side Yard	10	10 (Note 2)	7 (Note 2,6)	7 (Note 2,6)	10 (Note 2,6)
Rear Yard	25	25	25	25	20
Maximum Height (feet)	45 (Note 7)	45	65	65	65
Maximum Building Coverage	30%	30%	40%	50%	50%
Maximum Impervious Coverage	35%	35%	45%	55%	60%

- Notes Accompanying This Table Appear at the end of this Article.

ZONING DISTRICT REGULATIONS

Table 4-3b Summary of Non-Residential Site Development Regulations

Regulation	IN-1	IN-2	IN-3	LC*	CC*	CBD	LI*	GI*
Minimum Lot Area (square feet)	12,000	12,000	12,000	5,000	5,000	None	10,000	15,000
Minimum Lot Width (feet)	100	100	100	50	50	50	50	90
Site Area per Housing Unit (square feet)	(Note 3)	(Note 3)	(Note 3)	(Note 3)	(Note 5)	500	NA	NA
Minimum Yards (feet)								
Front Yard	20	20	20	20	40	0	40 (Note 8)	40 (Note 8)
Street Side Yard	20	20	20	20	10	0	25 (Note 8)	25 (Note 8)
Interior Side Yard	20	20	20	10	10	0	15	15
Rear Yard	20	20	20	20	10	0	15	15
Maximum Height (feet)	65	65	65	45	65	45	75	75
Maximum Building Coverage	50%	50%	50%	50%	60%	100%	70%	70%
Maximum Impervious Coverage	70%	70%	70%	70%	80%	100%	80%	90%

* Uses in the LC, CC, LI, and GI Districts are subject to landscape and screening provisions contained in Article 8

- Notes Accompanying This Table Appear at the end of this Article.

ZONING DISTRICT REGULATIONS

Notes to Preceding Pages: Table 4-3a and 4-3b

Note 1:

The Comprehensive Plan encourages alternative development patterns that allow for conservation development and rural estate type housing patterns. Residential development in the RES district is encouraged to be designed in a manner to facilitate future extension of urban services. Lot sizes smaller than five acres can be done through the platting process only.

Note 2:

See Section 603 for supplemental regulations governing single-family attached and townhouse residential use types.

Note 3:

7,200 square feet for single-family lots; 4,200 square feet per unit for duplex or two-family residential; 3,000 per unit for townhouse residential buildings subject to districts in which applicable lots are permitted uses.

Note 4:

See Section 603 for supplemental regulations regarding modifications of lot width for townhouse residential use type.

Note 5:

7,200 square feet for single-family lots; 4,200 square feet per unit for duplex or two-family residential; 3,000 per unit for townhouse residential buildings. For multi-family development, 6,000 square feet for the first unit, 1,200 square feet for each additional unit up to 12 units and 750 square feet for each additional unit over 12 units. Density of multi-family residential may exceed this maximum, subject to approval of a Conditional Use Permit by the Board of Adjustment. Minimum lot area for all other uses is 9,600 square feet.

Note 6:

15 feet minimum for multi-family uses over 12 units.

Note 7:

Height limit for non-agricultural structures

Note 8:

On arterial streets designated as part of the Storm Lake's Surface Transportation Plan System, front yard setbacks shall be the greater of 40 feet from the property line of such arterial streets or 100 feet from the centerline of the arterial street.

SPECIAL AND OVERLAY DISTRICTS

5

ARTICLE FIVE - SPECIAL AND OVERLAY DISTRICTS

501 General Purpose

Special Districts provide for base districts that allow multiple land uses and flexible development, with the requirement that in some cases applicants submit a specific guiding plan for the area. Overlay Districts are used in combination with base districts to modify or expand base district regulations. Overlay Districts are adapted to special needs of different parts of the City of Storm Lake.

Special and Overlay Districts are designed to achieve the following objectives:

- a. To recognize special conditions in specific parts of the City, which require specific regulations.
- b. To provide flexibility in development and to encourage innovative design through comprehensively planned projects.
- c. To implement the vision, guiding principles, and policies as established in the currently effective Comprehensive Plan for the City of Storm Lake.

MU MIXED USE DISTRICT

502 MU District Purpose

The MU Mixed Use District is intended to accommodate projects which combine several compatible land uses into an integrated development. The MU District may also be used to pre-designate parts of the city which are appropriate for a mixture of residential, commercial, office, and accessory uses. The District permits mixing residential areas with workplaces and services. Development in the MU District must accommodate transportation systems, pedestrian and bicycle movement, and surrounding environments. All projects developed in a MU District are subject to a Conditional Use Permit process.

503 MU District Permitted Uses

Each ordinance establishing a MU District establishes the use types permitted within its boundaries.

SPECIAL AND OVERLAY DISTRICTS

504 MU District Site Development Regulations

- a. The minimum area of any MU District is 2.75 acres.
- b. Prior to the issuance of any building permits or other authorization, all projects in the MU District shall receive approval by the City Council, following a recommendation by the Planning and Zoning Commission. This approval may be granted for a specific plan for the development of a MU District in lieu of a plan for individual projects, provided that any subsequent developments are consistent with the specific plan.
- c. Applications for approval must contain at a minimum the following information:
 1. A detailed site map, including:
 - (a) a boundary survey
 - (b) site dimensions
 - (c) contour lines at no greater than two foot intervals
 - (d) adjacent public rights of way, transportation routes, and pedestrian or bicycle systems
 - (e) description of adjacent land uses
 - (f) utility service to the site and easements through the site
 - (g) description of other site features, including drainage, soils, environmental issues, or other considerations that may affect development
 2. A development plan, including:
 - (a) a site layout, including the location of proposed buildings, parking, open space, and other facilities
 - (b) location, capacity, and conceptual design of parking facilities
 - (c) description of the use of individual buildings
 - (d) description of all use types to be included in the project or area, and maximum floor area devoted to each general use
 - (e) maximum height of buildings
 - (f) schematic location and design of open space on the site, including a landscaping plan
 - (g) vehicular and pedestrian circulation plan, including relationship to external transportation systems
 - (h) schematic building elevations and sections if required to describe the project
 - (i) grading plans
 - (j) proposed sewer and utility improvements
 - (k) location, sizes, and types of all proposed signage
 3. Specific proposed development regulations for the project, including:
 - (a) the specific use types permitted within the proposed district
 - (b) maximum floor area ratios
 - (c) front, side, and rear yard setbacks
 - (d) maximum height
 - (e) maximum building and impervious coverage
 - (f) design standards applicable to the project
 4. A traffic impact analysis, if required by the City
 5. A storm sewer and runoff control plan for the project

SPECIAL AND OVERLAY DISTRICTS

505 MU District Amendments

The Zoning Administrator is authorized at his/her discretion to approve amendments to an approved development plan, provided that:

- a. A written request is filed with the Zoning Administrator, along with information specifying the exact nature of the proposed amendment.
- b. The amendment is consistent with the provisions of this section.
- c. The amendment does not alter the approved site regulations of the development plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types, and physical design.
- d. Any amendment not conforming to these provisions shall be submitted to the Planning and Zoning Commission and City Council for action.

506-9 Reserved

PUD PLANNED UNIT DEVELOPMENT DISTRICT

510 PUD District Purpose

The PUD Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment. The PUD District may be used in combination with any base district specified in this Ordinance. The PUD District, which is adopted by the City Council with the recommendation of the Planning and Zoning Commission, assures specific development standards for each designated project.

511 PUD District Permitted Uses

Uses permitted in a PUD Overlay District are those permitted in the underlying base district. A PUD also may be combined with a MU Mixed Use District to allow a combination of use types not anticipated by conventional base districts.

512 PUD District Site Development Regulations

Site Development Regulations are developed individually for each Planned Unit Development

SPECIAL AND OVERLAY DISTRICTS

District but must comply with minimum or maximum standards established for the base district, with the following exceptions:

- a. The minimum site area for application of a PUD overlay district shall be 2.75 acres.
- b. Lot area and lot width are not restricted, provided that the maximum density allowed for each base district is not exceeded. Maximum density shall be determined by preparing a yield plan. A yield plan shall consist of a feasible development concept that applies the base regulations of the applicable base zoning district.
- c. Residential use types may be combined within a PUD district provided that the development as a whole complies with the maximum density permitted under the base zoning district.
- d. Density Bonuses shall be considered through the PUD process for projects that achieve desirable community goals and policies established in the Comprehensive Plan. Bonuses shall be awarded based on the total number of units allowed as demonstrated in the yield plan rounded down to a whole number. (i.e. A yield plan that results in a total of 20 to 29 units with a density bonus of 10% would yield two additional bonus units.) Bonuses shall be awarded as follows:
 1. A 20% bonus for the preservation of contiguous open space. The open space preserved must be equal to or greater than 20% of the net developable project area. Open space areas shall include natural features, drainage corridors and buffers, woodlands, trail corridors, or other lands acceptable to the City. Open space shall NOT include remnant open space areas that are left over from irregular sized development parcels, required park dedication or undevelopable land areas such as floodways or wetlands. Allowable open space uses include:
 - (a) Open fields (not used for commercial crop production)
 - (b) Nature preserves/habitat
 - (c) Park
 - (d) Community Gardens
 - (e) Buffers to wetlands or drainage corridors
 - (f) Public service needs (well field, emergency management systems, etc...)
 2. A 10% bonus for preservation and interpretation of important historical/cultural resources. To achieve the bonus, applicants must integrate historical/cultural interpretive elements into development projects. This may be done through development signage or monuments, preservation of historic structures, public art, interpretive plaques or other approved method.
 3. A 20% bonus for integration of alternative stormwater management practices that incorporate educational interpretation, rainwater reuse/recycling rainwater treatment and groundwater recharge.
 4. A 10% bonus for incorporation of alternative energy systems that are applied across the entire development project including such strategies as solar power, wind power, closed loop system geothermal, or other system as approved by the City.

SPECIAL AND OVERLAY DISTRICTS

5. A 20% bonus for incorporation of mixed income housing development. A development project that includes a ratio of between 1 housing unit of affordable housing (affordable to residents whose household income is at or below 80% of the Buena Vista County Household Median Income) for every 5 to 7 units of market rate housing.

A long term maintenance plan that establishes a sustainable program for care and funding of the additional site feature as defined in 512(d)(2) shall be included in the PUD developer's agreement and shall be agreed to by the applicant and the City. Ownership and or preservation of land areas through application of density bonuses shall be agreed to within the PUD developer's agreement.

- e. Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or 60 percent.
- f. A maximum cumulative density bonus for any development proposal or project shall not exceed 30%.

513 PUD District Access to Public Streets

Each PUD District must abut a public street for at least 50 feet and gain access from that street.

514 PUD District Application Process

- a. Development Agreement

The application for a Planned Unit Development District shall include a Development Agreement containing the following information:

1. A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations.
2. A land use plan designating specific uses for the site and establishing site development regulations, including setback height, building coverage, impervious coverage, density, and floor area ratio requirements.
3. A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans.
4. A circulation plan, including location of existing and proposed vehicular and pedestrian, facilities and location and general design of parking and loading facilities.
5. Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design.
6. A statistical summary of the project, including gross site area, net site area,

SPECIAL AND OVERLAY DISTRICTS

number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

7. A storm sewer and runoff control plan for the project.
8. A site civil engineering plan showing adequate provisions for municipal sanitary sewer connections and municipal potable water system connections.
9. A utility plan showing all other private utility locations including such items as gas, electric, cable and phone.
10. A phasing plan establishing a logical sequence of development activities and associated timeline.
11. A written report that establishes:
 - (a) Purpose of the PUD and consistency with the current Comprehensive Plan;
 - (b) development regulations that differ from standard regulations including lot sizes, lot dimensions, setbacks, site coverage, bulk standards, parking, and other site development regulations;
 - (c) developer covenants that establish management and maintenance commitments to common and open space areas, development of homeowners associations, commitments to infrastructure improvement completion;
 - (d) provision of density bonuses and adherence to density bonus criteria

Collectively, the information outlined in items 1 through 10 shall constitute the Development Agreement. This agreement shall be drafted in a form suitable to the City Attorney and shall be adopted by ordinance and used to implement individual development applications. The zoning administrator may waive requirements for information or may request additional information if deemed appropriate and necessary in order to fully evaluate the proposed projects' suitability and impacts. This agreement would be fully executed by the developer and the city and recorded with the Buena Vista County Recorder and the City Clerk.

515 PUD District Adoption of District

- a. The Planning and Zoning Commission and City Council shall review and evaluate each Planned Unit Development application. The City may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- b. The Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning and Zoning Commission may recommend amendments to PUD district applications.

SPECIAL AND OVERLAY DISTRICTS

- d. The recommendation with appropriate findings of the Planning and Zoning Commission shall be transmitted to the City Council for final action.
- e. An Ordinance adopting a Planned Unit Development Overlay Zoning District shall require a favorable simple majority of the City Council for approval.
- f. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the PUD District. All approved plans shall be filed with the City Clerk and recorded at the Buena Vista County Recorder's office.

516 PUD District Amendment Procedure

Major amendments to the Development Plan must be approved according to the same procedure set forth in Section 515.

517 Termination of PUD District

If no substantial development has taken place in a Planned Unit Development District for three years following approval of the District, the Planning and Zoning Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property reverting it back to the zoning designation that existed prior to the PUD District Application.

518-9 Reserved

HD HISTORIC DISTRICT

530 HD District Purpose

The HD Historic Overlay District enables the adoption of special performance and development standards in combination with site development regulations of a base district for areas of special historical or architectural significance within the City of Storm Lake. The District recognizes the importance of historically and architecturally significant districts to the character of Storm Lake and provides for their conservation.

531 HD District Procedure for Adoption

- a. Proposal: The creation of an HD Historic Overlay District may be initiated by the Planning

SPECIAL AND OVERLAY DISTRICTS

and Zoning Commission; the City Council; or by petition of the owner or owners of 51% of the property area within the proposed district.

- b. Requirements for Application: An application for the creation of an HD Overlay District must include:
 - 1. A statement describing the proposed district's special historical or architectural characteristics and stating the reasons for proposal of the district
 - 2. A map indicating the boundaries of the proposed HD Overlay District, specifying the base district(s) included within these boundaries.
 - 3. An inventory of the buildings or historically important sites located within the boundaries of the proposed district.
 - 4. Supplemental site development regulations, design criteria, and performance standards that apply to the proposed district.

532 HD District Adoption of District

- a. The Planning and Zoning Commission and City Council shall review and evaluate each HD Overlay District application.
- b. The Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning and Zoning Commission may recommend amendments to HD district applications.
- d. The recommendation of the Planning and Zoning Commission shall be transmitted to the City Council for final action.
- e. The Ordinance adopting the HD District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
- f. An Ordinance adopting an HD Overlay District shall require a favorable vote of a simple majority of the City Council for approval.
- g. Upon approval by the City Council, each HD Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.
- h. Any protest against an HD Overlay District shall be made and filed as provided by Iowa State Statutes.

SPECIAL AND OVERLAY DISTRICTS

533 HD District Developments and Building Permits within an HD District

- a. All plans for development within an HD District shall be reviewed by the Storm Lake Design Review Board. This Board shall be composed of seven members, ideally composed of one architect, one historian, one artist, and four members of the community at large. The Design Review Board shall be recommended by the Mayor and approved by the City Council.
- b. Prior to the issuance of any building permits or other authorization for development, all projects requiring a building or development in the HD District shall be reviewed by the Design Review Board in a public hearing following proper notice, for consistency with the design criteria of the HD District and determined to be consistent with the regulations of the district. The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within an HD District unless it is in compliance with the approved site development regulations for the HD District, or any approved amendments.
- c. A denial of a project in an HD District by the Design Review Board may be appealed to the Board of Adjustment.

534-539 Reserved

IR INDUSTRIAL REUSE OVERLAY DISTRICT

540 IR District Purpose

The IR Industrial Reuse Overlay District enables the reuse of large commercial buildings within selected commercial areas for high quality industrial uses, which have extremely limited external effects on neighboring properties. The District is intended to assure that all major building resources in Storm Lake are put into productive use that strengthens the economy of the community and the region. However, it also provides regulations, which control the effects of such developments on neighboring properties.

541 IR District Procedure for Adoption

- a. Proposal: The creation of an IR Industrial Reuse Overlay District may be initiated by the Planning and Zoning Commission or the City Council. The IR District may be used only in combination with a CC Community Commercial zoning district.
- b. Requirements for Application: An application for the creation of an IR Overlay District must include:
 1. A map indicating the boundaries of the proposed IR Overlay District, specifying the base district(s) included within these boundaries.

SPECIAL AND OVERLAY DISTRICTS

2. An inventory of the buildings located within the boundaries of the proposed district.

542 IR District Adoption of District

- a. The Planning and Zoning Commission and City Council shall review and evaluate each IR Overlay District application.
- b. The Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning and Zoning Commission may recommend amendments to IR district applications.
- d. The recommendation with appropriate findings of the Planning and Zoning Commission shall be transmitted to the City Council for final action.
- e. The Ordinance adopting the IR District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
- f. An Ordinance adopting an IR Overlay District shall require a favorable vote of a simple majority of the City Council for approval.
- g. Upon approval by the City Council, each IR Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.

543 IR District Development Standards within an IR Overlay District

- a. Within an IR Industrial Reuse Overlay District, a building with a gross floor area of 20,000 square feet or above may be used for the following use types in addition to those permitted by the base district:
 - Custom Manufacturing
 - Light Industry
 - Warehousing
- b. All development within an IR Overlay District is governed by the site development regulations for the base district. In addition, any use of buildings for industrial use types must comply with the following additional site development regulations:
 1. No outdoor storage of any type may occur on the site. All storage must be located within enclosed structures.
 2. Mandatory buffer yards shall be provided between industrial use types and other land uses. A minimum buffer yard of 50-feet shall be provided between an industrial use type and neighboring residential or agricultural land uses. A minimum buffer

SPECIAL AND OVERLAY DISTRICTS

yard of 20-feet shall be provided between an industrial use type and any other neighboring use. Landscaping of buffer yards shall be implemented as required by Article Eight of this Ordinance.

3. No measurable environmental effects shall exist at the property lines of the proposed industrial use. These include odors, noise, industrial emissions, or glare.
4. The City Council may establish additional site development regulations to govern development within an IR Industrial Reuse Overlay District.

544 IR District Building Permits

- a. The Zoning Administrator shall review all building or development permits within an IR Overlay District. Building or other development permits issued by the City in an IR District shall be consistent with the regulations adopted for the IR Overlay District.
- b. Any denial of a building or development permit by the Zoning Administrator may be appealed to the Board of Adjustment.

SPECIAL AND OVERLAY DISTRICTS

GD Gateway District

545 Gateway Overlay District Purpose

Gateway corridors form the “front door” to the community and create an image and identity for the city. Development within gateway corridors provide first impressions when entering the city and last impressions when leaving the City. Consistent with the vision, guiding principles and policies of the Comprehensive Plan, the gateway overlay district is intended to establish a standard for site and building development on highly visible gateway corridors. As a whole, the massing and details of the buildings and site landscaping amenities shall be the dominant visible features from the street, and not parking. The standards shall apply to all properties that fall within the gateway district overlay. All other standards within the zoning code apply; however, where there is a conflict between the zoning ordinance and these special requirements, these special requirements shall take precedence.

546 Permitted Uses

Permitted uses within the GD overlay district shall be governed by the underlying base zoning district.

547 District Applicability

Regulations for properties included within the Gateway Overlay District shall apply as follows:

- a. New Construction (including new construction that is a result of redevelopment)
- b. Additions to existing buildings. When one or both of the following conditions apply, the entire building and site must comply with the Site Development, Building, and Signage Regulations in sections 548, 549, and 550 below:
 1. An addition to an existing building, which exceeds 25% of the gross square footage of the building
 2. When the estimated improvement costs (not including site work) exceeds 50% of the assessed value of the buildings current value
- c. Any change from a permitted use in the underlying zoning district to a conditional use in the underlying zoning district
- d. Any rezoning of the base district

548 Site Development Regulations

The following site development regulations shall apply:

- a. Building Orientation
 1. New buildings shall be oriented with the front primary entry of the building facing

SPECIAL AND OVERLAY DISTRICTS

- towards an arterial street.
- 2. For new buildings, a minimum of 25% of the lot frontage facing the primary arterial street shall consist of building frontage (this may include a patio or deck area that is connected to or part of the primary use of the building).
- 3. Buildings shall be set back a minimum of 10 feet and a maximum of 20 feet from the front property line. The setback area shall be used for landscape areas, front entry enhancements, or for plaza space.
- b. **Parking Location and Orientation**
 - 1. Parking lots are encouraged to be located to the rear of the building. No more than 25% of the lot frontage can be utilized for surface parking area..
 - 2. Parking that is located in the front yard area shall be oriented to prevent headlight glare on to the principle arterial street.
 - 3. Parking that is located in the front yard area shall be screened from the principal arterial street through the use of landscaping or berming. Decorative see through fence materials no more than 3 ½ feet in height may be used to screen parking areas.
 - 4. Parking lots over 30 spaces or 10,000 square feet in area shall provide shade trees within planting islands. The island shall be a minimum 8' wide and 18' long. One island shall be provided for every 30 parking spaces. Grass, ground cover or shrubs shall also be planted within the island with the trees. The islands may be curbed and raised or sunken and utilized as a storm water management system.
 - 5. Shared parking between adjacent uses is encouraged. A reduction in required parking spaces will be granted provided the applicant can demonstrate peak parking demands do not exceed total available parking spaces and proof of parking can demonstrate the ability to add parking should it be necessary. A shared parking agreement is required between property owners to be recorded with the Buena Vista County Recorder and the City Clerk.
 - 6. Pedestrian ways (sidewalks, plazas, trails) shall be installed that connect building entrances and parking areas to existing or planned trails/sidewalks along public street rights of way. Clearly marked pedestrian lanes shall be provided through parking areas greater than 50 cars and at key crossings site entry drives. Sidewalks that connect the right of way to the building entrance shall be a minimum of 8 feet wide.
- c. **Utilities/Access/Infrastructure**
 - 1. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
 - 2. Utility service boxes shall be located in rear yards where possible or side yards as an alternative. If located near the front of the lot boxes shall be screened with landscaping and be designed to minimize their visual effect on the site.
 - 3. On site stormwater management shall be shared between lots or to rear lots except where such features are manicured landscape amenity features, a maintained rainwater garden or functional aesthetic/art elements.
 - 4. Access to sites in the gateway overlay districts shall be limited to one access on to the primary arterial street per existing lot for office or retail properties with less than 15,000 gross square feet. All other uses are limited to no more than two curb cuts on to the primary arterial. Driveway curb cuts shall be designed to a minimum width necessary to facilitate safe and efficient vehicular access consistent with the present or proposed use.
 - 5. Where possible, consolidation of individual driveways is encouraged through shared driveway arrangements.
 - 6. Provide pedestrian scale (16' maximum height) lighting along walkways into and out

SPECIAL AND OVERLAY DISTRICTS

- of parking lots to strengthen the sight line of the route of travel and increase security for nighttime use. This lighting shall be in addition to vehicular scale (20' plus height) parking lot lighting.
7. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.
- d. Site Landscaping
1. A minimum of one tree must be planted and maintained for each 500 square feet of pervious area.
 2. A minimum of one shrub shall be planted and maintained for each 150 square feet of pervious area. All required shrubs shall be planted in the front yard setback or front yard and street side yard if both exist.
 3. Herbaceous non-woody plant material may be substituted for the required shrubs at a rate of 4 herbaceous plants for 1 shrub. No more than 50% of the shrubs required can be substituted with herbaceous non-woody plant material. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants chosen shall be indigenous to the area and hardy, harmonious to the design, and of good appearance.
 4. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
 5. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of those. Screening shall be equally effective in winter and summer.

549 Building Regulations

The following building regulations shall apply to all new development or redevelopment within the district and to any existing legal non-conforming use that change to a conforming use:

- a. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
- b. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building's design.
- c. Separate entries for each unit are encouraged with clustering four or less entries is allowable with appropriate architectural application, such as an interior breezeway or exterior courtyard. Facade details that reflect the buildings architectural style shall be used on all exposed building elevations, not just the street facing or entry facade.
- d. Building volume and mass are partially defined by facade treatment. Facades shall be designed to be proportional to the overall building and reflect the architectural style. Building volumes shall be reduced through wall offsets or projections. Such variations shall be designed so that there is no more than 25 linear feet of unvaried facade.
- e. Monotonous, uninterrupted expanses of wall shall be avoided. Recesses, projections, columns, openings, ornamentation, materials and colors shall be used to add texture and detail. Blank walls shall not normally exceed 10 feet of lineal frontage along primary arterial corridor and 25 feet along any side street.
- f. Entries and windows shall contribute to the volume, mass, proportion and texture of the building. They shall be designed as an integral part of the overall building design and shall reflect the building's architectural style.
- g. Street fronting windows shall be at least 12 inches and no more than 30 inches above the

SPECIAL AND OVERLAY DISTRICTS

- sidewalk level.
- h. Individual business entries shall be readily identifiable from the public right of way with primary building entries fronting on the primary arterial street. Entries can be articulated with recesses, projections, porches and other distinctive elements.
- i. Exterior wall materials shall be brick, stone, stucco or other high quality materials. Plywood, plastic, aluminum, vinyl siding and similar materials are not permitted. Exterior Insulation Finish System (EIFS) (commonly known by brand name “Dryvit” or similar) is allowed only if the final finish and connections appear as natural stucco. EIFS shall not be utilized in the lower 7’ of the façade.
- j. Masonry shall be utilized on a minimum of 25% of each exterior surface except for the rear of the building.
- k. The selected material and color palette shall be used on all exposed sides of a building.
- l. Materials shall be high quality and durable.

550 Signage Regulations

The following signage regulations shall apply to all new development or redevelopment within the district and to any existing legal non-conforming sign that changes to a conforming sign:

- a. Every building or commercial complex shall incorporate sign design into the overall project design plan. Sign design, materials and illumination shall complement the building scale, proportions, architectural style, materials and colors.
- b. Where more than one sign is allowed, all signs shall be designed using the same construction methods and materials, colors, lettering and logo styles.
- c. The location and size of signs shall clearly relate to the architecture of that particular structure. Signs shall not cover windows, roof shapes or dominate trim. Roof and wall signs that extend above roof lines are prohibited.
- d. Wall and fascia signs shall be located to indicate building entries without dominating the facade.
- e. Freestanding pole and pylon signs are prohibited. Low profile monument signs are to be allowed. Monument signs may be placed in the 10’ front yard set back. Low profile monument signs shall be placed so as not to obstruct vision or create a traffic hazard.
- f. Low profile monument signs shall incorporate the architectural character and materials of the building.
- g. A single, low profile monument sign may incorporate the addresses and business names for multiple tenants of a building or complex. All tenant signs shall be of a uniform size, color and style when combined in a single sign format.
- h. A freestanding monument sign may not exceed 25 Square feet per side and not exceed 4’-6” in height.
- i. Projecting signs are allowed on storefronts up to a height of 14 feet, with maximum projection of 4 feet from the face of the building. Clearance of at least 8 feet must be maintained to the sidewalk. The overall size of the sign shall not exceed 10 square feet.
- j. The total area of all signs on a building should be limited to a size equal to one square foot per frontage foot of building face, with a minimum allowance of 25 square feet regardless of front footage. When the ground floor of a building is occupied by more than one tenant, each shall be entitled to a pro-rata share footage based on the frontage used by that tenant with each tenant being entitled to a minimum of 25 square feet regardless of each tenant’s front footage.
- k. Sign should be located directly above the business entrance or to the sides of the entrance at

SPECIAL AND OVERLAY DISTRICTS

- eye level, so that they are visible below the foliage of street trees for the amenity and convenience of the pedestrian. Sign may be located centered on the building frontage if the main entrance is off set to a side.
- l. The size of signs shall be appropriate to viewing distance. Pedestrian oriented signs shall be smaller than vehicle oriented signs, however all signs shall be in scale with the streetscape/pedestrian movements.
 - m. The maximum number of permanent signs per business shall be two different types of signs, such as a wall sign, a projecting sign or a permanent banner. Otherwise only one sign per business is allowed.
 - n. Additional or larger signs may be allowed for large scale projects provided that the function and design is justified through a comprehensive sign plan for the project and approved by the City. Justification for additional signs shall be based on functional needs, such as multiple entrances or uses within a development. Larger signs shall be justified by specific site conditions or appropriate proportional scale to the overall building.
 - o. Internally illuminated plastic signs are prohibited. Individually illuminated sign letters within an allowable wall sign area may be used, provided the entire sign and background are not internally illuminated.
 - p. Additional signs are allowed for businesses that provide pedestrian access to sales and service areas through the rear of buildings. For such businesses, rear access signage shall be equal to allowable signage for front facades.
 - q. Window graphics shall be applied so that they do not obscure visibility into a shop. No more than 25% of an area of any one window shall be used for a sign. Such signage shall be designed to complement the other signs and the design of the storefront.
 - r. Window graphics are recommended to be painted or applied vinyl letters on glass or a clear acrylic panel behind the windows. These types of window graphics are permanent signs, and their area must be counted in the overall allowable area for signs.
 - s. Banners and cloth signs shall be used primarily for special, festive occasions. If such signs are used on a permanent basis, a condition of their initial approval is agreement to replace them when they begin to show wear. A banner shall be considered a permanent sign if it displays content or identification of any kind that relates to the business or service establishment of the building to which the banner is attached.

551 Development Review

Development projects submitted to the city within the Gateway District Overlay shall be administratively reviewed by the zoning and building official for compliance with the regulations of the Gateway Overlay District. The zoning official may choose to engage the Design Review Architect as assigned by the City of Storm Lake to suggest enhancements and review the development plans for compliance with this article.

Site plans and building plans shall be submitted and reviewed consistent with the procedures outlined in Article 12.

SPECIAL AND OVERLAY DISTRICTS

552 AH Airport Height Zoning

This Article shall be known and cited as “The Storm Lake Municipal Airport Height Zoning District.”

a. Definitions: As used in this Article, unless the context otherwise requires:

1. “AIRPORT”: The Storm Lake Municipal Airport.
2. “AIRPORT ELEVATION”: The highest point of an airport’s usable landing area measured in feet above mean sea level, which elevation is established to be one thousand four hundred eighty-seven and one-half feet (1,487.5’).
3. “AIRPORT HAZARD”: Any structure or tree or use of land which would exceed the Federal obstruction standards as contained in fourteen (14) Code of Federal Regulations sections seventy-seven point twenty-one (77.21), seventy-seven point twenty-three (77.23) and seventy-seven point twenty-five (77.25) latest revisions, and which obstruct the airspace required for flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
4. “RUNWAY OBSTACLE FREE ZONE”: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the runway obstacle free zone extends two hundred feet (200’) beyond each end of that runway. The width of the runway obstacle free zone of a runway will be that width prescribed in part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point of the runway obstacle free zone is the same as the elevation of the nearest point of the runway centerline.
5. “AIRSPACE HEIGHT”: For the purpose of determining the height limits in all zones set forth in this Article and shown on the Storm Lake Municipal Airport Height Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.
6. “CONTROL ZONE”: Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
7. “INSTRUMENT RUNWAY”: A runway having an existing instrument approach procedure utilized air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
8. “MINIMUM DESCENT ALTITUDE”: The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle to land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
9. “MINIMUM ENROUTE ALTITUDE”: The altitude in effect between fixes which assured acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

SPECIAL AND OVERLAY DISTRICTS

10. "MINIMUM OBSTRUCTION CLEARANCE ALTITUDE": The specified altitude in effect between radio fixes or VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.
11. "RUNWAY": A defined area on an airport prepared for landing and takeoff of aircraft along its length.
12. "VISUAL RUNWAY": A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

b. Airport Zones and Airspace Limitations

In order to carry out the provisions of this Section, there are hereby created and established certain zones which are depicted on the Storm Lake Municipal Airport Height Zoning Map. A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Horizontal Zone:

Airport Height Zone: The land lying under a horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which is constructed by: Swinging arcs of ten thousand feet (10,000') radii from the center of each end of the primary surface of runways seventeen (17) and thirty-five (35), and connecting the adjacent arcs by lines tangent to those arcs. No structure shall exceed one hundred fifty feet (150') above the established airport elevation in the horizontal zone, as depicted on the Storm Lake Municipal Airport Height Zoning Map.

2. Conical Zone:

The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand feet (4,000'). No structure shall penetrate the conical surface in the conical zone, as depicted on the Storm Lake Municipal Airport Height Zoning Map.

3. Approach Zone:

The landing lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (Note: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end).

(a) The inner edge of the approach surface is:

1. Two hundred fifty feet (250') wide for runways six (6) and twenty-four (24).
2. Five hundred feet (500') wide for runways thirteen (13), thirty-one (31),

SPECIAL AND OVERLAY DISTRICTS

- seventeen (17) and thirty-five (35).
- (b) The outer edge of the approach zone is:
 - 1. One thousand two hundred fifty feet (1,250') for runways six (6) and twenty-four (24).
 - 2. One thousand five hundred feet (1,500') for runway thirteen (13).
 - 3. Two thousand feet (2,000') for runway thirty-one (31).
 - 4. Three thousand five hundred feet (3,500') for runways seventeen (17) and thirty-five (35).
- (c) The approach zone extends for a horizontal distance of:
 - 1. Five thousand feet (5,000') at a slope of twenty (20) to one (1) for runways thirteen (13), thirty-one (31), six (6) and twenty-four (24).
 - 2. Ten thousand feet (10,000') at a slope of thirty-four (34) to one (1) for runways seventeen (17) and thirty-five (35).

No structure shall exceed the approach surface to any runway, as depicted on the Storm Lake Municipal Height Zoning Map.

4. Transitional Zone:

The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven (7) to one (1) from the sides of the primary surface and form the sides of the approach surfaces.

No structure shall exceed the approach surface to any runway, as depicted on the Storm Lake Municipal Airport Height Zoning Map.

- 5. No structure shall be erected in Buena Vista County that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any Federal airway in Buena Vista County.

c. Use Restrictions

Notwithstanding any other provisions of Section 552, no use may be made of land or water within the City of Storm Lake, Buena Vista County, or Sac County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

- 1. All lights or illumination used in conjunction with street, parking signs or uses of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Storm Lake Municipal Airport or in the vicinity thereof.
- 2. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Storm Lake Municipal Airport.
- 3. No operations from any use in the City of Storm Lake, Buena Vista County or Sac County, shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

SPECIAL AND OVERLAY DISTRICTS

d. Lighting

1. Notwithstanding the provisions of Section 552 the owner of any structure over two hundred feet (200') above the ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1K and amendments. Additionally, any structure, constructed after the effective date of this Chapter and exceeding nine hundred forty-nine feet (949') above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 7 of the FAA Advisory Circular 70-7460-1K and amendments.
2. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City of Storm Lake, Buena Vista County, or Sac County, at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

e. Variances

Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any Section of this Chapter, may apply to the Airport Board of Adjustment for variance from such regulations. No application for variance to the requirements of this Chapter may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Storm Lake Airport Commission for its opinion as to the aeronautical effects of such a variance. If the Storm Lake Airport Commission does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of application, the Board may make its decision to grant or deny the variance.

f. Airport Board of Adjustment

1. There is hereby created a Board of Adjustment to have and exercise the following powers:
 - (a) To hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Board in the enforcement of this Article;
 - (b) To hear and decide special exceptions to the terms of this Article upon which such Board of Adjustments under such regulations may be required to pass; and
 - (c) To hear and decide specific variances.
2. The Airport Board of Adjustment shall consist of seven (7) members appointed pursuant to the provisions of Section 329.12, Code of Iowa, and each shall serve for a term of five (5) years and until his/her successor is duly appointed and qualified.
3. The Airport Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Article. Meetings of the Board shall be held at the call of

SPECIAL AND OVERLAY DISTRICTS

the chairman and at such other times as the Board of Adjustment may determine. The chairman, or in his/her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Storm Lake City Zoning Administrator, and on due cause shown.

4. The Airport Board of Adjustment shall have the powers established in Iowa Statutes, Section 414.12.
5. The concurring vote of a majority of the members of the Airport Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this Article, or to effect variations of this Article.

g. Judicial Review

Any person aggrieved, or any taxpayer affected, by decision of the Board of Adjustment, may appeal to the court as provided in Iowa Statutes, Section 414.15.

h. Administrative Agency

It shall be the duty of the Storm Lake City Zoning Administrator to administer the regulations prescribed herein. Applications for permits and variances shall be made to the Storm Lake City Zoning Administrator upon a form furnished by him/her. Applications required by this Article to be submitted to the Administrative Agency shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Storm Lake City Zoning Administrator.

i. Municipal Infraction

A violation of any of the provisions of this Article shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of the City Code of the City of Storm Lake, Iowa and by [Section 364.22 of the Code of Iowa.](#)

SUPPLEMENTAL USE REGULATIONS

6

ARTICLE SIX - SUPPLEMENTAL USE REGULATIONS

601 Purpose

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Article Four of this Ordinance.

602 Supplemental Use Regulations: Agricultural Uses

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

a. Horticulture and Crop Production: Retail Sales

Retail operation of garden centers or roadside stands associated with a primary agricultural use are subject to the following requirements:

1. Garden Centers

- (a) A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.
- (b) Garden centers must conform to all site development regulations for the zoning district.
- (c) Any garden center adjacent to a residential district must maintain a 20-foot landscaped buffer yard, consistent with the standards established in Section 804.

2. Roadside Stands

- (a) A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.
- (b) A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.
- (c) A roadside stand may operate for a maximum of 180 days in any one year.

b. Animal Production or Urban Animal Husbandry

- 1. Any building housing urban animals shall be at least 20 feet from any property line and 25 feet from any dwelling unit on the site.

SUPPLEMENTAL USE REGULATIONS

2. 0.5 animal units shall be allowed for each acre of land. Fractions that are less than 0.5 shall be rounded down to the nearest whole number. Fractions greater than 0.5 shall be rounded up to the nearest whole number.

One animal unit is defined as equal to the following:

- 1 –large hoofed animals (i.e. horse, mule, cow, llama or similar)
- 4 – small hoofed animals (i.e. sheep, goats, swine, or other similar)
- 6 – large fowl (i.e. geese, turkeys, or other similar)
- 10 – small animals and fowl – (i.e. rabbits, chickens, ducks, or other similar)

Formula: lot size in square feet, divided by 43,560, times 0.5 = allowable animal units (round up or down to the nearest whole)

3. The Zoning Administrator may determine a unit number for animals not listed.
4. Animals shall not be allowed to roam free and shall be kept within fences, corrals, barns, stables, pens, etc.
5. Any building housing animals shall be located no closer than 20 feet to an adjacent property line and 25 feet from any habitable residence. A property is limited to no more than one enclosed structure per animal unit type without a conditional use permit.
6. Fences, corrals, and similar structures must adhere to setback regulations for the applicable zoning district.
7. All feed shall be stored in rodent proof containers.
8. All litter and animal waste shall be removed on a regular basis and disposed of promptly and properly.
9. Keeping of urban animals within the City Limits shall require an administrative license issued by the City of Storm Lake.

c. Urban Agriculture

1. Compost bins shall be permitted in rear and interior side yards and shall be located no closer than 5 feet to any property line and a minimum of 20 feet from any structures. Compost bins shall be maintained and managed so as to not become a nuisance generating obsessive odors or pests.
2. Outdoor storage of equipment and materials used for urban agricultural practices shall be allowed only in rear yards and shall be screened from view of neighboring residential properties or fully enclosed in a garden shed or garage.
3. Garden areas shall not be allowed in any required side yard (set back area)

SUPPLEMENTAL USE REGULATIONS

603 Supplemental Use Regulations: Residential Uses

a. Zero-Lot Line Single-Family Detached Residential

Within a planned unit development, one interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

1. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the planned unit development; or not otherwise designated for zero lot line use.
2. An easement for maintenance of the zero lot line facade is filed with the Buena Vista County Recorder and the City Clerk at the time of application for a building permit.

b. Co-Housing

Where permitted, Co-Housing projects shall be developed through the PUD Process. All site, building, and impervious surface regulations of the base zoning district shall apply.

c. Townhouse Residential

Where permitted, townhouse residential is subject to the following regulations:

1. The minimum width for any townhouse lot sold individually shall be 25 feet, except within an approved planned unit development.
2. Coverage percentages are computed for the site of the entire townhouse common development.

d. Downtown and Group Residential in CBD District

Downtown and Group Residential uses are permitted in the CBD District only on levels above street level. A unit or units specifically designed for occupancy by disabled residents may be developed at street level, subject to approval by the Board of Adjustment.

e. Commercial Residential

Residential uses are allowed in the CC Zoning District under the following conditions:

1. The dwelling unit is only allowed to be above, alongside or to the rear of the permitted business.
2. The dwelling unit must be attached to the permitted business.
3. Fire separations must be provided as required by the Building Code.
4. All required parking for the dwelling must be provided in addition to that required for the permitted business.

SUPPLEMENTAL USE REGULATIONS

f. Manufactured Housing

Manufactured Housing uses are allowed with the following conditions:

- (a) The home shall have at least 900 square feet of floor area;
- (b) The home shall have an exterior width of at least 18 feet;
- (c) The roof shall be pitched with a minimum vertical rise of 2.5 inches for each 12 inches of horizontal run.
- (d) The exterior material is of a color, material, and scale comparable with those existing in (or adjacent to) the residential site on which the manufactured home dwelling is being permanently installed;
- (e) The home shall have a non-reflective roof material, which is or simulates asphalt or wood shingles, tile, or rock;
- (f) Permanent utility connections shall be installed in accordance with local regulations;
- (g) The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and
- (h) The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations.

g. Mobile Home Parks in the R-3 and R-4 Districts

Mobile Home Parks are permitted in the R-3 and R-4 Districts as Conditional Uses, subject to approval by the Board of Adjustment. In the R-3 and R-4 Districts, which permits mobile home residential use, such use may be configured in a Mobile Home Park or Mobile Home Subdivision. Following the effective date of this Ordinance, no mobile home, which has been previously occupied, shall be located outside of a Mobile Home Park or Mobile Home Subdivision. A Mobile Home Park is subject to approval of a Conditional Use Permit and compliance with the following regulations:

1. Certification

A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be required of all Mobile Home Parks.

2. Minimum and Maximum Area

A Mobile Home Park shall be considered to be one zoned lot. The minimum contiguous area of a Mobile Home Park shall be 100,000 square feet.

3. Density Requirements

- a) The maximum gross density of a Mobile Home Park shall be 10 units per acre.

SUPPLEMENTAL USE REGULATIONS

- b) The minimum size of an individual mobile home space shall be 3,500 square feet for singlewide mobile home units and 5,000 square feet for doublewide mobile home units.
 - c) Each mobile home space shall have a width of at least 40 feet and a length of at least 75 feet.
4. Site Development Standards
- a) Setbacks: Each Mobile Home Park shall have a minimum perimeter setback of 35 feet from adjacent non-residential uses and 50 feet from adjacent residential uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.
 - b) Setback Landscaping: All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Section 8 of this Ordinance. Screening shall be provided in conformance with Section 8- for any common property line with another non-residential use.
 - c) Impervious Coverage: Impervious coverage for a Mobile Home Park shall not exceed the maximum impervious surface as identified in the respective zoning district.
 - d) Open Space: Each Mobile Home Park shall provide a minimum of 400 square feet of open recreational space per unit. Pedestrians shall be provided such space at a central location accessible from all parts of the park. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.
 - e) Separation between Mobile Home Units: The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 20 feet.
 - f) Separation and Setbacks for Accessory Buildings: An accessory building on a mobile home space must maintain a minimum rear and side yard setback of five feet. A minimum distance of five feet shall be provided between any mobile home and an unattached accessory building.
5. Street Access and Circulation Requirements
- a) Access to Public Street: Each Mobile Home Park must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.
 - b) Vehicular Circulation: The Mobile Home Park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be sufficient to accommodate emergency vehicle needs. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 100 feet. No such cul-de-sacs may exceed 300 feet in length.

SUPPLEMENTAL USE REGULATIONS

- c) Separation between Units and Circulation Areas: The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be ten feet.
 - d) Sidewalks: Each Mobile Home Park shall provide a sidewalk system to connect each mobile home space to common buildings or community facilities constructed for the use of its residents; and to the fronting public right of way. The sidewalk system shall also connect interior home sites to the public sidewalk or trail system. Sidewalk width shall be at least four feet and shall be ADA compliant.
 - e) Street and Sidewalk Standards: All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.
 - f) Parking Requirements: Each Mobile Home Park must provide at least two off-street parking stalls for each mobile home space.
6. Tornado Shelters: Tornado shelters shall be provided in the Mobile Home Park. Such shelter or shelters shall be built according to state and federal rules and be large enough to meet the specific needs of the park and its residents.
7. Utilities
- a) All Mobile Home Parks shall provide individual units and common facilities with an adequate, piped supply water for both drinking and domestic purposes; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space.
 - b) Complete water and sewer service shall be provided within each Mobile Home Park in accordance with the Subdivision Ordinance.
 - c) Properly spaced and operating fire hydrants shall be provided for proper fire protection within each Mobile Home Park in accordance with the Subdivision Ordinance.
 - d) All electric, telephone, gas, and other utility lines shall be installed underground.
8. Financial Responsibility: Each application for a Mobile Home Park shall include a demonstration by the developer of financial capability to complete the project; and a construction schedule.
9. Completion Schedule: Construction must begin on any approved Mobile Home Park within one year of the date of approval by the Planning and Zoning Commission and City Council. Such construction shall be completed within two years of approval, unless otherwise extended by the City Council.
10. All other uses and provisions of the Storm Lake Mobile Home Park regulations are incorporated herein by reference. These provisions include tie-down and other structural requirements included in the Storm Lake Municipal Codes.

SUPPLEMENTAL USE REGULATIONS

h. Mobile Home Subdivisions in the R-3 and R-4 Districts

1. Mobile Home Subdivisions shall be developed in accordance with all standards and requirements set forth in the Subdivision Ordinance of Storm Lake. Site development regulations shall be the same as those required in the R-2 Zoning District. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.
2. Mobile home units within Mobile Home Subdivisions shall be built in accordance with the minimum design standards of the US Department of Housing and Urban Development and display a certification of such compliance.
3. Mobile Home Subdivisions shall provide tornado shelter facilities as required by Section 603 f(5).

604 Supplemental Use Regulations: Civic Uses

a. Campgrounds

1. Minimum Size: Each campground established after the effective date of this title shall have a minimum size of one acre.
2. Setbacks: All campgrounds shall maintain a 50-foot front yard setback and a 25-foot buffer yard from all other property lines.
3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances; or, alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

b. Clubs

Clubs located adjacent to residential uses shall maintain a buffer yard of not less than fifteen feet along the common boundary with such residential use.

c. Day Care

Day care facilities are permitted as a Conditional Use in the GI General Industrial Zoning District only if incidental to a permitted primary use.

d. Group Care Facilities and Group Homes

1. Each group care facility or group home must be validly licensed by either the State of Iowa or the appropriate governmental subdivision.
2. Group homes are permitted in the CBD District only on levels above street level except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval as a Conditional Use by the Board of Adjustment.

SUPPLEMENTAL USE REGULATIONS

e. Helipads

Helipads are only allowed to be developed as an accessory use to a Hospital facility, subject to approval as a conditional use and FAA approval.

605 Supplemental Use Regulations: Commercial Uses

a. Auto Service, Repair, Equipment Repair, and Body Repair

1. Where permitted in commercial districts, all repair activities, including oil drainage, lifts, and other equipment, must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to Auto Repair and Body Repair, provided that such storage is for no longer than that which is permitted by Iowa laws and is completely screened so as not to be visible from residential areas or public rights-of-way. Screening is subject to provisions of Article 8 of this ordinance.
2. Any spray painting must take place within structures designed for that purpose and approved by the Building Official.
3. All entrances and exits serving gasoline service station, convenience store offering gasoline sales, or automobile repair shop shall be at least 150 feet from a school, public park, religious assembly use, hospital, or residential use, as measured along any public street. Such access shall be at least 40 feet away from any intersection.
4. All gasoline pumps shall be set back at least fifteen feet from any street line.

b. Auto Washing Facilities

1. Each self-service and conveyor operated auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.

c. Automobile and Equipment Rental and Sales

1. Required off street parking facilities shall be hard surfaced and maintained with materials sufficient to prevent mud, dust, or loose material.
2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

d. Bed and Breakfasts

1. Bed and Breakfasts permitted in the CBD District must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.

SUPPLEMENTAL USE REGULATIONS

2. Bed and Breakfasts in Residential districts shall be limited to no more than 4 individual units for stay. Garbage/recycling services and storage of materials associated with the bed and breakfast shall be contained within a garage or fully enclosed accessory structure.

e. Campgrounds

1. Minimum Size: Each campground established after the effective date of this title shall have a minimum size of one acre.
2. Setbacks: All campgrounds shall maintain a 50-foot front yard setback and a 25-foot buffer yard from all other property lines.
3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances; or, alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

f. Convenience Storage

1. When permitted in the RES, CC, and LI Districts, convenience storage facilities shall be subject to the following additional requirements:
 - (a) The minimum size of a convenience storage facility shall be one acre.
 - (b) Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
 - (c) All driveways within the facility shall be a minimum width of 25 feet. Entrance driveways must be concrete or asphalt from the property line to the street.
 - (d) All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
 - (e) No storage buildings may open into required front yards.
 - (f) Facilities must maintain landscaped buffer yards of 35 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Article Eight.
 - (g) No storage buildings shall front on an arterial street.

g. Marinas

A boat marina, including related commercial sales, boat service, and amphibious events of sport, skill, or exhibition, shall be located at least 150 feet from the boundary of any residential district, excluding dwellings occupied by the owner or caretaker residing on the site.

SUPPLEMENTAL USE REGULATIONS

h. Restaurants

Restaurants in the LC District that include the accessory sale of alcoholic beverages require approval of a Conditional Use Permit, as set forth in Section 1203.

606 Supplemental Use Regulations: Industrial Uses

a. Resource Extraction

Resource extraction, where permitted, is subject to the following additional requirements:

1. Erosion Control: A resource extraction use may not increase the amount of stormwater run-off onto adjacent properties. Erosion control facilities, including retention and sediment basins, are required of each facility, if necessary, to meet this standard.
2. Surface Drainage: The surface of the use may not result in the collection or ponding of water, unless specifically permitted by the Board of Adjustment.
3. Storage of Topsoil: Topsoil shall be collected and stored for redistribution following the end of the operation.
4. Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:
 - (a) Restoration of slopes to a gradient not exceeding 33% as soon as possible.
 - (b) Installation of perimeter safety screening.
 - (c) Installation of visual screening adjacent to any property within a residential or public use district.
5. Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion. Alternately, the site may be used as a lake or body of water, subject to approval by the City Council.

b. Salvage Services

No Salvage Services use may be established within the zoning jurisdiction of the City of Storm Lake.

c. Helipads

Helipads are only allowed to be developed as an accessory use to a principle permitted use in the IN-3, LI, and GI Zoning District, subject to conditional use approval and approval from the FAA.

SUPPLEMENTAL USE REGULATIONS

607 Performance Standards for Industrial Uses

a. Industrial Uses in the LI District: Performance Standards

The following performance standards apply to all industrial uses permitted within an LI Limited Industrial zoning district:

1. Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored outside. Normal daily inorganic wastes may be stored outside in containers, provided that such containers are not visible from the street.
2. Fire Hazard: No operation shall involve the use of highly flammable gases, acid, liquids, or other inherent fire hazards. This prohibition shall not apply to the normal use of heating or motor fuels and welding gases when handled in accordance with the regulations of the City of Storm Lake.
3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: No operation in the LI district shall generate sound levels in excess of those specified in Table 6-1 at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.
4. Sewage and Wastes: No operation shall discharge into a sewer, drainage way, or the ground any material, which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
5. Vibration: All machines shall be mounted to minimize vibration. No measurable vibration shall occur at the property line of the operation, which exceeds a displacement of 0.003 inch.
6. Glare and Heat: All glare generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five degrees Fahrenheit above the ambient air temperature.
7. Storage of Chemical Products: If allowed by conditional use permit, any above or below ground storage of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed an aggregate capacity of 150,000 gallons when stored on 1 lot less than 1 acre. Such storage shall not exceed 25,000 gallons in any one tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 aggregate capacity shall be located at least 40' from any structure and at least 150' from any adjoining property line.

b. Industrial Uses in the GI District: Performance Standards

The following performance standards apply to all industrial uses permitted within a GI General Industrial zoning district:

1. Physical Appearance: Outside storage of product and/or heavier industrial uses and operations shall be screened from view from both streets and adjacent properties as provided by Section 805.

SUPPLEMENTAL USE REGULATIONS

2. Fire Hazard: All flammable substances involved in any activity established in the district shall be handled in conformance with the latest edition of the International Fire Code; and other appropriate Federal, State, and City statutes.
3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: No operation in the GI district shall generate sound levels in excess of those specified in Table 6-1 at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat, frequency, or shrillness.
4. Sewage and Wastes: No operation shall discharge into a sewer, drainage way, or the ground any material, which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
5. Vibration: All machines shall be mounted to minimize vibration. No vibration shall be permitted which interferes with neighboring industrial operations.
6. Storage of Chemical Products: Storage tanks containing liquid petroleum products or chemicals of a flammable or noxious nature shall be located 40' from any structure on the same property. Setbacks from adjoining property lines are as follows:

Gallons Aggregate Capacity	Distance from adjoining property lines
0 – 6,000.....	40'
6,001 – 9,000.....	60'
9,001 – 13,000.....	80'
13,001 – 17,000.....	100'
17,001 – 25,000.....	130'
25,001 and above.....	150'

608 Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts

Table 6-1 displays the maximum permitted sound levels that may be generated by uses in the CC, LI, or GI zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

SUPPLEMENTAL USE REGULATIONS

Table 6-1: Maximum Permitted Sound Levels At Residential Boundaries		
Originating Zoning District	Time	Maximum One Hour Leq* (dbA)
CC, LI	7:00 a.m. - 10:00 p.m.	60
	10:00 p.m. - 7:00 a.m.	55
GI	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 7:00 a.m.	55
* Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.		

609 Supplemental Use Regulations: Miscellaneous Uses

a. Landfills

New landfills are not permitted within the zoning jurisdiction of the City of Storm Lake.

610 Supplemental Use Regulations: Accessory Uses

a. Home-Based Businesses/ Home Occupations

Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:

1. External Effects:
 - (a) There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
 - (b) No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right of way.
 - (c) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
 - (d) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct

SUPPLEMENTAL USE REGULATIONS

the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.

- (e) No home occupation shall discharge into any sewer, drainage way, or on the ground any material, which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
- 2. Employees: The home occupation shall employ no more than one full time or part time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee.
- 3. Extent of Use: For all residential and reserve zoning districts, a maximum percent floor area of 30% of the dwelling may be devoted to the home occupation, inclusive of any detached accessory buildings used for the home occupation.
- 4. Signage: Signage designating the home occupation shall be permitted as provided by Article Ten.
- 5. Traffic Generation
 - (a) Home-based businesses may generate no more than two vehicles at a time on a regular basis and up to five vehicles on an occasional basis.
 - (b) Deliveries or service by commercial vehicles or trucks over ten tons gross empty weight is prohibited for any home-based business located on a local street.
- 6. Prohibited Home-Based Businesses/Home Occupations: The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:
 - (a) Animal hospitals
 - (b) General retail sales
 - (c) Mortuaries
 - (d) Repair shops or service establishments including major electrical appliance repair, motorized vehicle repair, and related uses
 - (e) Stables or kennels
 - (f) Welding, vehicle body repair, or rebuilding or dismantling of vehicles

b. Permitted Accessory Uses: Residential Uses

Residential uses may include the following accessory uses, activities, and structures on the same lot:

- 1. Private garages and parking for the residential use.
- 2. Recreational activities and uses by residents.

SUPPLEMENTAL USE REGULATIONS

3. Home occupations, subject to Section 610(a) of these regulations.
 4. Residential convenience services for multi-family uses or mobile home parks.
 5. Garage sales, provided that the frequency of such sales at any one location shall not exceed one during a continuous, two month period or four sales during any twelve month period.
 6. Essential services.
 7. Uses and structures clearly incidental and necessary to the principle permitted uses or structures in this district, excluding, however, helipads which are allowed only as a conditional use, when approved by the Zoning Board of Adjustment.
- c. Permitted Accessory Uses: Civic Use Types
- Guidance Services and Health Care use types are permitted in the GI General Industrial zoning districts only as accessory uses to a primary industrial use, subject to approval by the Board of Adjustment.
- d. Permitted Accessory Uses: Other Use Types
- Other use types may include the following accessory uses, activities, and structures on the same lot:
1. Parking for the principal use.
 2. Manufacturing or fabrication of products made for sale in a principal commercial use, provided such manufacturing is totally contained within the structure housing the principal use.
 3. Services operated for the sole benefit of employees of the principal use.
- e. Permitted Accessory Uses: Agricultural Use Types
1. Garden centers and roadside stands, subject to the regulations set forth in Section 602(a)(2).
 2. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.

611 Supplemental Use Regulations: Outdoor Storage Outside of the GI Zoning District

Outdoors storage is prohibited in all zoning districts except the GI General Industrial zoning district, except as provided in this section.

SUPPLEMENTAL USE REGULATIONS

a. Agricultural Use Types

Outdoor storage is permitted only where incidental to agricultural uses.

b. Civic Use Types

Outdoor storage is permitted only where incidental to Maintenance Facilities.

c. Commercial Use Types

1. Outdoor storage is permitted where incidental to Agricultural Sales and Service; Auto Rentals and Sales; Construction Sales; Equipment Sales and Service; Stables and Kennels; and Surplus Sales.
2. Outdoor storage is permitted where incidental to Auto Services, Equipment Repair, and Body Repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Section 805. This provision shall apply to any Auto Services, Equipment Repair, or Body Repair use established after the effective date of this Ordinance.

d. Industrial and Miscellaneous Use Types

1. Light Industry within the CBD Central Business District zoning district may not include outdoor storage.
2. Outdoor storage is permitted where it is incidental to Light Industry outside of the CBD Central Business District; General Industry; Heavy Industry; Resource Extraction; Salvage Services; Warehousing; and Construction Yards. Any such outdoor storage is subject to screening requirements set forth in Article Eight.

612 Supplemental Use Regulations: Erosion Control

a. Silt Control and Siltation Fencing

1. Permit: No person shall engage in any land disturbing activity on a lake lot or interior lot without first obtaining a permit from the Building Official. No permit shall be issued until it has been determined by the Building Official, after on-site inspection that the requirements of this ordinance have been complied with. An applicant shall pay a permit fee as established and amended from time to time by city resolution before receiving a permit, except that any excavation or land disturbing activity relating to a construction permit to erect or remodel a structure for which a permit fee has already been paid or application applied for, shall be exempt from the provision of this section.
2. Permit Application: A person seeking a permit shall file an application for same with the Building Official, on forms provided by the Building Official, which shall be accompanied by the permit fee and which shall also be accompanied by or contain a silt control plan showing anticipated compliance with this ordinance.

SUPPLEMENTAL USE REGULATIONS

3. Permit Requirements: No permit shall be issued until a silt screen fence has been installed on the lake lot or interior lot where land disturbing activity is anticipated in accordance with the following directives:
 - a) The silt screen fence shall be installed below the direction of run off from the lot, between the land disturbing activity and the public right of way or the ordinary high water mark of the public lake, in a manner suitable to the lot so as to be more effective in preventing of lot soil into the public right of way or lake.
 - b) The silt screen fence shall be installed to run the entire length of the land disturbing activity and be blocked on each end to prevent run-off around the ends of the fence in order to protect the public right of way or public lake from siltation from the entire land disturbing activity area.
 - c) The silt screen shall have a minimum height of 36" and be installed in such a manner so that the bottom of the screen is dug into the surface of the lot a minimum of 12" with the backfill soil compacted.
 - d) The silt screen fence support posts shall be made of steel and be spaced along the entire length of the fence with a maximum distance of 8' between the posts. Said posts shall extend above the silt screen and be placed into the ground at a depth consistent with their design and adequate support of the silt screen.
4. Duration: The silt screen fence shall remain in place on the lot and shall be maintained so that the fence and posts remain as an effective silt barrier, and at no time shall the accumulated silt exceed 2/3's the height of the silt fence. The silt fence shall be maintained until all land disturbing activity is completed and sufficient landscaping or vegetation exists to prevent any run off siltation from the lot into the public right of way or public lake. Before the silt screen fence is permanently removed, all collected silt at the base of the fencing must be removed and disposed of at a site that poses no continued threat of siltation.

613 Supplemental Use Regulations: Temporary Uses

a. Purpose

These provisions are intended to permit occasional, temporary uses and activities, when consistent with the objectives of the Zoning Ordinance and compatible with surrounding uses. They are further intended to prevent temporary uses from assuming the character of permanent uses.

b. Temporary Use Types

The following temporary uses are permitted, subject to the regulations contained within these sections:

SUPPLEMENTAL USE REGULATIONS

1. Model homes or apartments, if contained within the development to which they pertain.
2. Development sales offices. Such offices may remain in place until 90% of the lots or units within the development are sold and may not be located within a mobile home or manufactured home/structure.
3. Public assemblies, displays, and exhibits.
4. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring non-profit organization, or are located within a CBD or more intensive zoning district.
5. Outdoor art shows and exhibits.
6. Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
7. Construction site offices, if located on the construction site itself.
8. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month; and are located in commercial or industrial zoning districts.
9. Construction Batch Plants, provided that:
 - (a) No plant may be located within 600 feet of a developed residential use, park, or school.
 - (b) The facility is located no more than one mile from its job site. The Zoning Administrator may extend this distance to two miles, if such extension avoids use of local streets by plant-related vehicles.
 - (c) Hours of operation do not exceed 12 hours per day.
 - (d) The duration of the plant's operation does not exceed 180 days.
10. Additional temporary uses that the Zoning Administrator determines to be similar to the previously described uses in this section.

c. Required Conditions of All Temporary Uses

1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.
2. The Zoning Administrator may establish other conditions, which he/she deems necessary to ensure compatibility with surrounding land uses.

SUPPLEMENTAL USE REGULATIONS

d. Permit Application and Issuance

1. An application to conduct a temporary use shall be made to the Zoning Administrator and shall include at a minimum a description of the proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.
2. The Zoning Administrator may authorize a temporary use only if he/she determines that:
 - (a) The use will not impair the normal operation of a present or future permanent use on the site.
 - (b) The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.
3. The duration of the permit shall be explicitly stated on the permit.
4. Decisions of the Zoning Administrator may be appealed to the Board of Adjustment.

614 Adult Oriented Business

In adopting these supplemental use regulations, it is recognized that adult entertainment facilities have certain objectionable side effects which render these facilities incompatible with residential, public, and other family uses, when the adult facilities are located close to or adjacent to such uses. This section seeks to ensure that residential, public, family orientated business, and adult entertainment facilities will be located in separate and compatible locations, it is a subject of legitimate concern for the City to use its zoning power to preserve the quality of life, preserve the City's neighborhoods and to meet effectively the increasing encroachments upon the quality of life within the City.

a. Location

No person, whether as principal or agent, clerk or employee, either for himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own or operate any adult bookstore, adult movie theater, adult nightclub, adult motel, or adult business, as defined in Section 614(d) in the following locations:

1. In any zoning district other than the GI heavy industrial.
2. Within seven hundred fifty (750) feet of any residentially zoned or used property, or any property designated on the City's Comprehensive Plan as residentially orientated.
3. Within seven hundred fifty (750) feet of any parcel of real property upon which is located any of the following facilities:
 - (a) A children's daycare, nursery school, preschool, elementary school, junior high school, senior high school.

SUPPLEMENTAL USE REGULATIONS

- (b) A religious institution which conducts religious programs.
- (c) Park or recreational facilities operated and improved by the City, Buena Vista County, the Buena Vista County Conservation Board or the State of Iowa.
- (d) Federal, State, County, City, or special district governmental offices.
- (e) Supermarket or convenience store.
- (f) Restaurant, fast food or food establishment catering to family trade.

4. Within seven hundred fifty (750) feet of any other adult entertainment facility.

b. Measurement of Distance

The distance between any two (2) adult entertainment facilities shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any adult entertainment facilities any religious institution, school or public park, governmental office, supermarket, restaurant or the property designated for residential use or used for residential purposes shall be measured in a straight line, without regard to intervening structures, from the closest property line of the adult entertainment facility to the closest property line of the religious, school, public park, government office, supermarket, restaurant or the property designated for residential use or used for residential purposes.

c. Restrictions

All building openings, entries, windows, etc., shall be located, covered, or screened in such a manner to prevent a view into the interior from public or semipublic area; and for construction, and whenever else it seems feasible by the City, the building shall be orientated so as to minimize any possibility of viewing the interior from public or semipublic areas. Adult material advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, or walkways, or from other areas, public or semipublic, in this case, "adult materials" shall be defined as material describing or depicting any specified sexual activity or "specified anatomical areas", as defined in Section 614d.

d. Definitions

As used in this Section, the word "or" also means "and/or"; the words "used" or "occupied" include the words "intended, designed, or arranged to be" used or occupied; the word "lot" includes the words "plot or parcel" and all other words or phrases used to denote an individual site that complies with the minimum provisions of this title. For the purpose of this title, the following terms or words used herein shall be interpreted as follows:

- 1. **ADULT ARTIST, BODY PAINTING AND/OR BODY PIERCING STUDIO:** An establishment or business which provides the services of piercing, applying paint, or other substance whether transparent or nontransparent to or on the human body distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" (as defined in this section).
- 2. **ADULT BOOKSTORE:** An establishment having 25% or more in quantity of its stock in trade for sale or rent of books, magazines, videos, and other periodicals which are distinguished or characterized by their emphasis on matter depicting,

SUPPLEMENTAL USE REGULATIONS

describing or relating to “specified sexual activities” or “specified anatomical areas” as defined in this section.

3. **ADULT CABARET:** Any place holding a liquor license or beer permit, or combination for consumption of beer or liquor, or both, on the premises wherein entertainment is characterized by emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined in this section).
4. **ADULT ENTERTAINMENT ESTABLISHMENT:** Any other establishment not otherwise defined herein, but of the same general classification as the other establishments herein defined, having as a substantial or significant portion of its business the offering of entertainment, stocks in trade of materials, scenes or other presentations characterized by emphasis on depiction or description of “specified sexual activities” or “specified anatomical areas” (as defined in this section).
5. **ADULT MASSAGE PARLOR:** Any place of business wherein any method of pressure on or friction against, or rubbing, stroking, kneading, tapping, pounding or vibrating the external parts of the body with the hand or any body parts, or by a mechanical or electrical instrument, under such circumstances that it is reasonably expected that the individual to whom the treatment is provided or some third person on his or her behalf will pay money or give other consideration or gratuity therefore, wherein the massage is distinguished or characterized by an emphasis on “specified sexual activities”, or involving “specified anatomical areas” (as defined in the section).
6. **ADULT MINI-MOTION PICTURE THEATER:** An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or specified anatomical areas” (as defined in this section), for observation by patrons therein.
7. **ADULT MOTION PICTURE THEATER:** An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined in this section), for observation by patrons therein.
8. **ADULT ORIENTED BUSINESSES:** Any of the types of businesses further defined in this subsection which include the modifying word “Adult”.
9. **ADULT NOVELTY STORE:** any commercial establishment having 25% or more in quantity of its stock in trade for sale instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”, as defined in this section excluding condoms and other birth control and disease prevention products.
10. **ADULT THEATER:** A motion picture theater or stage show theater or combination thereof used for presenting materials distinguished or characterized by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” (as defined in this section) for observation by patrons therein.

SUPPLEMENTAL USE REGULATIONS

11. **MASSAGE:** Any method of treating the external parts of the human body by rubbing, kneading, tapping or vibrating with the hand or any instrument for any form of consideration or gratuity.
12. **MASSAGE ESTABLISHMENT:** Any establishment having a fixed place of business where massage is administered for any form of consideration or gratuity, including, but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include:
 - (a) Persons licensed in the State of Iowa under the provisions of Chapters 148, 148A, 151, 152, 157 or 158 of the Iowa Code, when performing massage, massage therapy or massage services as part of the profession or trade for which licensed;
 - (b) Persons performing massage therapy or massage services under the direction of a person licensed as described in subsection (a). of this definition;
 - (c) Persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician;
 - (d) Nurses aids, technicians and attendants at any hospital or healthcare facility licensed pursuant to Chapter 1358, 135C or 145A of the Iowa Code, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in subsection (a). or this definition;
 - (e) An athletic coach or trainer in any accredited public or private secondary school, junior college, college or university, or employed by professional or semiprofessional athletic team or organization, in the course of his or her employment as such coach or trainer.
13. **NIGHTCLUB:** Any place of business located within any building or establishment, operated for the purpose of supplying any, or all of the following; entertainment, music, meals, refreshments, or dance floor, and serving beer, wine or liquor for consumption on the premises.
14. **SPECIFIED ANATOMICAL AREAS:** Less than completely and opaquely covered human genitals, mature human buttocks, and mature human female breasts below a point immediately above the top of the areola; and human male genitals in a discernible turgid state, even if completely and opaquely covered.
15. **SPECIFIED SEXUAL ACTIVITIES:** Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other touching of human genitals, pubic region, buttock, or female breast, minors engaged in a prohibited sexual act or simulation of a prohibited sexual act.”

SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7

ARTICLE SEVEN - SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

701 Purpose

The Supplemental Site Development Regulations recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this title and provide for specific areas of exception.

702 Setback Adjustments

a. Exceptions to Openness of Required Yards

Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

1. Architectural projections, including roofs, which cover porches, enclosed porches; windowsills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project three feet into a required yard.
2. Terraces, patios, uncovered decks, and ornamental features, which have no structural element more than four feet above or below the adjacent ground level, may project ten feet into a required yard. However, all such projections must be set back at least three feet from an adjacent side lot line. Ramps or other accommodations for disabled people may project into required yards.
3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of three feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
4. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet or five percent of the right-of-way width.
5. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
6. Accessory buildings are subject to all site development regulations of its zoning district, except as provided below:

SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

- (a) Side Yards: An accessory building may be located a minimum of five feet from the side lot line of the property if it is located between the rear building line of the principal building and the rear property line.
- (b) Front Yards: No accessory building may be located between the front building line of the principal building and the front property line.
- (c) Rear Yard: The minimum rear yard setback for accessory buildings shall be five feet. This minimum rear yard setback shall be increased to 15 feet if the accessory building requires vehicular access from an alley. Double-frontage lots shall require front-yard setbacks along both street frontages as set forth in Table 4-3a and 4-3b. Easements may be incorporated into these required setbacks. No accessory building shall be located within any easement or right-of-way along the rear property line.
- (d) Street Yards: No accessory building shall be located within a required front yard or street side yard.
- (e) Maximum Size: With the exception of detached garages, no accessory building shall exceed 144 square feet, or 1.5% of the total lot area, whichever is larger, within a residential district. The maximum size of a detached garage for a single-family detached, single-family attached, or duplex residential uses shall not exceed the larger of 600 square feet, or 25% of the building coverage of the main residential structure. For the purpose of this section, a detached garage is a structure separate from the main residential building(s) used principally for the storage of one or more motor vehicles. All buildings on a site, taken together, must comply with the building coverage requirements for the zoning district.
- (f) Height: The maximum height for accessory buildings shall be:
 - 15 feet in residential districts.
 - 24 feet in commercial and industrial districts.
 - 15 feet in RES districts when the principal use is residential.
- (g) Separation from Other Buildings: No accessory building shall be placed within five feet of any other building on its own property or any adjacent properties.
- (h) Attached Accessory Buildings: Any accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.
- (i) Effect on Adjacent Properties: If an adjacent lot is built upon, the accessory building must be entirely to the rear of the front building line of any principal building on such adjacent lot.
- (j) No accessory building shall be built upon any lot until construction of the principal building has begun.

SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7. Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet from property lines.

b. Setback Adjustments

1. Setbacks on Built-Up Block faces: These provisions apply if forty percent or more of the buildings on that block face have front yard setbacks different from those required for the specific district.
 - (a) If a building is to be built on a parcel of land within 100 feet of existing buildings on both sides, the minimum front yard shall be the mean setbacks of the adjacent buildings.
 - (b) If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.
 - (c) If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the mean setback of all existing buildings on the block face.
 - (d) No setback adjustment pursuant to this section shall create a required front yard setback more than five feet greater than that otherwise required by the applicable zoning district.
2. Corner Lots: Required setbacks shall not reduce the buildable width of any corner lot to less than 24 feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.

c. Rear Yard Exceptions - Residential Uses

When an irregular lot is used for residential purposes, the rear yard may be measured as the average horizontal distance between the building and rear lot line, provided that the minimum setback shall not be less than sixty percent (60%) of the rear yard required by the zoning district.

d. Double Frontage Lots

Residentially zoned double frontage lots on a major street, and with no access to that street may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.

e. Satellite Antennas

1. Antennas with a surface area over eight square feet which are accessory to a primary use and are designed to receive and transmit electromagnetic signals, or to receive signals from satellites, shall not be located within any front yard of the primary use, unless it is not possible to gain reception in other portions of the lot, in accordance with FCC rules.

SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

2. Such antennas shall be located no less than five feet from the property line of an adjacent property within a residential zoning district.

f. Vision Clearance Zones

No structure, including a fence, shall be built to a height of more than three feet above the established curb grade on the part of the lot bounded by the street lines of the streets which intersect and a line connecting a point on each of such lines thirty feet from their point of intersection. No landscaping shall be planted in such area, which will materially obstruct the view of drivers approaching the street intersection.

703 Height Exceptions

These provisions allow exceptions to the height limit of any zoning district in certain situations.

a. Vertical Projections

Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25 percent of total roof area, flag poles, stage towers or scenery lofts, and water towers may be built to any height in accordance with existing and future ordinances. Such structures shall not extend into the approach zones, clear zones, or other restricted air space required for the protection of any public airport.

b. Amateur Radio Towers and Federal Communication Commission Pronouncements

1. Radio towers, antennas and other appurtenances operated by licensed amateur radio operators, where permitted and when, may not exceed 75 feet in height. This height has been determined by the City to reasonably accommodate amateur service communications, and further represents the minimum practicable regulation to accomplish legitimate municipal land use regulation purpose, as recognized under published guidelines of the Federal Communications Commission.
2. Special instances may require that amateur radio tower heights exceed 75 feet to achieve effective and reliable communications. In such cases, the Board of Adjustment may grant a Conditional Use Permit to a licensed amateur radio operator for a specific tower height that exceeds 75 feet. In determining whether to grant such permission, the Board of Adjustment shall consider the federal guidelines contained in PRB-1 (Amateur Radio Preemption, 101 FCC 2d (1985); codified at C.F.R. Section 97.15(e).
3. The setback of such radio towers from any adjacent property line shall equal to the height of the tower.

c. Broadcast Towers

Broadcast towers, when operated by a federally licensed commercial or non-profit organization, may be built to any height in accordance with existing and future ordinances.

SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

This exception does not apply to radio towers, antennas and other appurtenances operated by licensed amateur radio operators.

d. Wind Energy Conservation Systems (WECS)

1. The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the diameter of the rotor. A reduction of this requirement may be granted as part of a Conditional Use Permit approval if the Board of Adjustment finds that the reduction is consistent with public health, safety, and welfare.
2. The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted as part of a Conditional Use Permit approval if the Board of Adjustment finds that the reduction does not impede the operation of either WECS.
3. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.
4. A fence six feet high with a locking gate shall be placed around any WECS tower base; or the tower climbing apparatus shall begin no lower than twelve feet above ground.
5. The WECS is exempt from the height restrictions of the base district.

e. Height Exceptions for Conditional Uses

The Board of Adjustment may grant an exception from the height limit for a zoning district for a conditional use, as part of its approval of that use. The limit or extent of this exception shall be a specific part of the conditional use permit.

f. Federal Aviation Administration Rules

No structure may be built in any zoning district, which exceeds the maximum height permitted under the rules of the Federal Aviation Administration. These rules describe the glide angles and operational patterns for any airport within the planning jurisdiction of the City of Storm Lake.

704 Fence Regulations

a. Location Restriction

Unless otherwise provided by this title or other sections of the Storm Lake Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines.

b. Required Openings

Unless otherwise provided by this title or other sections of the Storm Lake Municipal Code,

SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

any fence built on residential property within required front or street side yards shall contain openings constituting no less than 50 percent of the surface area of the fence.

c. Sight Obstruction

No solid fence permitted or required by this title or other sections of the Storm Lake Municipal Code shall be built within a triangle formed by the adjacent side lines of two intersecting streets and a line connecting points 30 feet on each leg from their point of intersection; or otherwise in any manner create a traffic hazard or obstruction to visibility.

d. Facing

The finished surfaces of any fence shall face toward adjacent properties and street frontage.

e. Residential Fences

Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.

1. Height: The maximum height of a fence within a required front yard or street side yard setback shall be four feet. The maximum height for any fence outside of a required front yard shall be seven feet.
2. Exception for Street Side Yards: On corner lots, a fence built parallel to the street side yard line but set back in conformance with the required street yard setback may have a maximum height of six feet.
3. Exception to Openness Requirement: Fences built on residential property outside of required front or street side yards may exceed 50 percent closed construction.
4. Exception for Front Yards of Double Frontage Lots: A fence built within the required front yard of a double frontage lot may be a maximum of six feet in height and may exceed 50 percent closed construction if such lot fronts an arterial street as defined in the Comprehensive Plan of the City of Storm Lake; and if such frontage does not provide primary access to the property.
5. Materials: Fences shall be constructed of wood, chain-link, PVC/ resin, stone or masonry materials only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence.

f. Civic, Office, Commercial, and Industrial Fences

Fences constructed in commercial and industrial districts are subject to the following special provisions:

1. The maximum height of a fence for any permitted use in a commercial district shall be four feet in a required front yard, and seven feet elsewhere.

SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

2. The maximum height of a fence for any permitted use in an industrial district shall be eight feet.
3. Civic Uses in Residential Districts: The maximum height of fences installed as part of Primary and Secondary Educational Facilities or Park and Recreation Use Types within Residential Zoning Districts shall be the same as those for residential uses.
4. The Board of Adjustment may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City of Storm Lake. Such considerations shall be processed through the variance process.
5. Barbed wire shall not be used in the construction of any fence for in a commercial district or in an IR Industrial Reuse Overlay District. Barbed wire may be used in the construction of fencing in an industrial district provided that the bottom strand of the wire shall be at least six feet above ground level. Electrified fences are not permitted within the jurisdiction of the City of Storm Lake.

705 Appeals

Denial, revocations, or cancellations of a building permit based on the provisions of this Section may be appealed to the Board of Adjustment, as set forth in Sections 1208 through 1210.

LANDSCAPING AND SCREENING STANDARDS

8

ARTICLE EIGHT - LANDSCAPING AND SCREENING STANDARDS

801 Purpose

The Landscaping and Screening Regulations provide additional guidance on the development of sites within Storm Lake by addressing landscaping and screening requirements. They are designed to improve the appearance of the community; buffer potentially incompatible land uses from one another; and conserve the value of properties within the City of Storm Lake.

802 Applicability

The provisions of this section shall apply to all new development on each lot or site upon application for a building permit or change in use that requires a rezoning application or site plan review, except for the following:

- a. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss.
- b. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements.
- c. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20 percent. Where such additions or enlargements are 20 percent or greater, these provisions shall apply only to that portion where the new development occurs.

803 Landscaping Requirements

Landscaping shall be required adjacent to each street property line and within street yards a distance of 5 feet from any street side property line. In the CBD landscaping may be substituted with hardscape.

804 Landscaping Materials and Installation Standards

a. Use of Inorganic Landscaping Materials

No artificial trees, shrubs, plants or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as stone or decorative pavers, may be used provided that such material does not comprise more than 35% of the

LANDSCAPING AND SCREENING STANDARDS

minimum required landscaped area. Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for walkways less than 5 feet in width.

805 Buffer Yard Provisions

These provisions apply when a use is established in a more intensive zoning district (District A) which is adjacent to a less intensive zoning district (District B). The owner, developer, or operator of the use within District A shall install and maintain a landscaped buffer yard on his/her lot or site, as set forth in this section. Buffer yard requirements apply only to those districts indicated in Table 8-1. Buffer yards are not required of single-family, 2-family, duplex, or townhouse use types in the more intensive zoning district.

- a. The buffer yard dimensions set forth in Table 8-1 apply to zoning districts, which share a common lot line or are adjacent but separated by an intervening alley.

Table 8-1: Buffer Yard Requirements (in feet)

	District B (Less Intensive Adjacent District)			
District A (More Intensive District) Note 3	RES (Note 1)	R-1 (Note 1)	R-2 (Note 1)	R-3, R-4 (Note 1)
R-4, IN 1, 2, 3	20	20	10	---
LC	10, 20RY	10, 20RY	10, 20RY	10, 20RY
CC	10, 20RY	10, 20RY	10, 20RY	10, 20RY
CBD	10, 20RY	10, 20RY	10, 20RY	10, 20RY
LI	30	30	30	30
GI	40	40	40	30

Notes to Table 8-1:

Note 1: Applies to residential uses previously established in the zoning district.

Note 2: Vertical screening only is required as set forth in Section 806.

Note 3: Buffer requirements do not apply to single-family, duplex, or townhouse residential uses established in District A

LANDSCAPING AND SCREENING STANDARDS

- b. When a street separates adjacent zoning districts requiring a buffer yard, the size of the buffer yard shall be one-half the required buffer yard set forth in Table 8-1.
- c. Each required buffer yard must be entirely landscaped.

806 Screening Standards

a. Application

Screening is required between adjacent zoning districts indicated in Table 8-1 when one or more of the following conditions in the more intensive zoning district is directly visible from and faces toward the boundary of the less intensive zoning district.

- 1. The rear elevation of buildings.
- 2. Outdoors storage areas or storage tanks, unless otherwise screened.
- 3. Loading docks refuse collection points, and other service areas.
- 4. Major machinery or areas housing a manufacturing process.
- 5. Major on-site traffic circulation areas or truck and/or trailer parking.
- 6. Sources of glare, noise, or other environmental effects.

b. Opaque Barrier

A six-foot opaque barrier shall be provided which visually screens the conditions listed in Section 806 (a) from less intensive uses as follows:

- 1. A solid wood and/or masonry fence or wall at least six feet in height.
- 2. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting. Note: All planting materials shall conform to the minimum caliper/size requirements set in Section 807.
- 3. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.
- 4. Any combination of these methods that achieves a cumulative height of six feet.

c. Location of Screening Wall

- 1. A screening wall or fence shall be installed no closer to the less intensive zoning district than one-half the width of the required buffer yard.

LANDSCAPING AND SCREENING STANDARDS

d. Screening: Effect on Drainage

Screening shall not adversely affect surface water drainage.

e. Permitted Interruptions of Screening

Screening may be interrupted to provide pedestrian (sidewalk) or bike (trail) connections or access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed 20% of the length of the required screened area.

807 Tree Plantings

In any landscaped area for commercial uses only required by the Minimum Depth Requirements, the Buffer yard Requirements, or the Parking Lot Interior Landscaping Requirements (see Article 906 c.), one tree of an approved species with a minimum caliper size of two inches shall be planted and maintained for each 500 square feet of required landscaped area. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.

808 General Provisions

a. Time of Application

The provisions contained in this Article shall be applied for each individual lot or site when an application for a rezoning, site plan approval, conditional use permit, or building permit on such lot is made. For commercial, institutional, and multi-family development projects, landscape plans shall be prepared and signed by a licensed landscape architect.

b. Maintenance of Required Landscaping

Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this Article.

c. Obstruction of View

Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk.

d. Earth Berm Locations

All earth berm locations shall be reviewed by the Infrastructure and Public Facilities Director, or his/her designee to determine how the berms shall relate to drainage and public utilities.

LANDSCAPING AND SCREENING STANDARDS

e. Exceptions

A development may continue to comply with the buffer yard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with buffer yard or screening provisions.

9

ARTICLE NINE - OFF-STREET PARKING

901 Purpose

The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

902 General Applications

a. Applicability

Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures.

b. Exemptions

Any use within the CBD Central Business District is exempt from the off-street parking requirements provided by Section 903. Any off-street parking facility constructed in the CBD District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

903 Schedule of Off-Street Parking Requirements

Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 9-1.

a. Computation

1. When a computation of required parking results in a fraction of 0.5 or greater, the requirement should be rounded up to the next whole number.
2. Unless otherwise indicated, parking requirements are based on gross floor area. Gross floor areas for the purpose of this calculation exclude any interior space used for the parking or loading of vehicles.
3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code in effect for the City of Storm Lake at the time the use is established.

OFF-STREET PARKING

b. Multiple Use Sites and Adjustments

1. For sites with more than one use, the parking requirement shall be the sum of spaces required for each use at their peak period of demand, except as provided below.
2. The Zoning Administrator may authorize an adjustment in the total parking requirement for separate uses located on the same site or for separate uses located on adjoining sites and served by the same parking facility. The Zoning Administrator shall consider at least the following criteria in determining approval of such an adjustment:
 - (a) The characteristics and time of operation of each use, and differences in projected peak parking demand.
 - (b) Potential reduction in total expected vehicle movements afforded by multiple uses of the parking facilities.
 - (c) Functional designs of the development and its parking facilities.
 - (d) Demonstrated ability to locate additional parking on the site to accommodate total parking requirements (proof of parking).
 - (e) Evidence of a written agreement and cross access easement that provides for the joint use and ongoing maintenance of parking facilities. Such agreement shall be entered into by all property owners involved and recorded with the Buena Vista County Recorder against all properties named in the agreement and a copy filed with the City Clerk.

904 Parking Facility Location

a. Residential Parking

1. Off-street parking for residential uses shall be located on the same lot or site as the use.
2. With the exception of tuck-under garages or enclosed parking areas, off-street parking areas for any multi-family residential use shall be at least six feet from any main building; and shall not be located within a required front yard or street side yard.

b. Non-Residential Parking

Off-street parking for non-residential uses shall be located on the same lot or site as the use.

OFF-STREET PARKING

TABLE 9-1: Minimum Off-Street Parking Requirements

Use Type	Parking Standard
Residential	
Single Family	2 spaces per unit
Duplex	2 spaces per unit
Two-Family	2 spaces per unit
Multi-Family	1.5 spaces per efficiency, studio, or 1 bedroom unit 2 spaces per unit for units with 2 or more bedrooms
Senior	1 space per unit
Assisted Living	1/3 (one-third) space per unit
Mobile Home	2 spaces per unit
Civic Uses	
Assembly – Churches, Public meeting halls, Auditoriums, Gymnasiums	1 space per 4 person capacity
Cemetery	N/A
Colleges and Universities	1 space per 2 full time students
Day Care	1 space per 5 students + 1 space per employee for largest shift
Health Care – Clinic/Medical Office/Dental/Other health care	1 space per 300 SF + 1 space per employee for largest shift
Health Care – Overnight Hospital	1 space per 2 beds
Parks	N/A
Post Office	1 space per 500 sq ft
Primary School	1 space for each classroom or office room + as required for Auditorium/Gymnasium space
Public Safety	1 space per employee of maximum shift + 1 space per 1,000 SF
Public Works / Utilities	1 space per employee of maximum shift
Secondary School	1 space per employee for largest shift + 1/3 (one third) space for every 11 th and 12 th grade student
Commercial	
Auto Rental	1 space per rental car + 1 space per employee of maximum shift + 1 space per 200 SF of Indoor Customer Service Area
Auto Repair*	5 spaces per repair/service stall
Auto Sales	1 space per car for sale + 1 space per employee of maximum shift + 1 space per 500 SF of Indoor Customer Service Area
Bar, Cocktail Lounge, Tavern, Night Club, Other On-Site Drinking Establishment	1 space per 2 person capacity

OFF-STREET PARKING

Use Type	Parking Standard
Bank	1 space per 200 SF
Campground	1 space per camping unit
Cinema/Live Theater	1 space per 3 person capacity
Hotel, Motel, other temporary lodging	1 space per rental room/suite + 1 space per employee for largest shift
Retail	1 space per 250 SF
Restaurants – Dine-in	1 space per 3 person capacity in dining area
Restaurants – Drive through/pick up	1 space per 50 SF of Indoor Customer Service Area
Services – Barber, Salon, Spa, Animal Grooming, Financial, Insurance, etc.	1 space per 500 SF
Stables, Kennels	1 space per employee for largest shift + 1 stall per 5,000 SF of site area
Veterinary Services	1 space per 500 SF
Office	
Administrative, Business, Call Center, or Professional	1 space per 300 SF
Industrial	
Agricultural Industry*	1 space per employee of largest shift + 1 space per vehicle stored on site
Manufacturing	1 space per 1,000 SF
Mining/Resource Extraction	1 space per employee of largest shift + 1 space per vehicle stored on site
Outdoor Storage, Salvage Yards, Construction Yards*	1 space per employee of largest shift + 1 space per vehicle stored on site
Railroad Facilities	1 space per employee of largest shift + 1 space per vehicle stored on site
Warehousing, Indoor Storage, Data Storage*	1 space per 1,000 SF up to 10,000 SF 1 space per 2,000 SF for additional SF above 10,000 SF

*See regulations for outdoor storage and vehicle storage within Article 6: Supplemental Use Regulations.

905 Parking for People with Disabilities

Each off-street parking facility shall provide the number of parking spaces set forth in Table 9-2 designed and designated for use by people with disabilities. Parking spaces shall be van-accessible. Design criteria and dimensions are set forth in the Off-Street Parking Design Standards and the requirements of the Americans with Disabilities Act. Parking facilities for single-family, duplex, two-family, and mobile home residential uses are exempt from this requirement.

OFF-STREET PARKING

Required Minimum Number of Total <u>Parking Spaces in Lot</u>	<u>Handicapped Parking Spaces</u>
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	*
1,001 and over	**

* 2 percent of total

** 20 spaces plus 1 for each 100 over 1,000

NOTE: Projects, which are required to comply with the Uniform Federal Accessibility Standards, shall provide a minimum of one handicapped parking space.

Van Accessible Stalls: One in every eight accessible spaces, but not less than one, shall be served by an access aisle with a minimum width of 96 inches and shall be designated as "Van Accessible."

906 Off-Street Parking Design Standards

a. Dimensions

1. Standard Parking spaces shall be designed in conformance with the following: parking stalls shall have a minimum paved dimension of nine feet by 18 feet. Stall and aisle dimensions shall be as noted below for the given angle:

Angle	Curb Length	Stall Length	Aisle Width
45 degree	12.0'	18.0'	15'
60 degree	10.0'	18.0'	18.5'*
90 degree	9'	18.0'	26'
Parallel	20.0'	8.0'	22'

*one way aisles.

OFF-STREET PARKING

2. Parking facilities may provide up to 40% of their total 90 degree angle stalls as designated compact stalls. Compact parking stalls at 90 degree angles shall be a minimum of 8.5 feet wide and 16 feet long.
3. Spaces designated for the handicapped shall have a minimum width in accordance with the State of Iowa Accessibility Code. Each accessible space shall provide a barrier free route to an accessible building entrance, which shall not require users to walk or wheel behind parked cars. Such spaces shall be designated with an upright sign exhibiting the universal symbol for accessibility by the handicapped. All such spaces shall be designed in compliance with the State of Iowa Accessibility Code.

b. Pavement and Drainage

1. Required off-street parking facilities shall be hard surfaced with either asphalt or concrete. Alternative pavement materials consistent with the city's stormwater management policies that promote improved water quality may be substituted with approval from the City's Infrastructure and Public Facilities Director.
2. Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties or public rights-of-way.
3. A plan review of proposed parking facilities must be performed by City Staff, prior to development of the parking lot. The design of the parking lot shall, to the maximum extent possible, retain or absorb the first ½" of rainfall on the hard surfaced area of the parking area.

c. Landscape and Screening Requirements

Unless otherwise noted, each unenclosed parking facility of over 3,000 square feet shall comply with the following regulations:

1. Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet along any street property line.
2. Each parking facility that abuts a residential district shall provide a ten foot landscaped buffer along its common property line with the residential district.
3. Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Zoning Administrator.
4. Each unenclosed parking facility of over 4,500 square feet within a street yard shall provide interior landscaped area equal to no less than 5 percent of the total paved area of the parking facility. Parking facilities within the GI District shall be exempt from this requirement.

OFF-STREET PARKING

5. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in Article Eight.

d. Entrances and Exits

1. Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points as required by the City Infrastructure and Public Facilities Director. Such driveways shall be designed to direct non-residential traffic away from residential areas.
2. Parking facilities other than driveways for single-family or duplex uses must permit vehicles to enter streets in a forward position.

e. Safety Features

1. Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving it; and shall not create blind, hidden, or hazardous areas.
2. Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety.

f. Lighting

Any lighting used to illuminate any off-street parking area shall be arranged to direct light away from adjoining properties in any residential district and shall be downward cast or full cutoff fixture types.

g. Maintenance

All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility, and providing proper care of landscaped areas.

h. Adjustment

For uses subject to Conditional Use Permit approval, the Board of Adjustment may adjust the minimum requirements of this section, in order to provide design, usability, attractiveness, or protection to adjoining uses in a manner equal to or greater than the minimum requirements of this Article.

907 Off-Street Loading

a. Loading Requirement

Any use, which involves the receipt or distribution of freight, merchandise, supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading and circulation. Loading areas shall be designed to avoid undue interference with the public use of streets and sidewalks.

OFF-STREET PARKING

b. Schedule of Loading Spaces

Loading spaces for each use requiring them shall be provided in accord with the minimum requirements set forth in Table 9-3.

TABLE 9-3: Off-Street Loading Requirements

Gross Floor Area of Use (square feet)	Number of Required Loading Spaces
5,000 or less	None
5,001 - 25,000	1
25,001 - 75,000	2
Larger than 75,000	3

c. Design Standards

1. Each loading space shall be at least 10 feet wide by 50 feet long, with a vertical clearance of at least 14 feet.
2. Paving of loading spaces and access areas shall be permanent, durable, and free of dust.
3. Off-street loading areas are subject to the landscaping and buffering requirements for parking facilities set forth in this Article.

908 Parking for Personal and Recreational Vehicles

a. Applicability

This section permits the parking of personal vehicles having a properly issued current motor vehicle registration and current motor vehicle license plate and recreational vehicles on a single lot in a residential district subject to specific conditions. Personal vehicles include: passenger cars; vans; pick-up trucks; camper shells, toppers, and other similar appurtenances intended for attachment to a personal vehicle; trailers and boats. Trucks, tractor cab units, trailers and vehicles over ten tons gross empty weight shall be defined as heavy commercial vehicles.

b. Location of Parking

1. Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
2. Parking of personal vehicles is permitted on a paved driveway (outside of an enclosed structure) within the front yard setback, but shall in no case encroach upon the public right-of-way.
3. Parking of personal vehicles may occur in the rear yard setback.

OFF-STREET PARKING

4. Heavy commercial vehicles, including tractor cab units weighing more than 10 tons gross empty weight, shall not be parked on any lot within the R-1, R-2, R-3, and R-4 residential zoning districts, except as provided below.

c. Special Provisions for Recreational Vehicles and Boats

Where permitted, parking and storage of recreational vehicles and boats is subject to the following additional conditions:

1. Recreational vehicles and boats must be maintained in a clean, well-kept state.
2. Recreational vehicles and boats may not be permanently connected to utility lines.
3. Recreational vehicles and boats may not be used for the storage of goods, materials, or equipment other than those items that pertain to the use of the vehicle.

909 Supplementary Regulations: Storage and Parking of Vehicles, Boats, Campers and Trailers

a. Storage of Unlicensed Motor Vehicles

The storage or keeping of motor vehicles not having a properly issued current motor vehicle registration and current motor vehicle license plate properly displayed is prohibited on any lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of Storm Lake; provided that conformance with the following shall not constitute a violation of this section:

1. The storage of any unlicensed and/or unregistered motor vehicle in a fully enclosed garage.
2. The storage of operable off-highway farm or industrial vehicles on tracts zoned RES Reserve or LI or GI industrial uses, and used in agricultural or industrial activity conducted on the premises.

SIGN REGULATIONS

10

ARTICLE TEN – SIGN REGULATIONS

1001 Purpose

The Sign Regulations provide standards for communicating information in the environment of the City of Storm Lake and its jurisdiction. The regulations recognize the need to protect public health, safety, and welfare; to maintain the city's attractive appearance; to provide for adequate business identification, advertising, and communication of information; and to encourage the fair enforcement of sign regulations.

1002 Definition of Terms

The following definitions shall be used for terms contained in this chapter that are not otherwise defined in the Storm Lake Municipal Code or in this Zoning Ordinance.

1. **Abandoned Sign:** A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six months.
2. **Attached Sign:** A sign, which is structurally connected to a building or depends upon that building for support.
3. **Auxiliary Design Elements:** Terms that describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.
4. **Awning and Awning Sign:** A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for a supporting framework. An awning sign is a message printed on such a shelter.
5. **Back-lit Sign:** A sign with an indirect source of light or light source located in the interior of the sign, which illuminates a sign by shining through a translucent surface.
6. **Banner:** Material with a printed message or graphic secured or mounted from a structure in such a way as to allow wind movement.
7. **Building Marker:** An historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.
8. **Business Center Identification Sign:** A sign that identifies a building or group of commercial buildings in single ownership or control, sharing parking and access.

SIGN REGULATIONS

9. Canopy: A projecting non-movable structure cantilevered or suspended from a building, supported by the main structural members to which it is attached, and used only as a roof or fixed shelter.
10. Canopy Sign: A sign, which is attached or made an integral part of a canopy.
11. Clearance: The distance from the bottom of a sign face elevated above grade and the grade below.
12. Detached Sign: A sign, which is self-supporting and structurally independent from any building.
13. Directional Sign: A sign that serves only to designate the location or direction of any area or place.
14. Double-Faced Sign: A sign consisting of no more than two parallel faces supported by a single structure.
15. Frontage: The length of a property line of any one premises abutting and parallel to a public street, private way, or court.
16. Ground Sign: A detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than 3 feet.
17. Illumination: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
18. Marquee: A permanent roofed structure attached to and supported by a building and extending over public right-of-way.
19. Maximum Permitted Sign Area: The maximum permitted combined area of all signs allowed on a specific property.
20. Monument Sign: An on-premise freestanding sign with the appearance of a solid base. The width of such base shall be at least 75 percent of the width of the sign.
21. Moving Sign: A sign, which conveys its message through rotating, changing, or animated elements.
22. Nonconforming Sign: A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
23. Pole Sign: An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than 3 feet, and where the support encompasses less than 75% of the width of the sign.
24. Portable Sign: Any sign supported by frames or posts rigidly attached to bases not permanently attached to the ground or a building and capable of being moved from place to place.

SIGN REGULATIONS

25. Premise Identification Sign: Any sign which pertains to the use of a premises and which contains information about the owner or operator of that use; the type of business being conducted or the principal brand name of a commodity sold on the premises; and other information relative to the conduct of the use.
26. Premises: A tract of one or more lots or sites that are contiguous and under common ownership or control.
27. Projecting Signs: A sign other than a wall sign that is attached to and projects from a building face.
28. Residential Sign: A small detached or attached sign located on a residential premise, conveying a message communicated by the owner of the property.
29. Roof Sign: Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
 - (a) Integral Roof Sign: A roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
 - (b) Above-Peak Roof Sign: A roof sign positioned above the peak of a roof or above a parapet or cornice.
30. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
31. Sign Type: A functional description of the use of an individual sign. Includes owner identification, advertising, directional, electronic message, and temporary.
32. Street Facade: Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, private way, or court. Separate faces oriented in the same direction or within 45 degrees of one another are considered part of the same street facade.
33. Temporary Signs: A sign, flag, banner, pennant, sandwich board, or valance constructed of lightweight materials which is not permanently attached to building or land, and which is intended for display for a limited period of time.
34. Wall Sign: A sign attached to and parallel with the side of a building.
35. Window Sign: A sign painted on or installed inside a window for the purpose of viewing from outside the premises.
36. Zone Lot: A parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces that are required by the site development regulations.

SIGN REGULATIONS

1003 General Sign and Street Graphics Regulations

a. Compliance

Each sign or part of a sign erected within the zoning jurisdiction of the City of Storm Lake must comply with the provisions of this chapter and of other relevant provisions of the City of Storm Lake's Municipal Code.

b. Resolution of Conflicting Regulations

This chapter is not meant to repeal or interfere with enforcement of other sections of the City of Storm Lake's Municipal Code. In cases of conflicts between Code sections, State or Federal Regulations, the more restrictive regulations shall apply.

c. Prohibited Signs

The following signs are prohibited in all zoning districts.

1. Signs painted on or attached to rocks, trees, or other natural objects.
2. Signs or sign structures which resemble or conflict with traffic control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard.
3. Signs on public property or public right-of-way, unless specifically authorized by the Zoning Administrator.
4. Portable signs except as otherwise permitted by this Article and subject to a temporary permit.
5. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
6. Abandoned signs. Any abandoned sign must be removed within 180 (one hundred eighty) days of date of abandonment.
7. Signs that are not clean or in substantial good repair, or are not affixed to a sound structure.
8. Signs advertising activities that are illegal under Federal, state, or local laws and regulations.

d. Exempt Signs

The following signs are permitted in any zoning district and are exempt from other provisions of this chapter.

1. Bulletin boards including electronic message centers for religious assembly or school uses, provided that they have a maximum sign area of 20 square feet and are not located in a required sign setback.

SIGN REGULATIONS

2. One non-illuminated real estate sign per premises with a maximum size of six square feet per premises. Such signs shall have a maximum height of six feet and shall not be located on public right of way. Such signs shall be removed within 7 days of the disposition or buyer taking possession of the premises.
 3. Official signs authorized by a government or governmental subdivision that gives traffic, directional, or warning information.
 4. Seasonal decorations for display on private or public property.
 5. Non-illuminated construction signs with a total size of 100 square feet per premises. Such signs shall be removed within 7 days of the completion of construction.
 6. One temporary sign per zoned lot for grand openings or special events, provided that such sign remains in place for a maximum of seven days.
 7. Works of graphic art painted or applied to building walls, which contain no advertising or business identification messages and authorized by the Zoning Administrator.
 8. Non-illuminated political campaign signs on private property.
 9. Residential signs under 2 square feet in size.
 10. Neighborhood or subdivision identification signs under 50 square feet.
 11. Street numbers, house numbers or address numbers.
 12. Signs which are not visible from a public right-of-way, private way, or court or from a property other than that on which the sign is installed.
 13. Window signs in commercial and industrial zones.
- e. Temporary and Civic Signs
1. Temporary signs are permitted in Commercial and Industrial zoning districts, subject to the following requirements:
 - (a) The total size of such signs does not exceed 40 square feet.
 - (b) No more than two such signs are permitted at any single premises. Subject to maximum square footage.
 - (c) Temporary signs may be present at any single premises for a maximum of 14 consecutive days.
 2. Temporary signs for non-profit civic campaigns or events, or other non-commercial events are permitted in any zoning district and are exempt from other provisions of this Article, subject to the following requirements:

SIGN REGULATIONS

- (a) The maximum size of such signs is 10 square feet when located in any residential, and LC Limited Commercial zoning district; and 40 square feet in any other zoning district.

f. Portable Signs

1. In no case shall a sign that was designed for or used as a portable type sign be converted for use as a permanent wall, pole or monument sign.
2. No portable sign is allowed to be flashing.
3. Maximum square footage of a portable sign is 32 square feet.
4. No portable sign is allowed on City Right of Way.
5. Portable signs shall be allowed by permit with only 5 permits allowed per year, per business at 2 weeks per occurrence.

g. Buffer Yards

No sign other than on-premise directional signs shall be placed within any buffer yard required by Article Eight, Landscaping and Screening Regulations, except buffer yards adjacent to intervening streets.

h. Vision-Clearance Area

No sign may project into or be placed within a vision-clearance area defined by a triangle with legs of 20 feet from the point at which property lines meet the curbs or edges of two intersecting streets, private ways, or courts or an intersecting street, private way, or court and driveway (approach), meet.

SIGN REGULATIONS

1004 General Regulations: Basic Design Elements For On-premise Signs

a. Wall Signs and Graphics

Wall signs and graphics are subject to the following general regulations:

1. A wall sign shall not extend more than 30 inches from the wall to which it is attached.
2. A wall sign must be parallel to the wall to which it is attached.
3. A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.
4. A wall sign may not extend beyond its building's roofline, or adjacent roofline whichever is higher.
5. A wall sign attached to a building on its front property line may encroach upon public right-of-way by no more than 18 inches. Such a wall sign shall provide minimum clearance of eight feet, six inches.
6. For the purpose of calculating permitted sign areas pursuant to this chapter; signs painted on the walls of buildings shall be considered wall signs.
7. Where permitted, canopy signs are counted as wall signs when calculating total permitted sign area.

b. Projecting Signs and Graphics

Projecting signs and graphics are subject to the following general regulations:

1. The maximum projection of any projecting sign shall be as follows:
 - (a) 3 feet over public sidewalks less than 12 feet wide;
 - (b) 5 feet over public sidewalks 12 feet wide or more, or over private property.
2. A projecting sign may be no closer than two feet from the vertical plane of the inside curb line.
3. Each projecting sign must maintain at least the following vertical clearances:
 - (a) 15 feet over parking lots;
 - (b) 18 feet over driveways.
4. No projecting sign extending three feet or more from a property line may be located within 10 feet of any other projecting sign extending three feet or more from a property line, or 5 feet from adjoining business frontage.

SIGN REGULATIONS

5. Projecting signs must minimize visible support structure and may not expose guy wires, cables, turnbuckles, angle iron, or other similar external support structure.
6. Projecting signs are not allowed in alleys.

c. Pole Signs

Pole signs, where permitted, are subject to the following general regulations:

1. Each pole sign must maintain at least the following vertical clearances:
 - (a) 7 feet, 6 inches over private sidewalks;
 - (b) 10 feet if located within vision clearance area (Section 1003(h))
 - (c) 15 feet over parking lots;
 - (d) 18 feet over driveways
2. Permitted pole signs may revolve at a rate not to exceed six revolutions per minute.

d. Roof Signs

Roof signs are subject to the following regulations:

1. Where permitted, integral roof signs may be used interchangeably with wall signs.
2. Integral roof signs may not exceed the permitted height for pole signs.
3. An integral roof sign must be mounted parallel to the wall of the building that it faces.

1005 General Regulations: Other Design Elements

a. Illumination

1. Lighting, when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway.

b. Marquees and Marquee Signs

1. Signs placed on, attached to, or constructed on a marquee are subject to the maximum projection and clearance regulations of projecting signs.

c. Banners

1. A banner sign projecting from a building may not exceed the wall height of the building.

SIGN REGULATIONS

2. Maximum size of a banner is 120 square feet.
- d. Clocks
 1. For the purposes of this chapter, clocks are not considered a moving sign.

1006 Method of Measurement for Regulators

a. Maximum Permitted Sign Area

Maximum permitted sign area for a premise is set forth as a numerical limit or as a function of the frontage of the premises on a street. For properties with frontage on more than one street, the total frontage shall be calculated as the total of all frontages.

b. Sign Area

1. Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, including individual letters painted or applied, excluding any structure essential for support or service of the sign, or architectural elements of the building.
2. The area of double-faced signs is calculated on the largest face only.
3. The sign area for ground signs, monument signs, and architectural sign bands is calculated as the area enclosing the extreme limits of the letters, symbols, and images.

c. Height

The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.

d. Setback

The setback of a sign is measured from the property line to the supporting frame of the sign face, mast, pole or base of the sign; whichever is closest to the property line.

SIGN REGULATIONS

1007 Permitted Sign Types and Specific Regulations by Zoning Districts

The following tables set forth permitted sign types and regulations and design standards for signs and graphics for each zoning district.

Table 10-1: Permitted Sign Types by Zoning District

SIGN TYPES	RES	R-1	R-2	R-3	R-4	IN-1,2,3	PO	LC	CC	CBD	LI	GI
DETACHED SIGNS												
Residential	P	P	P	P	P	P		P	P			
Business Identification	P	P	P	P	P	P		P	P	P	P	P
Ground	P	P	P	P	P	P	P	P	P	P	P	P
Pole								P	P	P	P	P
Monument	P	P	P	P	P	P	P	P	P	P	P	P
ATTACHED SIGNS												
Awning				P	P			P	P	P	P	P
Banner								P	P	P	P	P
Building Marker	P	P	P	P	P	P	P	P	P	P	P	P
Canopy								P	P	P	P	P
Business Identification	P	P	P	P	P	P		P	P	P	P	P
Marquee						P		P	P	P	P	P
Projecting	P	P	P	P	P	P		P	P	P		
Roof, Integral								P	P	P	P	P
Roof, Above Peak											P	P
Wall	P	P	P	P	P	P	P	P	P	P	P	P
Window						P	P	P	P	P	P	P
MISCELLANEOUS												
Flag, Non Commercial	P	P	P	P	P	P	P	P	P	P	P	P
Portable, Civic Uses Only	P	P	P	P	P	P	P	P	P	P	P	P

SIGN REGULATIONS

DESIGN ELEMENTS – ILLUMINATION												
SIGN TYPES	RES	R-1	R-2	R-3	R-4	IN-1,2,3	PO	LC	CC	CBD	LI	GI
Back-Lit								P	P			
Indirect, Civic Use Only	P	P	P	P	P	P		P	P	P	P	P
Internal, Civic Use Only	P	P	P	P	P	P		P	P	P	P	P
Neon									P	P	P	P
Electronic Information						P		P	P	P	P	P
Moving												P
Rotating												P

Table 10-2: Numbers, Dimensions and Locations of Signs by Zoning District

SIGN TYPES	RES	R-1	R-2	R-3	R-4	IN-1,2,3	PO	LC	CC*	CBD***	LI*	GI*
DETACHED SIGNS												
Number Permitted Per Premise	1	1	1	1	1	1	1	1	NA	1	NA	NA
Per Feet of Frontage	NA	NA	NA	NA	NA	C	NA	C	F	H	G	G
Maximum Size (SqFt)	100	A	A	B	B	200	100	D	200	200	200	200
Maximum Height (Ft) of structure above ground	25	10	10	10	10	15	10	15	35	20	35	35
Front Yard Setback (Ft)	25	5	5	10	10	5	5	10	0	0	0	0
Side Yard Setback (Ft)	10	10	10	10	10	5	5	10	5	0	0	0
ATTACHED SIGNS												
Maximum Size (SqFt)	100	*	*	**	**	E	NA	E	300	200	200	200
Max % of Street Façade	NA	NA	NA	NA	NA	20	NA	20	20	20	25	25

- A:** Total of all signs attached or detached cannot exceed 32 square feet for civic uses. Total of all signs attached or detached cannot exceed 2 square feet for residential uses including home occupations
- B:** Total of all signs attached or detached cannot exceed 48 square feet for project identification signs for multi-family or mobile home development and for non-residential uses when permitted
Total of all signs attached or detached cannot exceed 2 square feet for residential uses including home occupations
- C:** Square feet of signage per linear foot of frontage: 1 square foot with a maximum of 75 square feet.
- D:** Total of all signs attached and detached cannot exceed 100 square feet for non-residential premises only, 75 square feet for premises with primary residential use, for project identification signs for multi-family

SIGN REGULATIONS

developments, 2 square feet for residential uses, including home occupations.

E: *Total of all signs attached and detached cannot exceed 100 square feet for non-residential premises only, 75 square feet for premises with primary residential use, for project identification signs for multi-family developments, 2 square feet for residential uses, including home occupations.*

F: *1 sign allowed per 300 feet of frontage, if frontage of premises is 50 feet or less only one sign is allowed with a maximum of 100 square feet.*

G: *1 sign per 200 feet of frontage*

H: *For premises with frontage of 25 feet or less, one detached sign up to 90 square feet is allowed, for premises with frontage of more than 25 feet may use 3 square feet per lineal feet of frontage to a maximum of 200 square feet for a detached sign.*

***** *Maximum total square feet of all signs is 500 square feet. Allowed 2 square feet signage per linear foot of frontage.*

****** *Maximum total square feet of all signs is 600 square feet. Allowed 2 square feet signage per linear foot of frontage.*

******* *Maximum total square feet of all signs is 400 square feet.*

1008 General Permit Procedures

a. Applicability

Any installation, modification, or expansion of any sign, which is not exempt from the provisions of this Article, shall be subject to the following permit procedure prior to installation.

b. Maintenance of Valid Sign Permit

The owner/tenant of a property containing signs requiring a permit under this ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zoned lots or business frontages. A sign permit may be revoked if the sign is not maintained in good condition.

c. Sign Permit Applications

All applications for sign permits shall be submitted to the Zoning Administrator in accordance with application specifications established by the Zoning Administrator.

d. Action

Within ten working days of the submission of a complete application for a sign permit, the Zoning Administrator shall either:

1. Issue the sign permit, if the sign conforms to the provisions of this Article.
2. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform to the requirements of this Article.

SIGN REGULATIONS

e. Permit Expiration

If a sign is not constructed in accordance with an approved permit within six months of the date of approval, such permit shall lapse.

f. Assignment of Sign Permits

A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises.

1009 Nonconforming Signs

- a. All permanent signs in place and lawfully established on the effective date of this Ordinance shall be considered as legal nonconforming signs. The copy of such a sign may be changed from time to time, provided that the sign area shall not be enlarged beyond the sign area in existence on the effective date.
- b. Any nonconforming sign which presently is or becomes structurally damaged or deteriorated, more than 50% of its replacement cost, shall be either removed or altered so as to comply with this Article.
- c. As an exception to 1009(a) portable signs or parts of which are being used as permanent signs shall not be considered legal non-conforming signs and shall be removed six months from effective date of this ordinance.

NONCONFORMING DEVELOPMENT

11

ARTICLE ELEVEN - NONCONFORMING DEVELOPMENT

1101 Purpose

Article Eleven shall be known as the Nonconforming Development Regulations. The purposes of these regulations are:

- a. To allow for reasonable use of legally created lots of record, which do not meet current minimum requirements for their respective zoning districts.
- b. To provide for reasonable use of legally constructed structures that do not meet current site development regulations for their respective zoning districts.
- c. To allow for the reasonable continuation of legally established uses, which do not meet current use regulations for their respective zoning districts.
- d. To limit the continuation and provide for the gradual replacement of nonconforming uses.

1102 Regulations Additive

Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

1103 Nonconforming Lots

a. Pre-Existing Lots of Record

Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by the Zoning Ordinance.

b. Reductions Due to Public Acquisition

If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

NONCONFORMING DEVELOPMENT

1104 Nonconforming Structures

These regulations apply to buildings and structures, which were constructed legally under regulations in effect before the effective date of this Ordinance.

a. Continuation

A lawful nonconforming structure existing on the effective date of this Title may be continued, repaired, maintained, or altered, subject to the provisions of this Section.

b. Additions or Enlargements to Nonconforming Structures

1. A lawful nonconforming structure may be added to or enlarged if the addition satisfies either of the following conditions:
 - (a) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements.
 - (b) The nonconforming building and impervious surface coverages on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district.
2. No permitted addition to a nonconforming structure may place a wall within ten feet of a window of a pre-existing residential structure in a residential zone, on an adjacent lot.

c. Moving of Nonconforming Structures

A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district when the move has been completed.

d. Repair of Nonconforming Structures

A lawful nonconforming building damaged by fire, explosion, storm or other calamity may be repaired and reconstructed provided there is no increase in the degree of nonconformity.

e. Conversion of a Conforming Building

A conforming building shall not be changed in any way that will result in a nonconforming development.

f. Applicability of Landscaping and Screening Regulations

A pre-existing structure, building, or development shall be exempt from Article Eight, Landscaping and Screening Regulations. However, any expansion of such structure, building, or development or any adjacent new development onto property that is or becomes vacant on or after the effective date of this Ordinance shall be subject to Article Eight.

NONCONFORMING DEVELOPMENT

1105 Nonconforming Uses

a. Continuation of Nonconforming Uses

Any nonconforming use lawfully existing on the effective date of this Ordinance may continue, subject to the limitations of this Section.

b. Enlargement of Nonconforming Uses

A building or structure housing a lawful nonconforming use may not be added to or enlarged in the RES or any R District. Any building in districts other than a “RES” or “R” District devoted to a use made non-conforming by this ordinance may be structurally altered or enlarged in conformity with the lot area, lot width, yard and height requirements of the district in which situated. In the event of such structural alteration or enlargement of structures, the premises involved may not be used for any non-conforming use other than the use existing on the effective date of this ordinance, other provisions of this ordinance notwithstanding.

c. Abandonment of Nonconforming Use

If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of twelve months, any subsequent use must conform to all use regulations applicable to the property's zoning district. This period may be extended for not more than six months at a time upon application of the owner of the premises to the City Council. Such application must be received prior to the expiration of the initial six-month grace period. The application shall be reviewed by the Planning and Zoning Commission prior to consideration by the City Council. The City Council may impose additional requirements as part of its consideration of an extension of non-conforming status.

d. Change of Use

1. A lawful nonconforming use may be changed only to a use type permitted in a zoning district that is equal to or less intensive than that normally required for the previous use.

e. Allowance for Repairs

Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.

f. Damage or Destruction of Structures

1. Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 50 percent of the replacement cost of the structure, the nonconforming use shall no longer be permitted.
2. For buildings for which reconstruction is permitted, such reconstruction shall begin within one year of the date of the damage.

NONCONFORMING DEVELOPMENT

g. Nonconforming Uses and Conditional Use Permits

A lawful pre-existing use, which would require a Conditional Use Permit in its zoning district, shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of Permits, set forth in Article Twelve.

12

ARTICLE TWELVE – ADMINISTRATION AND PROCEDURES

1201 Purpose

The Administration and Procedures Provisions establish the methods for implementation of the Zoning Ordinance. These provisions include procedures for reviewing specific uses within certain zoning districts; amending the Zoning Ordinance; and granting variances.

1202 Site Plan Review Procedure

a. Purpose

The Site Plan Review Procedure provides for the administrative review in addition to plan review required by other sections of the Storm Lake Municipal Code of projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.

b. Administration

The Zoning Administrator or his /her designee shall review, evaluate, and act on all site plans submitted pursuant to this procedure. An applicant may appeal a denial of any application to the Board of Adjustment.

c. Uses Requiring Site Plan Review

The following selected uses shall follow the Site Plan review procedure prior to the issuance of a building permit, unless they are otherwise subject to a Conditional Use Permit procedure for specific zoning districts.

1. Multiple family developments
2. Education Facilities
3. Automotive Washing
4. Automotive Sales
5. Any use including drive-in services.
6. Any commercial, industrial, or office building providing over 15,000 square feet in building area.
7. Any industrial use adjacent to a residential zoning district.

ADMINISTRATION AND PROCEDURES

d. Application Requirements

The owner(s) or the owners' authorized agent of a property may file an application for a Site Plan Review with the Zoning Administrator. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address, and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
 - a) The date, scale, north arrow, title, name of owner, and name of person preparing the site plan.
 - b) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
 - c) The location, size, and use of proposed and existing structures on the site.
 - d) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
 - e) Location of any major site features, including drainage and contours at no greater than five-foot intervals.
 - f) Any other information that may be required for review by the Zoning Administrator, or his/her designee.

e. Administrative Action and Appeal

The Zoning Administrator or his /her designee must act upon each complete application within 15 working days of filing. An applicant may appeal a denial to the Board of Adjustment within ten days of the action. The Board of Adjustment shall consider the appeal at the first available meeting after the filing of the appeal.

f. Review and Evaluation

1. The Zoning Administrator, or his/her designee (or the Board of Adjustment in cases of appeal), shall review and approve the site plan based on the criteria established in Table 12-1 and conformance with applicable regulations in this Zoning Ordinance.
2. The Zoning Administrator, or his/her designee (or the Board of Adjustment in cases of appeal), shall make the following findings before approval of the site plan:

ADMINISTRATION AND PROCEDURES

- a) The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 12-1.
- b) The site plan conforms to the Zoning Ordinance.

g. Modification of Site Plan

The Zoning Administrator, or his/her designee (or the Board of Adjustment in cases of appeal), may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, welfare, community character, property values, and/or aesthetics.

h. Term and Modification of Approval

- 1. A Site Plan Approval shall become void one year after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.
- 2. The Zoning Administrator, or his/her designee, may approve an application to modify a previously approved site plan if he/she determines that the modification does not affect findings related to the criteria set forth in Table 12-1.
- 3. The Zoning Administrator, or his/her designee may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Board of Adjustment.

i. Approval to Run With Land

An approval pursuant to this section shall run with the land until the expiration date of such approval.

1203 Conditional Use Permit Procedure

a. Purpose

The Conditional Use Permit Procedure provides for Planning and Zoning Commission review and discretionary Board of Adjustment approval for uses within zoning districts, which have unusual site development, or operating characteristics that could adversely affect surrounding properties.

b. Administration

The Planning and Zoning Commission shall review and evaluate each application and transmit its recommendation to the Board of Adjustment. The Board of Adjustment shall review, evaluate, and act upon all applications submitted pursuant to this procedure.

ADMINISTRATION AND PROCEDURES

c. Application Requirements

The owner(s) of a property or the owners' authorized agent may file an application for a Conditional Use Permit with the Zoning Administrator. The application shall include the following information:

1. Name and address of the applicant.
2. The address and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.

d. Approval Process

1. The Planning and Zoning Commission, following proper notice, shall hold a public hearing on each Conditional Use Permit and, following such public hearing, shall recommend action to the Board of Adjustment.
2. The Board of Adjustment shall act on the Conditional Use Permit following the public hearing held by the Planning and Zoning Commission.

e. Criteria for Review

1. The Planning and Zoning Commission and the Board of Adjustment shall review and approve the application based on the criteria established in Table 12-1 and conformance with applicable regulations in this Zoning Ordinance.

f. Scope of Board of Adjustment's Approval

1. The Board of Adjustment may, at its discretion, limit a Conditional Use Permit to a specific owner or applicant. The Board of Adjustment may establish special site development or operational regulations as a condition for approval of a Conditional Use Permit. If the application is approved, the applicant must file with the Buena Vista County Recorder, an attachment to the deed of the property for which the conditional use permit was granted, specifying the conditions and circumstances of the conditional use permit.
2. The Board of Adjustment shall not grant a Conditional Use Permit for any home occupation/home-based business, which is otherwise prohibited under Section 611 of this Ordinance.

g. Lapse and Revocation of Permit

1. A Conditional Use Permit shall become void one year after its effective date if the applicant has not carried out development or occupancy during that period.

ADMINISTRATION AND PROCEDURES

2. The Board of Adjustment may revoke a Conditional Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.

h. Previously Approved Permits

Any conditional use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Conditional Use Permit, subject to requirements imposed at the time of its approval.

TABLE 12-1: Criteria for Site Plan Review and Conditional Use Permits

	CRITERION	APPLICATIONS TO	
		Site Plan Review	Conditional Use Permit
Land Use Compatibility			
Use Compatibility	That the use is so designed located and proposed to be operated that the public health, safety, welfare and convenience will be protected.		X
Property Valuation	That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.		X
Fire Safety	That the use will not substantially increase fire hazards.		X
Zoning Compatibility	That the use will be compatible with adjoining development and the proposed character of the zone district where it is to be located.		X
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
Height and Scale			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.	X	X
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X

ADMINISTRATION AND PROCEDURES

	CRITERION	APPLICATIONS TO	
		Site Plan Review	Conditional Use Permit
Site Development			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X
Landscaping	Landscaping should be integral to the development, providing street landscaping breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved.	X	X
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations		X
Operating Characteristics			
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
Public Facilities			
Sanitary Waste Disposal	Developments within 500 feet of a public sanitary sewer must connect to sewer system.	X	X
	Sanitary sewer must have adequate capacity to serve development	X	X

ADMINISTRATION AND PROCEDURES

	CRITERION	APPLICATIONS TO	
		Site Plan Review	Conditional Use Permit
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
Utilities	Project must be served by utilities.	X	X
	Rural estate subdivisions should be located in designated areas that can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	X	X
Comprehensive Plan	Projects should be consistent with the City of Storm Lake's Comprehensive Plan.		X

1204 Amendment Procedure

a. Purpose

The Amendment Procedures describe the methods by which changes may be made in the text of the Zoning Ordinance (text amendment) and/ or the official boundaries of zoning districts (rezoning).

b. Initiation of Amendments

1. Text amendments may be initiated by the Planning and Zoning Commission or City Council; citizens may request a change through the Planning and Zoning Commission.
2. Rezoning may be initiated by a property owner or authorized agent; the Planning and Zoning Commission; or the City Council.

c. Rezoning Application Requirements

1. Changes and amendments. This ordinance and the districts created by said ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by, or shall have an application submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission shall hold a public hearing, for which a notice shall be published as required by Iowa Code 362.3. The Planning and Zoning Commission shall have (45) forty-five days in which to submit its report to the City Council. If the Commission fails to submit a report within the (45) forty-five-day period, the Council

ADMINISTRATION AND PROCEDURES

shall take action on the proposed amendment without a recommendation from the Planning and Zoning Commission.

- (a) Such application shall be filed with the Administrative Officer accompanied by a fee as determined by the City Council and approved on their most current fee resolution and shall contain the following information:
 - 1) The legal description and local address of the property.
 - 2) The present zoning classification and the zoning classification requested for the property.
 - 3) The existing use and proposed use of the property.
 - 4) The names and addresses of the owners of all property within two hundred feet (300') of the property for which the change is requested.
 - 5) A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
 - 6) A plat showing the locations, dimensions and use of the applicant's property and all property within two hundred feet (300') thereof including streets, alleys, railroads, and other physical features.

All fees shall be deposited to the General Revenue fund of the City. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

- 2. In case the Planning and Zoning Commission does not approve the change or, in a case of a protest filed with the City Council against a change in district boundaries signed by the owners of (20%) twenty percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within (200') two hundred feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of (3/4) three-fourths of all the members of the City Council.
- 3. Application for Change in Zoning District Boundaries. Any person may submit to the Planning and Zoning Commission an application requesting a change in the zoning district boundaries as shown on the official zoning map.
 - (a) Such application shall be filed with the Administrative Officer accompanied by a fee as determined by the City Council and approved on their most current fee resolution and shall contain the following information:
 - 1) The legal description and local address of the property.
 - 2) The present zoning classification and the zoning classification requested for the property.
 - 3) The existing use and proposed use of the property.
 - 4) The names and addresses of the owners of all property within two hundred feet (300') of the property for which the change is requested.
 - 5) A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
 - 6) A plat showing the locations, dimensions and use of the applicant's property and all property within two hundred feet (300') thereof including streets, alleys, railroads, and other physical features.

ADMINISTRATION AND PROCEDURES

All fees shall be deposited to the General Revenue fund of the City. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

- (b) Upon receipt of the application by the Administrative Officer, a copy shall be forwarded immediately to the Commission for study and recommendation. The Commission shall, prior to making a recommendation determine the following:
 - 1) Whether or not the current district classification of the property to be rezoned is valid.
 - 2) Whether there is a need for additional land zoned for purpose requested.
 - 3) Whether the proposed change is consistent with the current land use plan, considering such factors as:
 - i. Whether the rezoning would result in a population density or development, which would in turn cause a demand for services and utilities in excess of the capacity, planned for the area.
 - ii. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
 - iii. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
- (c) The Planning and Zoning Commission shall report its determinations and recommendations to the Council within forty-five (45) days from receipt of the application, except that when no report is issued within that time, the application will be forwarded to the City Council without a recommendation.

d. Required Notice and Publication

Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the governing body, notice of public hearings shall be provided by the three following methods, as determined by the City:

- 1. Notice of Meeting: A notice shall be posted as required by Iowa Code Section 21.4.
- 2. Publication: A notice of such hearing shall be published as required by Iowa Code Section 362.3 and Section 414.4. Such notice shall include the date, time, place, and subject matter of hearing.
- 3. Notification by Mail: City Staff shall mail notice of the time, place, and subject matter of the hearing to those persons who own property within 300 feet of the subject site at least seven days prior to the date of the hearing.

ADMINISTRATION AND PROCEDURES

e. Approval by City Council

All requests for amendments must be approved by the City Council consistent with Iowa Code of Laws.

1205 Annexed Territory

All territory, which may hereafter be annexed to the City, shall be in the RES – Reserve District. However, the Planning and Zoning Commission may recommend the appropriate district classification prior to such territory becoming part of the City and upon holding a public hearing and with approval of the City Council the territory upon becoming part of the City may be immediately so classified.

1206 Building Permits and Certificates of Zoning Compliance

a. Administration and Enforcement

1. The Zoning Administrator shall administer and enforce this ordinance.
2. If the Zoning Administrator, or his/her designee shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

b. Building Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this ordinance, unless he/she receives a written order from the Board of Adjustment in the form of an administrative review, conditional use permit, or variance as provided by this ordinance.

1. As an exception to the above, a single accessory building not exceeding 144 square feet may be constructed without a permit, providing it meets all required setbacks and is accessory to a principle use.

c. Application for Building Permit

All applications for building permits shall include plans if applicable in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.

ADMINISTRATION AND PROCEDURES

The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

The administrative official shall return one copy of the plans to the applicant, after he/ she shall have marked such copy either as approved or disapproved and attested to it by his signature on such copy. The administrative official shall retain one copy of the plans, similarly marked.

d. Certificates of Zoning Compliance for New, Altered or Non-Conforming Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, altered, or enlarged 25% of its use or structure until a certificate of zoning compliance shall have been issued therefore by the administrative official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

e. Expiration of Building Permit

1. If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; the administrative official shall cancel it; and written notice thereof shall be given to the persons affected.
2. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.
3. The expiration date of a building permit may be established for a period longer than two years if established at the time that the City issues such permit. The Zoning Administrator, or his/her designee may, at his/her discretion extend the expiration period of the building permit.

f. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Section hereof.

ADMINISTRATION AND PROCEDURES

1207 Schedule of Fees, Charges and Expenses

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance.

The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

1208 Board of Adjustment

a. Establishment

1. A Board of Adjustment is hereby established. The Board shall consist of five regular members.
2. Each member shall be appointed by the City Council for a five-year term and is removable for cause by the City Council upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
3. The Board of Adjustment shall adopt rules and regulations in accordance with this ordinance and the Code of Iowa. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Such chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Board shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. A majority of the Board shall constitute a quorum for the transaction of business.

b. Procedure for Appeals

1. Appeals shall be made to the Board of Adjustment through the office of the Zoning Administrator in written form as determined by the Zoning Administrator. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within 30 days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Zoning Administrator certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property.
2. The Board shall provide a notice of a public hearing on any question before it. Notice of the hearing shall be published as required by Iowa Code Section 362.3; and by written notice to the appealing party.

ADMINISTRATION AND PROCEDURES

3. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of three out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance, or to effect any variation in such ordinance.
4. A fee as determined by the City Council and approved on their most current fee resolution shall be paid to the Administrative Officer at the time the notice of appeal is filed, which the Administrative Officer shall forthwith pay over to the credit of the General Revenue Fund of the City.

1209 Powers and Duties of the Board Of Adjustment

The Board of Adjustment shall have only the following powers and duties:

a. Administrative Review:

To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the Zoning Administrator, or his/her designee in the enforcement of this Ordinance or any regulation relating to the location or soundness of structures

b. Conditional Use Permits:

To hear and decide the approval of applications for Conditional Use permits, as provided by this Ordinance. Procedures for Conditional Use Permits are established in Section 1203.

c. Variances to Relieve Hardships Relating to Property:

To authorize, upon appeal, variances from the strict application of this Ordinance where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.

1. Requirements for Grant of a Variance. The Board shall authorize no such variance unless it finds that:
 - (a) Strict application of the zoning ordinance will produce undue hardship and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.
 - (c) The authorization of such variance will not be of substantial detriment to adjacent property and the granting of the variance will not change the

ADMINISTRATION AND PROCEDURES

character of the district.

- (d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.
 - (e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.
 - (f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.
2. Findings by Board. The Board of Adjustment shall make findings that the requirements of Section 1209c (l) have been met by the applicant for a variance.
3. Conditions for Grant of Variance.
- (a) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 1213 of this Ordinance.
 - (b) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
 - (c) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
 - (d) Effective Date of Variances/Review by Council:

Every variance granted by the Board of Adjustment shall be subject to review by the City Council, and the Council may, in its discretion, remand a decision to grant a variance back to the Board of Adjustment for further consideration.

The only persons authorized to request the remand of a decision to grant a variance shall be the Mayor, the City Administrator, the City Attorney or the Zoning Administrator, and the only grounds for requesting a remand shall be that legal error is believed to have occurred in the procedures followed by the Board of Adjustment or that the evidence presented by the applicant did not support the finding required by 1209(c)(1), or that the variance granted was beyond the authority of the Board of Adjustment. On remand, all parties shall be permitted to introduce such additional relevant evidence, as they deem appropriate.

ADMINISTRATION AND PROCEDURES

To facilitate review by the City Council, no variance granted by the Board of Adjustment shall become effective until the day following the next regularly scheduled council meeting, which occurs more than four calendar days after the Board of Adjustment meeting at which the variance is granted. If the Council does remand the granting of a variance back to the Board of Adjustment, the effective date of the variance is delayed for thirty days from the date of the remand.

If the granting of a variance is remanded to the Board of Adjustment for reconsideration, the Board shall notify the applicant, the City Administrator and other interested parties of the time and place that the matter will be reconsidered, and after holding the rehearing, the Board shall either reaffirm its decision to grant the variance, or alternatively, it shall deny the variance.

d. Board has Powers of Zoning Administrator on Appeals: Reversing Decisions of Zoning Administrator

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

The concurring vote of three members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

1210 Appeals from the Board of Adjustment

Any person or persons, or any board, taxpayer, officer, department, board or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review of such decision by a court of record in the manner provided by the laws of the State and particularly by Chapter 414, Code of Iowa.

1211 Severability Clause

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1212 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the Zoning Administrator.

ADMINISTRATION AND PROCEDURES

He/she may record properly such complaint immediately, investigate, and take action thereon as provided by this resolution.

1213 Penalties for Violation

a. Violation and Penalty

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional use permits) shall constitute a municipal infraction, subject to the penalties and alternative relief authorized by Title I, Chapter 20 of the City Code and by Section 364.22 of the Code of Iowa.

b. Restraining Order

In case any building is built, developed, altered, or otherwise used in violation of this Ordinance, the City Attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City of Storm Lake, to prevent such unlawful action; to restrain, correct, or abate such violation; or to prevent any illegal act, conduct, business, or use in or about said premises.

c. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

d. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.



The Subdivision Ordinance Of the City of Storm Lake, Iowa

~ **Proposed Amendments** ~

Draft Post Public Hearing – 7 February 2014

This draft of the subdivision ordinance includes all changes as of 7 February 2014. A version of this document showing all changes is available upon request.

GENERAL PROVISIONS

1

ARTICLE ONE - GENERAL PROVISIONS

1-1 Title

This Ordinance shall be known as the Subdivision Ordinance of the City of Storm Lake.

1-2 Authority and Purpose

a. Authority

This Ordinance is adopted pursuant to the authority granted the City of Storm Lake under Chapter 354, Code of Iowa, enabling cities to regulate the development of land within their jurisdictions and to promote good planning practice.

b. Purposes

The purposes of this Chapter are to:

1. Serve the public health, safety, and general welfare of the city and residents of Storm Lake and its surrounding jurisdiction.
2. Provide for the orderly development and growth of the city by prescribing rules and standards insuring the functional arrangement of streets, public improvements, open spaces, community facilities, and utilities.
3. Promote the creation of well-planned and attractive residential, commercial, and industrial developments within the city and its jurisdiction.
4. Avoid excessive costs to the taxpayers of Storm Lake or the residents of the jurisdiction of the city for the provision of public services and utilities, while maintaining high standards for these services.
5. Protect the unique environment of the City of Storm Lake by avoiding environmental damage whenever feasible and appropriate; and by encouraging flexibility in the design of subdivisions.
6. Provide the City of Storm Lake with the ability to grow incrementally through the eventual annexation of land for new development served by municipal utilities.

GENERAL PROVISIONS

1-3 Relationship to the Comprehensive Plan

- a. The City of Storm Lake intends that this Subdivision Chapter and any amendments to it shall be consistent with the City's Comprehensive Plan. Should this Ordinance become inconsistent with the adopted Comprehensive Plan because of subsequent amendments to that plan, it is the City's intent to amend this ordinance to bring it into conformance with the plan.
- b. The Subdivision Chapter shall supplement and facilitate the provisions of the Comprehensive Plan, the Zoning Ordinance, the Official Zoning Map, and the City of Storm Lake's Capital or General Fund Budget.

1-4 Jurisdiction and Applicability

- a. The provisions of this chapter shall be applicable to the subdivision of, or filing of plats of survey of all property within the corporate limits of the City of Storm Lake and within two-miles of the corporate limits as provided by Chapter 354.9 of the Code of Iowa.
- b. No owner of real property within the City of Storm Lake and its jurisdiction may subdivide or plat such property into lots for buildings or any other use, streets, or other forms of dedication for public use without gaining approval pursuant to this Ordinance.

1-5 Amendment

When necessary, this Ordinance may be amended through public hearing and recommendation by the Planning and Zoning Commission to the City Council. The City Council shall consider the amendment at its next regularly scheduled meeting.

1-6 Fees

The City Council of the City of Storm Lake shall establish fees sufficient to recover costs incurred for the processing and review of subdivision applications and other procedures included within this Ordinance. Fees shall be reviewed and established by resolution on an annual basis.

GENERAL PROVISIONS

1-7 Enforcement

The Zoning Administrator shall enforce the provisions of this Ordinance and shall bring violations or lack of compliance to the attention of the Planning and Zoning Commission, City Council, or other appropriate agency.

1-8 Penalties

a. Violation and Penalty

1. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional use permits) shall constitute a municipal infraction, subject to the penalties and alternative relief authorized by Title I, Chapter 20 of the City Code and by Section 364.22 of the Code of Iowa.
2. An owner, developer, or subdivider of property may each be found guilty of a separate offense and suffer the penalties provided in this section.
3. Notwithstanding this section, the City and the Zoning Administrator shall have the right to take any lawful action necessary to prevent or remedy any violation of this Ordinance or any agreement pursuant to or other condition of an approval of a subdivision application.

1-9 Interpretation, Conflict, and Severability

- a. The Subdivision Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Subdivision Ordinance conflicts with any other provision of the Zoning Ordinance, any other Ordinance of the City of Storm Lake, or any applicable State or Federal law, the more restrictive provision shall apply.
- b. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, conditional use permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.
- c. If any chapter, section, subsection, clause, or phrase of this Subdivision Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any other section of the City of Storm Lake's Zoning Ordinance.

DEFINITIONS

2

ARTICLE TWO - DEFINITIONS

2-1 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Subdivision Ordinance. The meaning and construction of words as set forth shall apply throughout the Subdivision Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

2-2 Definitions of Terms

For the purposes of this Subdivision Ordinance, certain terms and words are hereby defined. Certain sections contain definitions, which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meanings or meanings implied by their context shall apply.

2-3 A

- a. ADT or Average Daily Traffic: The average number of motor vehicles per day that pass over a given point or segment of street.
- b. Alley: A public or private right-of-way generally designed to provide secondary access to the side or rear of a property whose principal frontage is on another street.
- c. Applicant: An owner, developer, or sub divider submitting an application to divide property pursuant to this Ordinance.
- d. Approving Authority: The City Council of the City of Storm Lake or its designee.
- e. ASCE: The American Society of Civil Engineers.

DEFINITIONS

2-4 B

- a. Bicycle Lane and Path: A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the physical requirements of bicycling.
- b. Bike Boulevard: Bike boulevards are lower traffic volume streets that are designed to optimize bike traffic, are signed and designated as bike routes. These streets are intended to connect key destinations within the community and other trail corridors.
- c. Buffer: A landscaped area intended to separate and partially obstruct visual or other sensory effects of two adjacent land uses or properties from one another.
- d. Building Official: The designee of the City of Storm Lake is responsible for the supervision and administration of the Uniform Building Code.
- e. Business days: Business days shall refer to week days in which city offices are officially open.

2-5 C

- a. Centerline Offset: The distance between the centerline of roads intersecting a common road from the same or opposite sides.
- b. Channel: The bed or banks of a natural stream or drainage way, which convey the constant or intermittent flow of water, including stormwater run-off.
- c. Common Open Space: Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
- d. Comprehensive Plan: The Comprehensive Plan of the City of Storm Lake.
- e. Concept Plan: A preliminary presentation, which includes the minimum information necessary, as determined by the Zoning Administrator, to be used for the purpose of discussion or classification of a proposed plat prior to formal application.
- f. Conservation Development: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
- g. Conservation Subdivision: Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional

DEFINITIONS

subdivision in a given zoning district, and 2) the remaining land area is used for common space.

- h. Conventional Subdivision: A subdivision which literally meets all nominal standards of the Zoning Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.
- i. Cul-de-sac: A local street with only one outlet and with an opposite end providing for the reversal of traffic.
- j. Curb: A vertical or sloping edge of a roadway, intended to define the edge of the roadway and to channel or control drainage.

2-6 D

- a. Dedication: A grant of land to the City or another public agency for a public purpose.
- b. Design standards: Standards that set forth specific improvement requirements.
- c. Detention basin: An artificial or natural water collection facility, designed to collect surface or subsurface water and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development.
- d. Developer: The legal owner(s) or authorized agent of any land included in a proposed development.
- e. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.
- f. Divided street: A street with opposing lanes separated by a median strip, center island, or other form of physical barrier, which cannot be crossed except at designated locations.
- g. Drainage: The removal of surface or ground water from land by drains, grading, or other means.
- h. Drainage system: The system through which water flows from the land.

2-7 E

- a. Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

DEFINITIONS

- b. Erosion: The wearing away of a land surface by water, wind, ice, or gravity.

2-8 F

- a. Final Approval: The final official action of the City Council permitting the filing of a subdivision with the Buena Vista County Recorder and the conveyance of individual parcels and lots to subsequent owners.
- b. Frontage: The length of a property line of any one premise abutting and parallel to a public street, private way, or court.

2-9 G

- a. Grade: The slope of a street or other public way, defined as a percentage or ratio of vertical change in elevation to horizontal change in distance.

2-10 H

2-11 I

2-12 J

2-13 K

2-14 L

- a. Lot: A parcel of property with a separate and distinct number or other identifying designation which has been created assigned and recorded in the Office of the Buena Vista County Recorder.
 - 1. Corner Lot: A lot located at the junction of at least two streets, private ways or courts or of at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.

DEFINITIONS

2. Double Frontage Lot: A lot, other than a corner lot, having frontage on two streets, private ways or courts. (Also known as a Through Lot)
 3. Interior Lot: A lot other than a corner lot.
 4. Common Development Lot: When two or more contiguous lots are developed as part of a Planned Unit Development, these lots may be considered a single lot for purposes of this ordinance.
- b. Lot Area: The total horizontal area within the lot lines of a lot.
- c. Lot Depth: The mean horizontal distance measured between the front and rear lot lines.
- d. Lot Line: A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street rights-of-way or easement.
1. Front Lot Line: the lot line separating a lot and a public or private street right-of-way or easement.
 - (a) For an interior lot, the lot line separating the lot from the right-of-way or easement.
 - (b) For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the Building Official shall determine the front lot line, or as may be noted on a final plat.
 - (c) For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the Building Official shall determine the front lot line, or as may be noted on a final plat.
 2. Rear Lot Line: The lot line which is opposite and most distant from the front lot line.
 3. Side Lot Line: Any lot line that is neither a front nor rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- e. Lot Split: The division or re-division of a tract or parcel of land into two lots, building sites, or other divisions by metes and bounds description.
- f. Lot Width: The horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.

DEFINITIONS

2-15 M

- a. Main: The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.
- b. Major subdivision: Any subdivision not defined and approved as a minor subdivision.
- c. Minor subdivision: A subdivision of land which creates no more than four lots from any single parcel of land; requires no extensions of streets, sewers, utilities, or other municipal facilities; and complies with all zoning requirements.
- d. Moving lane: Any traffic lane within a roadway where traffic movement is the primary or sole function.

2-16 N

2-17 O

- a. Off-site: Located outside the boundaries of the parcel that is the subject of an application.
- b. Open space: Any parcel or area of land or water that is essentially retained in an open state and set aside for public or private use.

2-18 P

- a. Parking lane: A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.
- b. Pavement: An impermeable, hard surface, typically asphalt, Asphaltic concrete, concrete, or brick or other masonry paver units.
- c. Plat: A document, usually a map or maps, expressing the division of land into two or more lots or parcels, any one of which is ten acres or less. Plats include preliminary and final plats.
 - 1. Preliminary Plat: A plat indicating the proposed layout of a development and related information, intended for the purpose of preliminary approval by approving authorities but not for filing with the Buena Vista County Recorder.

DEFINITIONS

2. Final Plat: The final map of the subdivision, which is presented for Final Approval. The Final Plat contains detailed information and documentation and is designed to be filed with the Buena Vista County Recorder.

2-19 R

- a. Right-of-way: A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guide way transit, electric transmission lines, gas pipelines, water mains, or sewer mains.
- b. Roadway: The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the roadway is measured from curb line to curb line. On streets without curbs, the roadway is measured from the flow line of one curb to the flow line of the opposite curb.
- c. Retention Basin: Similar to a detention basin, a retention basin is a natural or manmade depression that retains storm water runoff and does not outlet it to a surface water body. Retention basins temporarily store water until it has infiltrated into the ground or has evaporated.

2-20 S

- a. Sanitary Sewer: A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, and lateral sewers.
 1. Interceptor: A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.
 2. Outfall: A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.
 3. Lateral or local: A pipe that connects individual buildings or groups of buildings to an outfall or interceptor sewer.
- b. Septic system: An underground system, utilizing a watertight receptacle to receive the discharge of sewage, which provides for the decomposition of wastes produced by development on a single lot.

DEFINITIONS

- c. Sidewalk: A paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.
- d. Storm Sewer: A conduit, which conducts storm drainage from a development or subdivision, ultimately to a drainage way or stream.
- e. Street: A right-of-way, dedicated to public use, which provides a primary means of access to an abutting lot or parcel.
- f. Street hierarchy: The conceptual arrangement of streets based on function. The hierarchical approach classifies streets from courts or lanes, which provide private access to a limited number of lots, to arterials, which accommodate large volumes of high-speed, regional traffic. Street types contained within the hierarchy include:
 - 1. Court or lane
 - 2. Local
 - 3. Collector
 - 4. Minor Arterial
 - 5. Major Arterial
- g. Subdivision: A subdivision is a division of land into three or more lots for the purpose, whether immediate or future, of transfer of ownership or building development; or, any change in existing street lines or public easement. The term when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or, the resubdivision of land heretofore divided or platted into lots or other divisions of land, or if a new street is involved, any division of land.
- h. Subdivision Development Agreement: A legally binding agreement between the City and a developer that clearly establishes the developer's responsibility and obligations regarding the provision of public and private utilities, streets, infrastructure, parks and open space, storm water facilities and any other mutually agreed to terms and requirements.

2-21 T

2-22 U

2-23 V

DEFINITIONS

2-24 W

2-25 X

2-26 Y

- a. Yield Plan: A preliminary plan drafted consistent with the rules and regulations of the zoning and subdivision code to determine a base density or “yield” for a parcel or group of parcels. A yield plan is commonly applied as part of a planned unit development or conservation subdivision process.

2-27 Z

PROCEDURES AND ADMINISTRATION

3

ARTICLE THREE - PROCEDURES AND ADMINISTRATION

3-1 Purpose

The purpose of this Article is to establish procedures for subdivision applications and for review and action on applications by the Planning and Zoning Commission and the City Council. The procedures are designed to assure adequate review and consideration of subdivision applications, while providing for an orderly and expeditious approval process consistent with [Chapter 354 of the Iowa Code of Laws](#). The Article provides procedures for the approval of two types of subdivisions: Minor Subdivisions, and Major Subdivisions.

3-2 Subdivisions

The platting of land shall be required when a tract of land is proposed to be divided into three or more separate lots of record or when a tract of land is subdivided by repeated lot divisions. (This will be determined based on available land records on file with the county recorder's office and the City of Storm Lake.) For the purposes of this Article, a simple lot split is not a Subdivision.

a. Applicability

The Zoning Administrator shall determine whether a tract of land may be divided by a simple lot split, minor subdivision, or major subdivision. Simple lot splits include the division by metes and bounds description of one parcel into no more than two separate parcels and is not considered a subdivision. Minor subdivisions result in no more than 3 lots and require no new or extensions of existing streets or infrastructure except for sidewalk improvements.

Minor Subdivision applicants must provide the necessary information required to review the application and its consistency with the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance on an application as provided by the Zoning Administrator.

Application for a land division shall be made on a form as provided by the Zoning Administrator.

b. Stages in the Approval Process

The approval process for Subdivisions consists of three stages: the pre-application stage, the preliminary plat approval stage, and the final plat approval stage.

Minor Subdivisions allow for the simultaneous review of a preliminary and final plat and generally require less information than would otherwise be required of a preliminary plat in a major subdivision form.

PROCEDURES AND ADMINISTRATION

c. Pre-application Procedures

1. Before filing an application for preliminary plat approval, the applicant shall meet with the Zoning Administrator or his/her designee, regarding general requirements and issues relating to the proposed subdivision. The purpose of the meeting shall be to:
 - (a) Review preliminary ideas and concepts that describe the project and its key goals and the project's consistency with City Plans and Policies.
 - (b) Ensure a mutual understanding of the subdivision process, application/information needs, fees, approval process, and key timelines/deadlines.
2. At the pre-application conference, the applicant shall submit a concept plan. The concept plan shall include:
 - (a) A location map showing the relationship of the proposed subdivision to existing and proposed streets and public facilities.
 - (b) Maps and diagrams illustrating existing conditions of the site: natural, historical, cultural features on the site, existing uses, general topography or any other unique aspect of the site
 - (c) A concept plan illustrating the proposed layout of streets, lots, and other features and their relationship to existing and proposed site topography.
3. The pre-application conference does not require a formal application or payment of a fee. Review and reactions at the pre-application do not in any way constitute any preliminary approval or acceptance of a preliminary plat application.

d. Preliminary Plat Application

1. Application Requirements

After the pre-application conference, the applicant shall prepare and submit an application for preliminary plat approval. The applicant shall prepare and file six copies of a preliminary plat for subdivisions within the corporate limits of Storm Lake and eight copies for subdivisions outside the corporate limits of Storm Lake. The application for preliminary plat approval shall be submitted to the City Clerk at least 30-calendar days before the Planning and Zoning Commission meeting at which the application will be considered. The application shall consist of a form established by the Zoning Administrator; supporting documents required for Minor or Major Subdivisions to be provided in checklist form by the Zoning Administrator; and payment of a fee, the amount of which shall be determined based on a fee schedule established by city ordinance.

PROCEDURES AND ADMINISTRATION

2. Draft Subdivision Development Agreement

The preliminary plat application shall include a draft of a subdivision development agreement, following a format established by the City Attorney. The subdivision agreement establishes the mutual responsibilities of city and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; and the financing arrangements proposed for the subdivision.

3. Preliminary Plat Approval Procedure

- (a) After submission of a complete application for a preliminary plat, the Zoning Administrator and his/her staff shall review the application and issue an official determination as to the completeness of the application. If the application is not complete, the Zoning Administrator will request incomplete information to be submitted to the City no longer than 30 calendar days from being notified of the application being incomplete. If missing information is not provided within the allotted time frame, a new application will be required. When the application is determined to be complete, the Zoning Administrator will notify the applicant in writing and commence the review process. The application will not be placed on the Planning and Zoning Commission's agenda until it is deemed complete. As part of the review, the Zoning Administrator will circulate the application to the City Staff, local utilities, the school district in which the subdivision is located, public safety agencies, and any other applicable provider of public services deemed necessary. Each reviewing agency shall submit written comments to the Zoning Administrator within fifteen business days from receipt of the application materials.
- (b) Following the comment period, the Zoning Administrator shall submit a written recommendation for action to the Planning and Zoning Commission.
- (c) The Planning and Zoning Commission, following 10 calendar days notice, shall hold a public hearing on each Subdivision and, following such public hearing, shall take action on the application. The Planning and Zoning Commission may recommend approval, conditional approval, or denial of the preliminary plat to the City Council. In addition, the Commission may delay action on the application in order to resolve outstanding issues. If a delay is needed, the applicant may request in writing the 60 day review deadline be extended up to an additional 60 days.
- (d) Following action by the Planning and Zoning Commission, a written recommendation summarizing the Commission's action to the City Council shall be prepared and circulated to the applicant and the Council.

PROCEDURES AND ADMINISTRATION

- (e) The City Council, at its next regularly scheduled meeting, shall consider each Subdivision and shall take action to approve, deny, or table for further evaluation the application.
- (f) Approval of a preliminary plat by the City Council shall not constitute approval of a final plat. The approval shall be considered an expression of conditional approval to guide the preparation of a final plat, to be considered subsequently by approving authorities. The preliminary approval shall confer upon the applicant the following rights:
 - (1) The general terms and conditions under which the plat was approved will not change.
 - (2) The applicant may submit for approval of a final plat for the whole or a part of the preliminary plat on or before the expiration date of the preliminary approval.
 - (3) The preliminary plat approval shall stay in force for a period of one year from the date of approval by the City Council. The City Council may, at its discretion, establish a longer effective date for the preliminary plat approval. The City Council also may grant extensions to the effective period of a preliminary plat upon receiving a written request from the applicant/developer.
 - (4) Phased Subdivisions: The final plat may be submitted in phases, provided that no phase represents the lesser of 20 lots or 10% of the total number of lots in the entire approved preliminary plat. The initial phase of the final plat must be submitted according to the effective dates established in Section (3) above. In the event of a phased subdivision, the initial preliminary plat approval remains effective for a period not to exceed five years, unless otherwise extended by the City Council.

4. Deadline for Action:

Consistent with [Iowa Code 354.8](#) the City Council shall take action on the application within sixty (60) days from the date in which the application was deemed complete by the City. In the event that issues arise during the application process, and more time is needed to complete the review, the applicant may request in writing to extend the 60 day deadline for no more than an additional 60 days.

e. Final Plat Application Process

1. Application Requirements

The applicant shall prepare and submit an application for final plat approval within one year of the preliminary plat approval, unless an extension has been requested by the applicant and granted by the City Council. The application for final plat approval shall be submitted to the City Clerk at least 30 calendar days before the Planning and Zoning Commission meeting at which the application

PROCEDURES AND ADMINISTRATION

will be considered. The application shall consist of a form and checklist established by the Zoning Administrator; supporting documents that provide the necessary information required to review the application and its consistency with the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance ; and payment of a fee, the amount of which shall be based on a fee schedule established by city ordinance.

2. Final Subdivision Agreement

The final plat application shall include the final subdivision agreement to be executed between the City and the applicant. The terms of this agreement shall be acted upon along with action on the Final Plat.

3. Performance Bond

The subdivision agreement shall specify the amount of the performance bond for public improvements to be filed prior to receiving final plat approval or, alternately, shall contain a statement that required improvements have been satisfactorily completed. The performance bond, if required, must be presented in a form satisfactory to the City Attorney prior to final approval of the subdivision.

4. Final Plat Approval

The Zoning Administrator and Planning and Zoning Commission shall review the final plat for consistency with the approved preliminary plat and for compliance with the Subdivision Ordinance and other applicable local, state, or federal statutes and regulations. If the final plat meets all conditions of the ordinance and is substantially consistent with the terms of the preliminary plat approval, the Commission shall have no recourse but to approve the final plat.

If the Planning and Zoning Commission finds in its review that the submitted final plat is inconsistent with the preliminary plat, does not comply with the conditions of relevant ordinances and statutes, or requires a waiver of any section of the Subdivision Chapter, it shall hold a public hearing on the final plat. Following such public hearing, the Commission shall transmit its recommendation on the final plat to the City Council.

The City Council shall have final approval authority over all final plat applications. The City Council shall take action on all final plats within 60 calendar days from the day at which the final plat application was deemed complete. In the event that issues arise during the application process, and more time is needed to complete the review, the applicant may request in writing to extend the 60 day deadline for no more than an additional 60 days.

f. Filing the Final Plat

1. Following City Council approval of a final plat, the Mayor of the City of Storm Lake shall sign a certificate of approval, which shall be a part of the reproducible documents of the subdivision plat required with submission of the final plat.

PROCEDURES AND ADMINISTRATION

2. The passage of a resolution by the City Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat. The applicant shall record the plat in the office of the County Recorder of Buena Vista County and shall file satisfactory evidence of such recording in the office of the City Clerk before the City shall recognize the plat as being in force.
3. The subdivider must file the plat along with all applicable covenants and other documentation within 180 days of the execution of the plat by the Chairman of the Planning and Zoning Commission and the Mayor.

g. Plats Outside of Corporate Limits

1. Authority within Two Miles of City Limits

Pursuant to the authority contained in Section 354.9 Code of Iowa, the Subdivision Ordinance, and the provisions of the Municipal Code of the City shall govern all territory outside the corporate limits of the City but within two miles of such corporate limits, except to the extent that ordinances or resolutions of the City Council shall limit their application to an area less than two miles of such corporate limits.

2. Procedures

Procedures for the approval of plats outside the corporate limits of Storm Lake shall be the same as set forth in this section, except for the following provisions:

- (a) Eight copies of the plat shall be filed with the City Clerk.
- (b) The City Clerk shall refer one copy each to the County Engineer and the County Planning and Zoning Commission and request their recommendations to be submitted to the City Planning and Zoning Commission.
- (c) The County Planning and Zoning Commission shall submit a recommendation to the City within thirty days after referral of the plat to the County Engineer and the County Planning and Zoning Commission.

SUBDIVISION DESIGN CATEGORIES & GENERAL STANDARDS

4

ARTICLE FOUR - SUBDIVISION DESIGN CATEGORIES AND GENERAL STANDARDS

4-1 Purpose

The purpose of this Article is to assure that subdivisions in the Storm Lake area create functional and attractive environments, minimize adverse effects, and become assets to the city's urban and natural setting. The Article defines specific types of subdivisions that have varying design characteristics, applicable to various settings within the City of Storm Lake and jurisdiction.

4-2 Site Design and Constraints

a. Consideration of Plans

The design of subdivisions shall consider all existing local and regional plans for Storm Lake and its Jurisdiction. These include the Comprehensive Plan for the City of Storm Lake and any other Council approved or accepted policy plan, master plan, or community system plan.

b. Grading Permit Required

1. A Grading Permit is required for erosion and sediment control on all construction sites greater than 1 acre in size. Prior to grading or site disturbing activity, the developer shall apply to the Zoning Administrator for a grading permit. The application for a grading permit shall include:
 - (a) A location map showing the location and extent of grading activity.
 - (b) A Sediment and Erosion Control Plan.
2. After submission of a complete application for a grading permit, the Zoning Administrator and his/her staff shall review the application. As part of the review, the Zoning Administrator shall circulate the petition to any agency with statutory authority for the management of drainage ways and storm water management.
3. A grading permit shall be issued within ten business days if the Zoning Administrator has received assurances from applicable state agencies that the Sediment and Erosion Control Plan is compatible with statute, and further that it is compatible with the objectives and policies of the City's Comprehensive Plan and Zoning Ordinance. If the submitted Sediment and Erosion Control Plan is deemed inadequate, the applicant will be given a list of mitigation measures that must be included to ensure conformance. The Zoning Administrator shall issue a grading permit to the applicant upon certification that mitigation measures will be taken as prescribed, consistent with applicable state and federal regulations regarding soil

SUBDIVISION DESIGN CATEGORIES & GENERAL STANDARDS

and sediment erosion, and environmental water quality.

c. Preservation of Natural Features, Drainage Patterns and the Urban Forest

1. To the maximum extent possible, development shall be located to preserve natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impact and alteration of natural features and drainage patterns.
2. The subdivider shall give maximum consideration to the preservation of the following areas as open space, to the extent consistent with reasonable utilization of land:
 - (a) *Wetlands and other unique environmental areas, as defined in Section 404, Federal Water Pollution Control Act of 1972 and delineated on wetlands maps prepared by the US Fish and Wildlife Service.* Construction and fill activity shall be prohibited on wetlands in excess of one acre in size. Development and fill upon wetlands smaller than once acre in size should be avoided whenever possible but regulated by permit authority of applicable state and federal agencies.
 - (b) *Habitats of endangered species.* Development shall avoid fill or disturbance of habitat sites as identified on federal or state lists administered by the US Fish and Wildlife Service of the US Department of the Interior, and applicable state environmental regulatory agencies. Developers are encouraged to preserve habitat areas as a connected open space consistent with the parks and greenways system designated in the Storm Lake Comprehensive Plan.
3. The subdivider shall give consideration to protecting the integrity of the natural environment of the community through the preservation, protection, and planting of trees. The City has found it necessary and desirable to establish requirements for the preservation of trees on new development sites. The objectives of this ordinance shall include, but are not limited to:
 - (a) the perpetuation of the existing tree canopy through root protection by eliminating or reducing compaction, filling or excavation;
 - (b) prevention of soil erosion and sedimentation;
 - (c) reduced storm water runoff;
 - (d) improved air quality;
 - (e) reduced noise pollution;
 - (f) energy conservation through natural insulation and shading;
 - (g) control of the urban heat island effect;
 - (h) increased property values

SUBDIVISION DESIGN CATEGORIES & GENERAL STANDARDS

d. General Guidelines for Subdivision Layout

Subdivisions shall be designed to comply with the following overall performance objectives:

1. Avoidance of adverse effects on ground water and aquifer recharge.
2. Reduction and minimization of cut and fill.
3. Avoidance or reduction of unnecessary impervious surfaces.
4. Prevention of flooding and encroachment of water onto other properties.
5. Provision of adequate access to lots, including alternative routes to lots and sites within the subdivision and minimization of cul-de-sacs over 300 feet.
6. Mitigation of negative environmental effects on surrounding properties, including effects of shadow, noise, odor, traffic, drainage, and utilities.
7. Respect for the urban character and traditional layout of Storm Lake, including providing continuity to established street and community facility networks; establishing linkages and connections between new development and existing parts of the city; and preserving historically and architecturally significant sites and buildings, determined as those sites or districts either listed on or determined to be eligible for listing on the National Register of Historic Places, as determined by the State Historic Preservation Officer.
8. Dedication of arterial, collector, and key local streets on the general alignments specified in the Comprehensive Plan.

e. Site Design Objectives and Approval

The Planning and Zoning Commission and City Council shall take the above Site Design objectives into account during their review and approval of subdivision applications.

4-3 Subdivision Design Categories and Rules

a. Purpose

The purpose of this section is to establish design alternatives that provide greater flexibility in subdivision design and to allow alternative approaches to achieving the vision, guiding principles, goals and policies as established in the Comprehensive Plan.

b. Alternative Subdivisions: Types and Special Regulations

Two alternative types of subdivision design are described below. Both subdivision designs would require the approval of a Planned Unit Development (PUD) consistent with the City of Storm Lake's Zoning Ordinance: Conservation Subdivisions and Traditional Neighborhood Districts

SUBDIVISION DESIGN CATEGORIES & GENERAL STANDARDS

1. Conservation Subdivisions

- (a) Conservation subdivisions allow the Conservation or grouping of residential lots in order to provide common open space.
- (b) Conservation Subdivisions may be developed and approved subject to the following standards and variations:
 - (1) The overall density of subdivision complies with the zoning district that contains the final subdivision. Overall density shall be determined by completing a yield plan as defined in the Article 5 PUD Overlay of the Zoning Ordinance. A subdivider may apply for a rezoning and PUD approval simultaneously with the plat approval process.
 - (2) Individual lot size dimensions, including lot width, may be reduced from the base zoning district consistent with Article 5 section 512 of the Zoning Ordinance. Any savings on lot size shall be devoted to common open space or other approved community facilities.
 - (3) Lot setbacks may be varied from those otherwise specified for the zoning district. Setback limits must be established on the preliminary and final plat. The setback from any garage entrance to any circulation way must be at least 20 feet.
 - (4) Street or right-of-way widths set forth in Article Five may be varied for local streets within Conservation Subdivisions provided adequate measures are made to ensure public safety (police/fire) access..
 - (5) Articles of incorporation or covenants for a homeowners' association or other provision assuring maintenance or operation of all common spaces shall be submitted with subdivision application.

2. Traditional Neighborhood Districts

- (a) Traditional Neighborhood District (TND) Subdivisions allow the development of urban neighborhoods that produce new development consistent with the patterns of historic or traditional parts of Storm Lake, with appropriate civic space; or provide for the recreation of neighborhoods that follow the patterns of other traditional towns. Approval of a Traditional Neighborhood District subdivision requires submission of a specific district plan.
- (b) TND Subdivisions may be developed and approved subject to the following standards and variations:
 - (1) The minimum size parcel to be covered by the TND Subdivision is 15 acres.
 - (2) The overall density of the subdivision complies with the zoning district that contains the final subdivision as defined by preparing a yield plan. A subdivider may apply for a rezoning simultaneously

SUBDIVISION DESIGN CATEGORIES & GENERAL STANDARDS

with the plat approval process.

- (3) Individual lot size dimensions, including minimum width, may be reduced from the base zoning district consistent with Article 5 section 512 of the Zoning Ordinance. Any savings on lot size shall be devoted to public space, including but not limited to town squares, small parks, greenways, and community facilities.
- (4) All streets within a TND Subdivision connect to other streets within the district, forming a continuous network. The internal street system connects to other streets on the edge of the district.
- (5) Lot setbacks may be varied from those otherwise specified for the zoning district. Setback limits must be established on the preliminary and final plat. The setback from any garage entrance to any circulation way, including an alley, must be at least 20 feet. Garage access from the rear of lots by way of an alley is encouraged.
- (6) Retail, service, civic, office, and various types of residential land uses may be combined within a TND subdivision, notwithstanding the use regulations of the underlying zoning district. The distribution and location of land uses shall be consistent with the TND Plan submitted for the subdivision.
- (7) Street or right-of-way widths set forth in Article Five may be varied for local streets within TND Subdivisions provided adequate measures are made to ensure public safety (police/fire) access.
- (8) Overall density permitted by the underlying zoning district of the TND Subdivision (as determined through a yield plan) may be increased consistent with Article 5 section 512 of the Zoning Ordinance.
- (9) All applications for a TND Subdivision must be accompanied by a Planned Unit Development which shall constitute the TND Subdivision Plan, in addition to other documents required by this Ordinance. This plan shall illustrate the distribution of land uses throughout the subdivision; the location and design of public spaces, streets, and alleys; the location and nature of special design features; architectural controls; and other information necessary to communicate the concept of the TND subdivision. The TND Subdivision Plan shall be a part of the approved subdivision. The City shall issue subsequent building and development permits only in consistency with the TND Subdivision Plan.
- (10) Articles of incorporation and/or covenants for a homeowners' association or other provision assuring maintenance or operation of all common spaces shall be submitted with the subdivision application.

CIRCULATION SYSTEM DESIGN

5

ARTICLE FIVE - CIRCULATION SYSTEM DESIGN

5-1 Purpose

The purpose of this Article is to assure the development of functional and safe circulation patterns within new subdivisions, in order to encourage economical and effective movement of motor vehicles, bicycles, and pedestrians; provide access for public safety vehicles; and encourage the development of circulation systems that enhance the quality of life within new and existing neighborhoods in the City of Storm Lake and its planning jurisdiction.

5-2 General Standards

The design of circulation systems should conform to the following general standards and requirements:

a. Roadway System Design

1. The road system shall be designed to permit safe and orderly movement of traffic, to meet but not exceed needs of the present and future served population; to be simple and logical; to respect natural features, topography, and landscape; and to present an attractive streetscape.
2. The system shall conform to the City's Comprehensive Plan. For streets not shown on the Comprehensive Plan, the arrangement of streets shall provide for the logical extension of existing streets and maintain a high degree of connectivity.
3. The street network of a subdivision should provide for logical, continuous extensions of streets to subsequent later developments. Such extensions shall make provision when necessary with a turnaround with a diameter of at least 180 feet.
4. The system shall provide adequate traffic flow through a subdivision and provide at least two routes from each lot within the subdivision to the rest of the City, except as explicitly permitted by the approving authorities. Additionally, the system should be designed to encourage through traffic to be routed to collector or arterial streets.
5. The system shall promote a safe and comfortable street system through the implementation of traffic calming measures that ensure safe speeds and minimize unintended traffic patterns.

b. Pedestrian and Bicycle Systems

1. A continuous pedestrian system shall be provided within each subdivision, designed to conduct pedestrians between every point in the subdivision in a safe manner.

CIRCULATION SYSTEM DESIGN

2. In new subdivisions, the pedestrian system will ordinarily be provided by sidewalks placed parallel to and on both sides of each street, with exceptions permitted on cul-de-sac streets, to preserve natural features, to create visual interest, or maintain greenways and pedestrian ways proposed in the Storm Lake Comprehensive Plan.
3. All aspects of the pedestrian system, including sidewalks and intersection crossings, must be designed to comply with the Americans with Disabilities Act.
4. Bikeways or recreational trails shall be required when specifically indicated by the Comprehensive Plan. Any land dedicated for trail development shall be credited toward the satisfaction of pedestrian system and open space standards set forth by this ordinance.

5-3 Street Hierarchy and Design

a. Characteristics of the Hierarchy

1. Streets shall be classified according to a street hierarchy with design tailored to function.
2. The street hierarchy shall be defined by road function and projected average daily traffic (ADT), as calculated by trip generation rates using standards approved by the City Infrastructure and Public Facilities Director.
3. Each residential street shall be classified and designed to meet appropriate standards for its entire length.
4. The applicant shall demonstrate to the satisfaction of the approving agencies that the distribution of traffic created by the subdivision will not exceed the design capacity of the proposed street system and its individual segments.
5. The categories, functions, and projected traffic loads of the street hierarchy are set forth in Table 5-1.

b. Roadway Width

1. Roadway width for each street classification is determined by parking and curbing requirements based on form or intensity of adjacent development.
2. To promote economical and environmentally responsible development of streets, minimum roadway width should generally be used. Minimum roadway widths are set forth in Table 5-2.

c. Curbs Gutters, and Shoulders

1. Curbing shall be required for the purposes of safety, drainage, and protection of the pavement edge, as set forth in Table 5-3.
2. Requirements for curbs vary according to street function and the nature of adjacent

CIRCULATION SYSTEM DESIGN

development. Adjacent development is defined as urban or rural as follows:

- (a) Rural: Residential or predominately agricultural land use where average lot frontage exceeds 150 feet.
 - (b) Urban: Residential land use where average lot frontage is less than or equal to 150 feet; or adjacent land uses include commercial, office, industrial, or civic use types and are served by municipal utilities.
- 3. Where curbing is not required, edge definition and stabilization shall be provided.
 - 4. Where curbing is required, shoulders and drainage swales may be used only if soils or topography make the provision of shoulders preferable to curbs; or where the character of an area is preserved by the use of shoulders and drainage swales.
 - 5. Shoulders, when developed, shall be at least eight feet in width on each side for all streets; and located within right-of-way. Swale width is site-specific. Shoulders shall consist of stabilized turf or other acceptable material.
 - 6. All curbs shall provide ramps for accessibility by handicapped people consistent with the requirements of the Americans with Disabilities Act.
 - 7. Curb construction shall follow standards established by the City of Storm Lake.
 - 8. The design and installation of curbs, gutters, and shoulders shall be consistent with an approved Storm Water Management Plan for the subdivision.

d. Sidewalks

- 1. Sidewalk requirements are determined by road classification and intensity of development, as set forth in Table 5-3.
- 2. Where sidewalks are not otherwise required by Table 5-3, the City may require their installation if necessary to provide access to generators of pedestrian traffic or major community features; to continue a walk on an adjacent street; to link parts of the city; or to accommodate future development.
- 3. Unless otherwise approved, sidewalks shall be placed generally parallel to streets within right-of-way. Exceptions are possible on cul-de-sacs, to preserve important natural features or to accommodate topography or vegetation; when applicant shows an alternative for a safe and convenient pedestrian system.
- 4. In commercial areas with on-street parking or traffic speeds below 30 mph, sidewalks may abut curb.
- 5. Pedestrian easements at least 12 feet in width may be required through the center of blocks over 600 feet in length if deemed necessary by the approving authorities to provide access to schools or community facilities; or to maintain a continuous pedestrian network within and between subdivisions and districts of the City of Storm Lake and its jurisdiction.

CIRCULATION SYSTEM DESIGN

6. All sidewalks shall be constructed according to current standards in use by the City of Storm Lake and shall comply with standards of the Americans with Disabilities Act.
 7. All sidewalks, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.
- e. Bikeways and Recreational Trails
1. Bikeways and recreational trails shall be required in subdivisions when specified as part of the Comprehensive Plan.
 2. All off-street recreational trails shall be a minimum of ten feet in width for two-way traffic and comply with the Americans with Disabilities Act. Surfacing of trails shall be acceptable to the City of Storm Lake. Gradients for bikeways and recreational trails should not exceed five percent, except for short distances.
 3. Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.
 4. All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets and shall be consistent with an approved Storm Water Management Plan for the subdivision.
- f. Right-of-Way
1. Measurement: The right-of-way of a street shall be measured from lot line to lot line, and shall be wide enough to contain the roadway, curbs or shoulder, sidewalks and sidewalk setbacks, other necessary graded areas, and utilities.
 2. Any right-of-way that continues an existing street shall be no less than that of existing street.
 3. The requirements for right-of-ways for functional categories of roads are set forth in Table 5-3.
 4. Dedications: Dedications of right-of-way for collector, sub collector, community, or arterial streets shall be made consistent with the Comprehensive Plan.
- g. Street Design Standards
1. Street Design Standards shall follow the Statewide Urban Design and Specifications ([SUDAS](#)) Manual where practical.
 2. All streets shall be paved to current standards as established in City Specifications and consistent with the [SUDAS](#) manual.
 3. Continuity of Arterial or Collector Streets- No subdivision shall prevent the extension of arterial or collector streets through and beyond the subdivision. The subdivider may plan and design collector streets not designated in the Comprehensive Plan subject to the approval of the City Council.

CIRCULATION SYSTEM DESIGN

4. Cul-de-sacs
 - (a) Cul-de-sac streets designed to have one end permanently closed shall not exceed 300 feet in length and shall be designed so that vision from entrance to end is not restricted.
 - (b) The closed end of a cul-de-sac shall have a turnaround with a street property line diameter of at least 114 feet in residential subdivisions. In commercial or industrial areas, the diameter shall be designed to accommodate commercial vehicle maneuvers appropriate to the type of uses planned for the subdivision.
5. Street Grades - Required street grades are set forth in Table 5-2.
6. Street Intersections
 - (a) Streets shall intersect as nearly at right angles as possible, unless limited by topography, existing street alignments, or other clearly defined constraints.
 - (b) In most cases, no more than two streets should intersect at a single intersection.
 - (c) Local streets shall not provide intersections with major arterials.
 - (d) New intersections along one side of an existing or proposed street shall, if possible, align with intersections on the other side of the street. Offsets between adjacent intersections shall measure at least 150 feet between centerlines. The use of traffic calming strategies is encouraged where local streets intersect with collector streets.
 - (e) Intersection design standards are set forth in Table 5-2.
7. Block Size
 - (a) The length, widths, and shapes of blocks shall be suited to the proposed land use and design of the proposed subdivision. Blocks within urban subdivisions shall not exceed 600 feet in length, unless necessitated by exceptional topography or other demonstrable constraints. Blocks within conservation design subdivisions shall not exceed 1,320 feet.

5-4 Lighting and Wiring

a. Underground Wiring

1. All electric, telephone, television, cable TV, and other communication lines shall be provided by underground wiring within easements or public right-of-way, except where in the opinion of the approving authorities, such location is not feasible. Poles for permitted overhead lines shall be placed in rear lot line easements; or in other

CIRCULATION SYSTEM DESIGN

locations designed to lessen their visual impact.

2. New lots adjacent to existing overhead service may utilize that service; however, new local service connections shall be underground.

TABLE 5-1: Street Hierarchy

<i>Street Type</i>	<i>Function</i>	<i>Guideline Maximum ADT</i>
Lane, Court, or Cul-de-sac	Street providing private or controlled access to no more than twelve housing units.	120-150
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed. East-west orientation provides best solar access. Local residential streets usually do not interconnect with adjoining neighborhoods or subdivisions. Bike Boulevards can be accommodated on local streets that do connect to adjoining neighborhoods or subdivisions.	250-1,000
Collector	Conducts and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. Collectors may be included in the city's Surface Transportation Program system for federal aid. Bike Boulevards can be accommodated on collector streets.	1,000-2,000
Minor Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Storm Lake, including downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited on other arterials. Other arterials should be excluded from residential areas. These streets are part of the Surface Transportation Program system for federal aid. Bike accommodations on minor arterials should be designed as bike lanes.	2,000-6,000

CIRCULATION SYSTEM DESIGN

TABLE 5-2: Street Right-of-Way, Widths and Grades

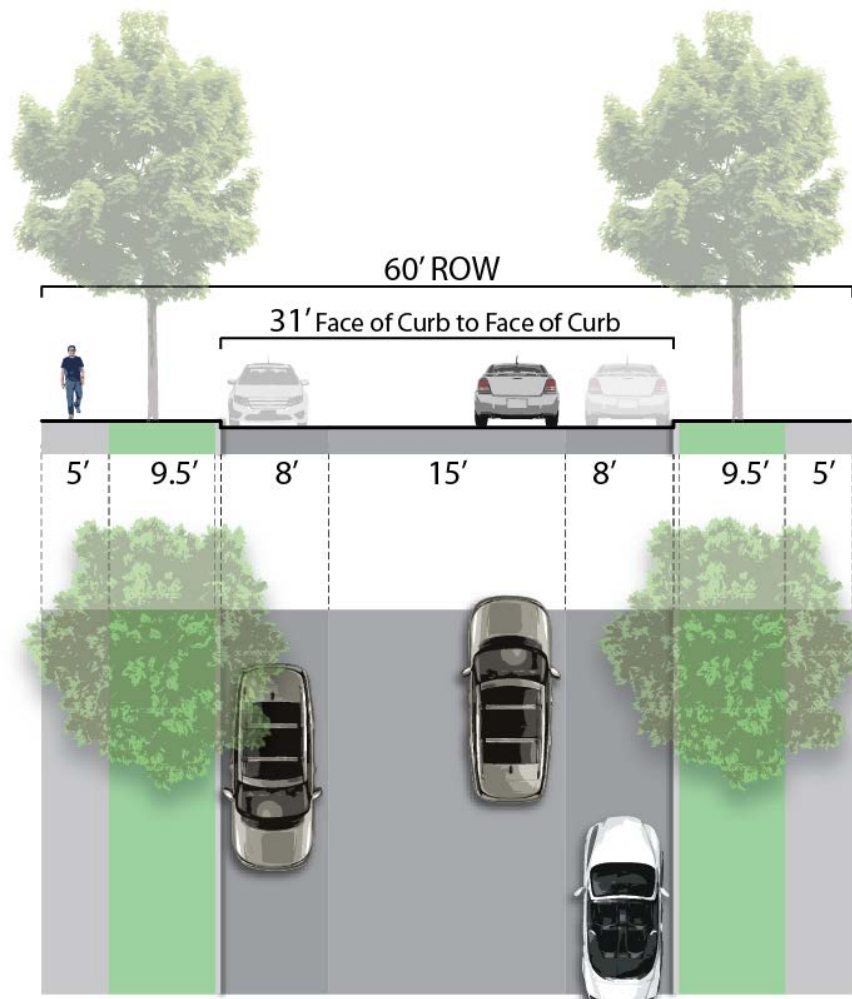
Street Right-of-Way and Widths. Minimum rights of way shall be provided as follows:

1. Thoroughfares – 80 feet
2. Collector streets – 80 feet
3. Residential or minor streets – 60 feet
4. Cul-de-sac – 130 feet in diameter
5. Alleys – 20 feet

Street Widths. Streets shall have a width and cross section that matches the street type appropriate to the subdivision using the following street types as guidelines:

1. Local Street (Residential and Commercial)

Street Type A Local Street with parking on both sides – to be applied where parking is developed to minimum required off-street parking thresholds.

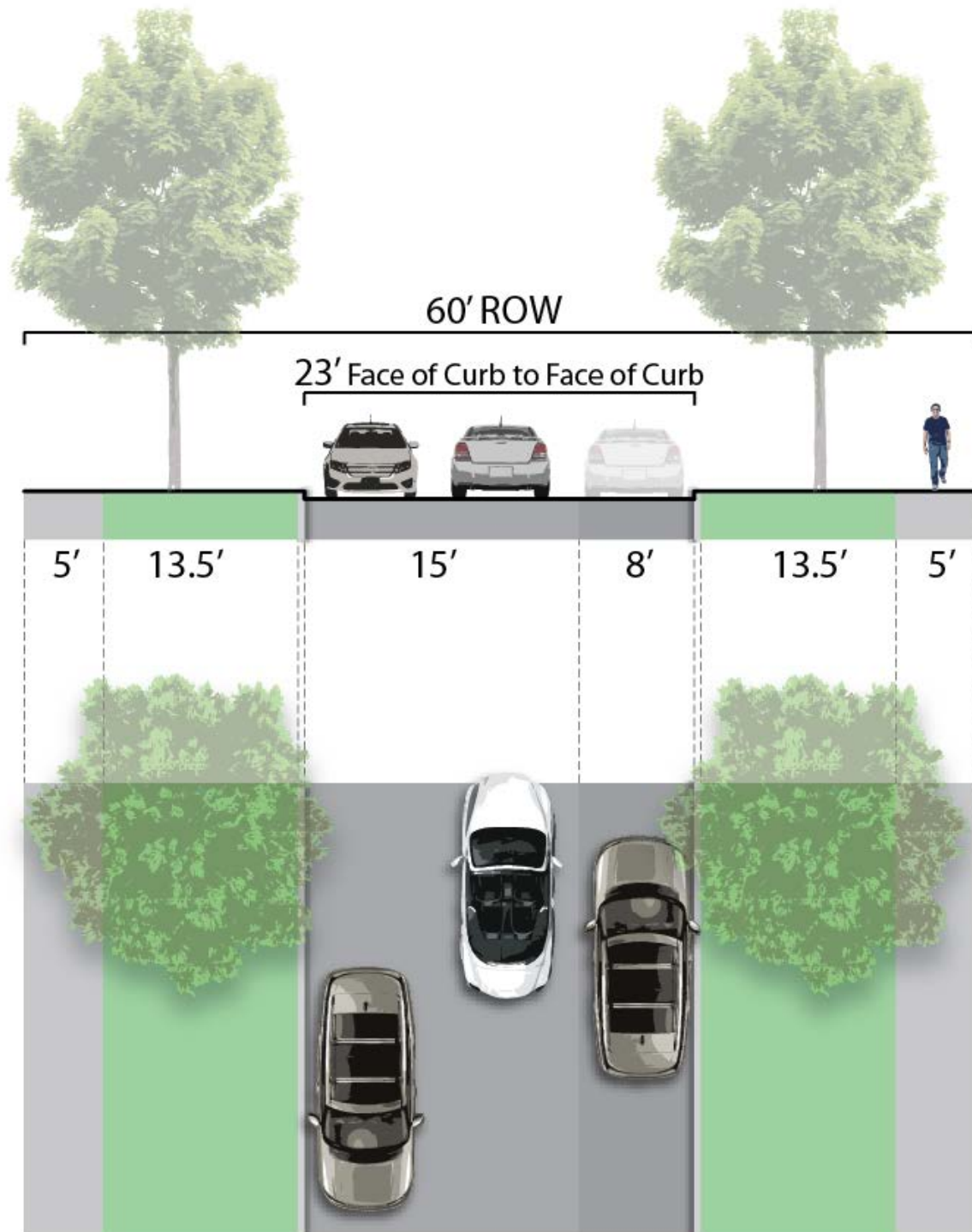


CIRCULATION SYSTEM DESIGN

20
21

Street Type B

Local Street with parking on one side – to be applied to subdivisions where adequate off street parking is provided

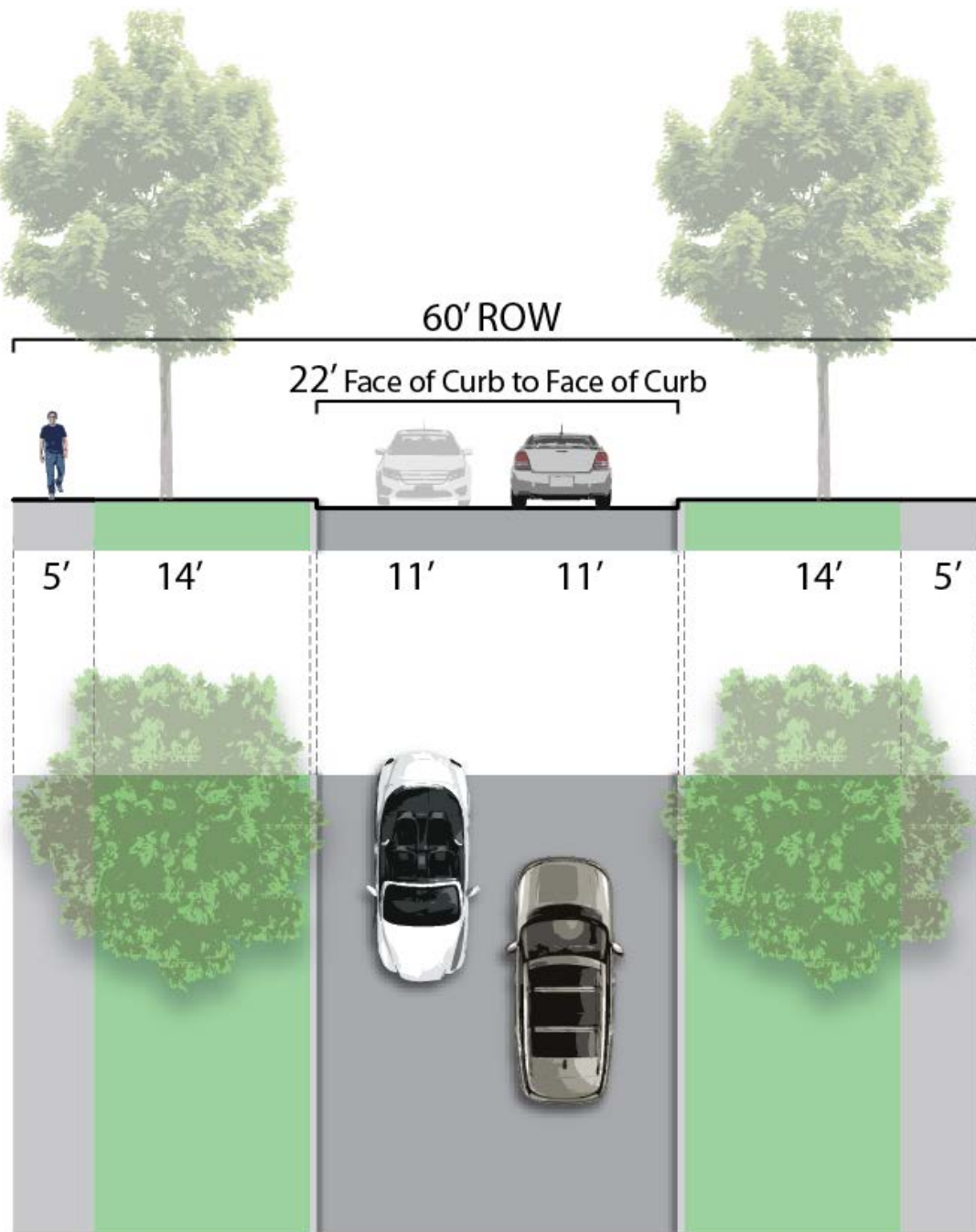


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CIRCULATION SYSTEM DESIGN

Street Type C

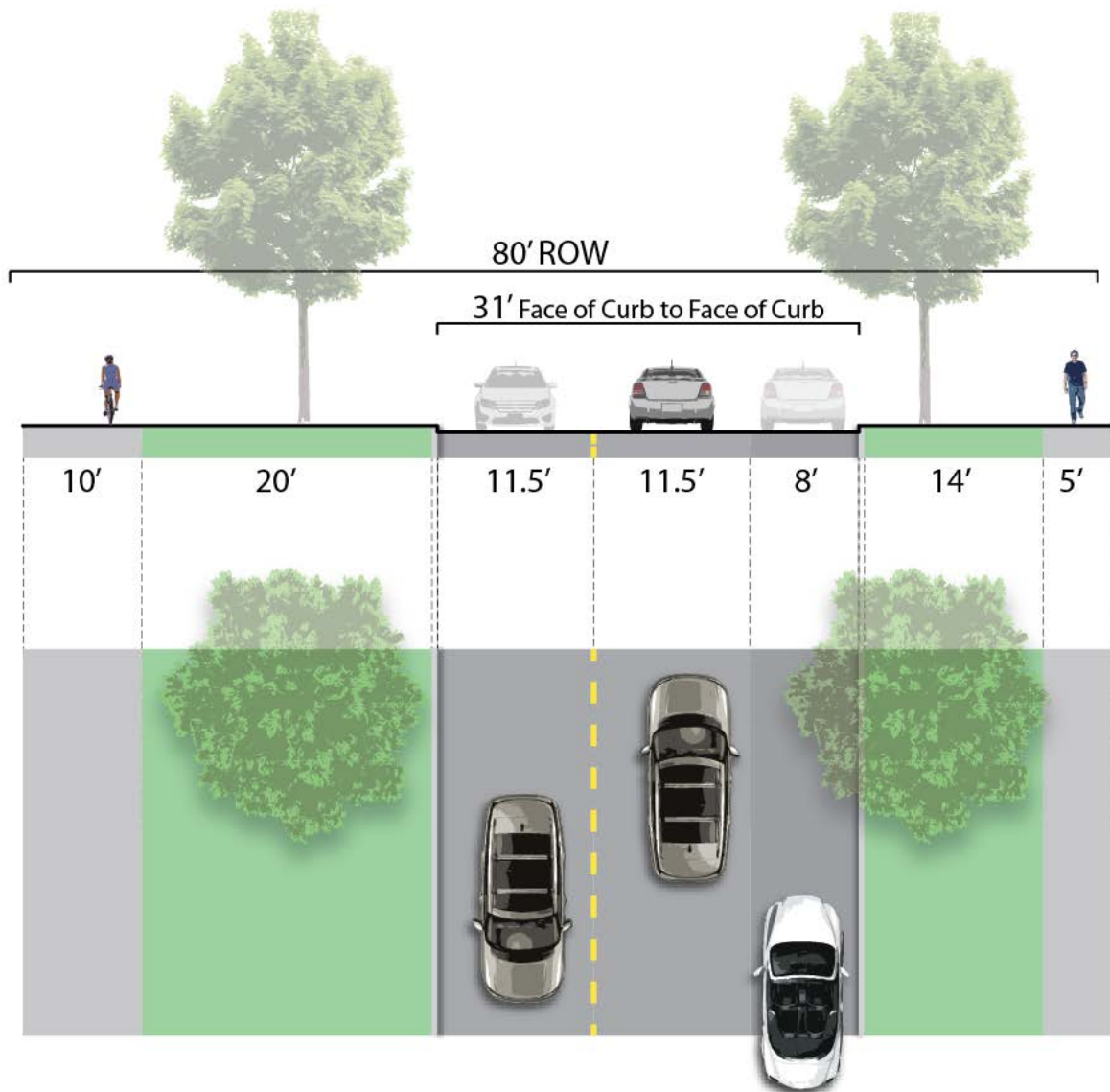
Local street with no parking – to be applied to subdivisions where development type/pattern includes ample off street parking accommodations including parking areas for visitors/guests typically maintained through a homeowner association or other private entity.



CIRCULATION SYSTEM DESIGN

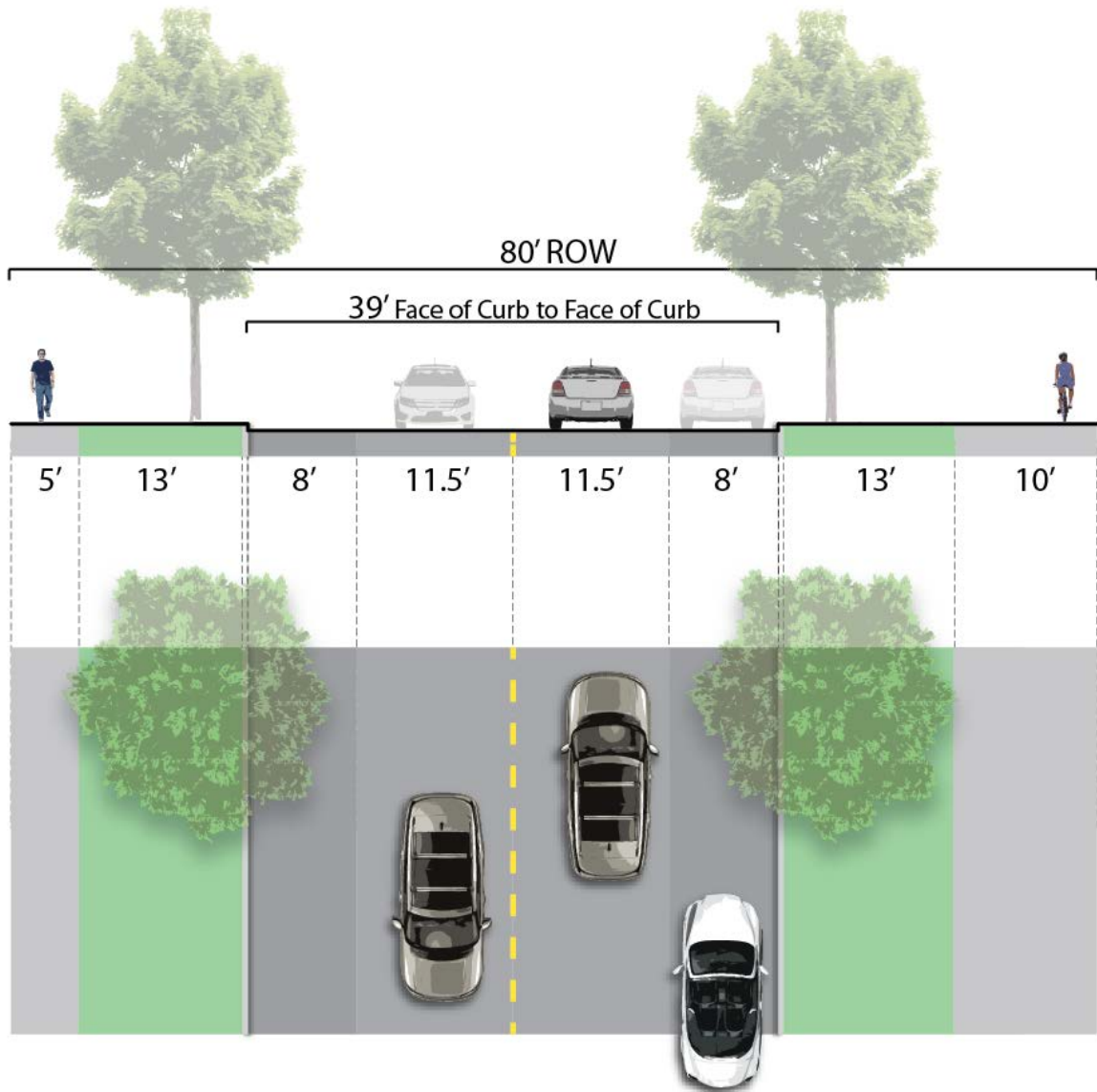
2. Collector/Arterial Street

Street Type D Collector Street through residential neighborhood with parking on one side



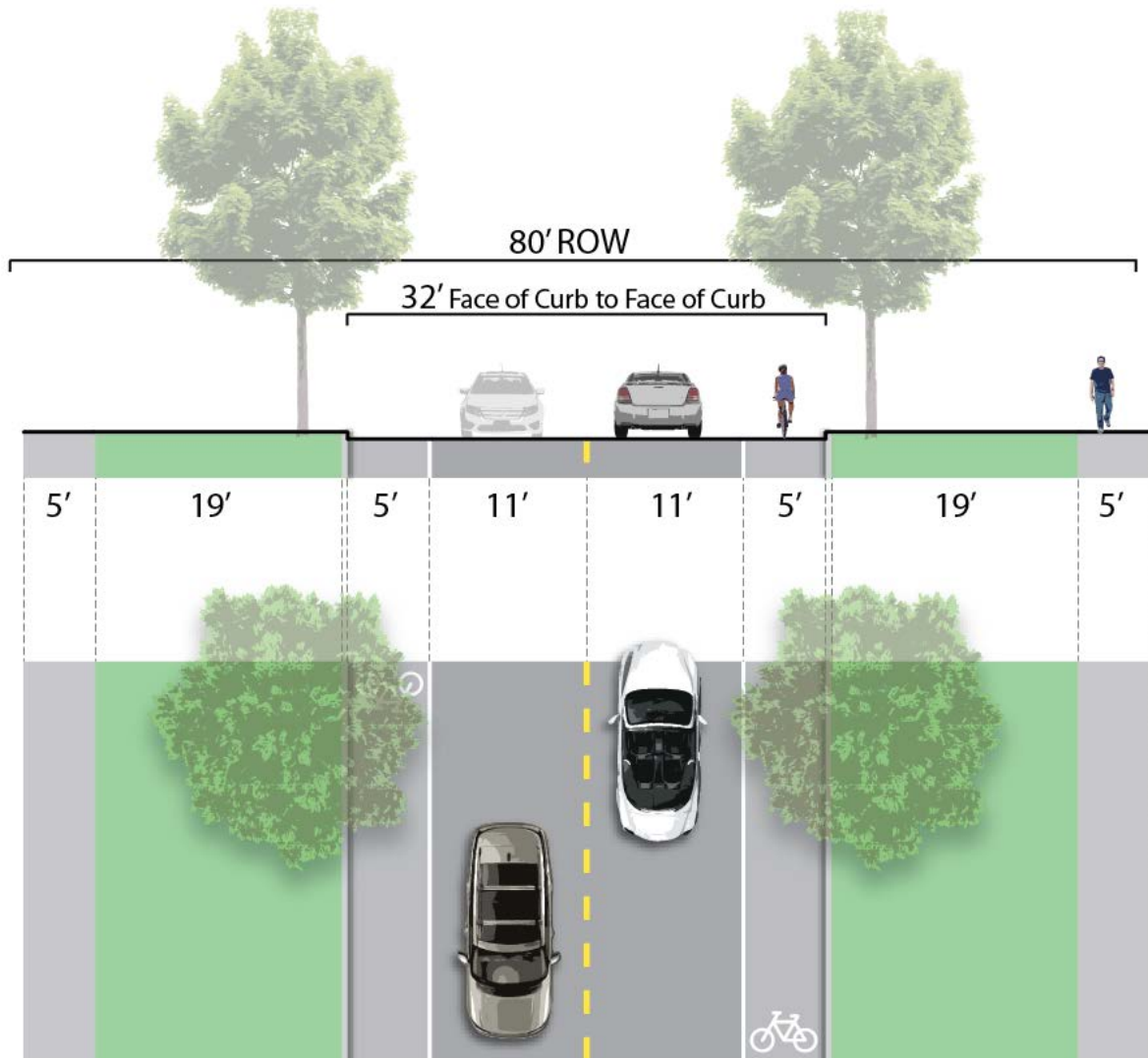
CIRCULATION SYSTEM DESIGN

Street Type E Collector Street in residential neighborhood with parking on both sides



CIRCULATION SYSTEM DESIGN

Street Type F Collector Street in residential neighborhood with no street parking and bike lanes on street

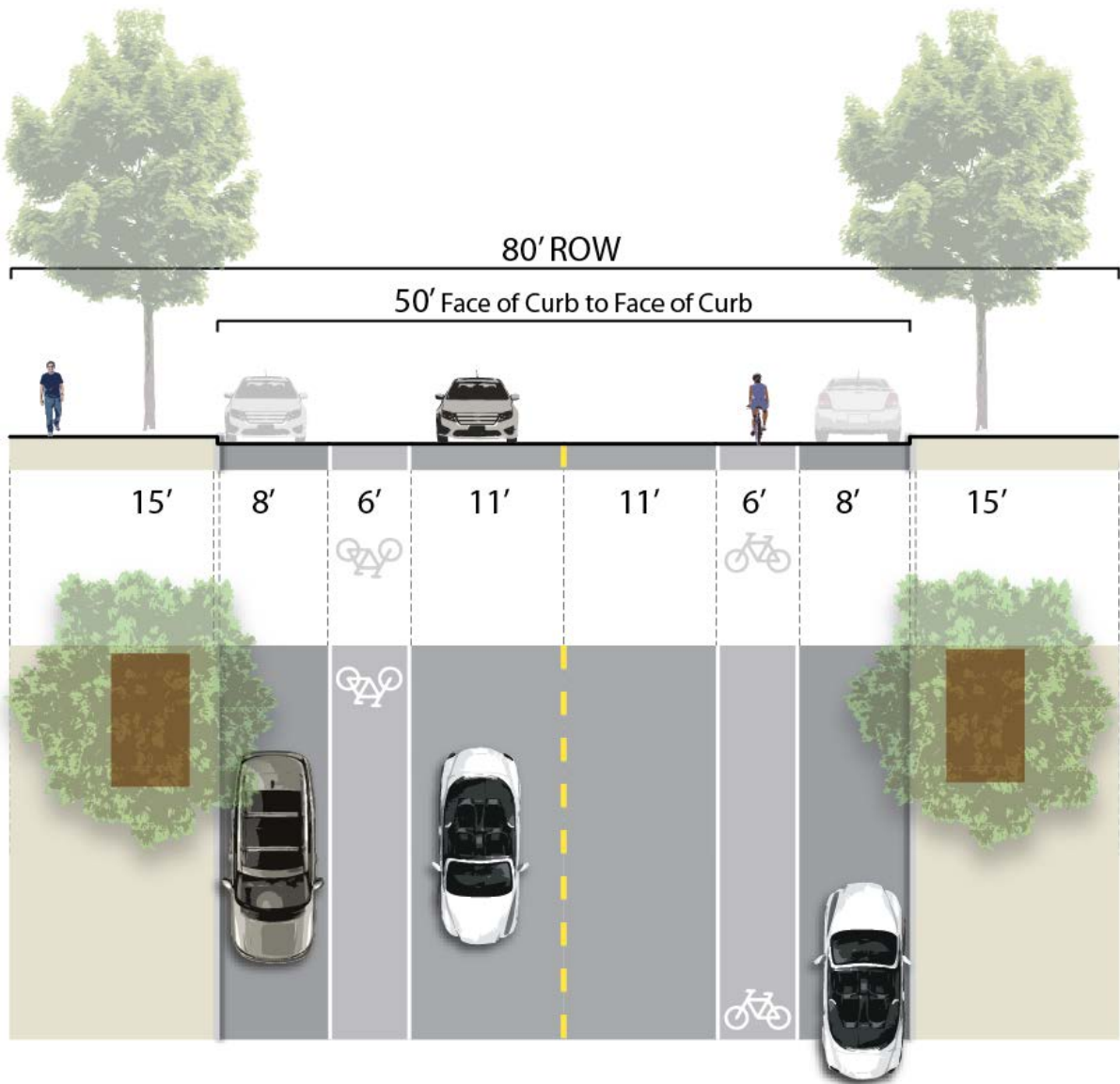


CIRCULATION SYSTEM DESIGN

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Street Type G

Collector Street in commercial neighborhood with on street parking and bike lanes on street

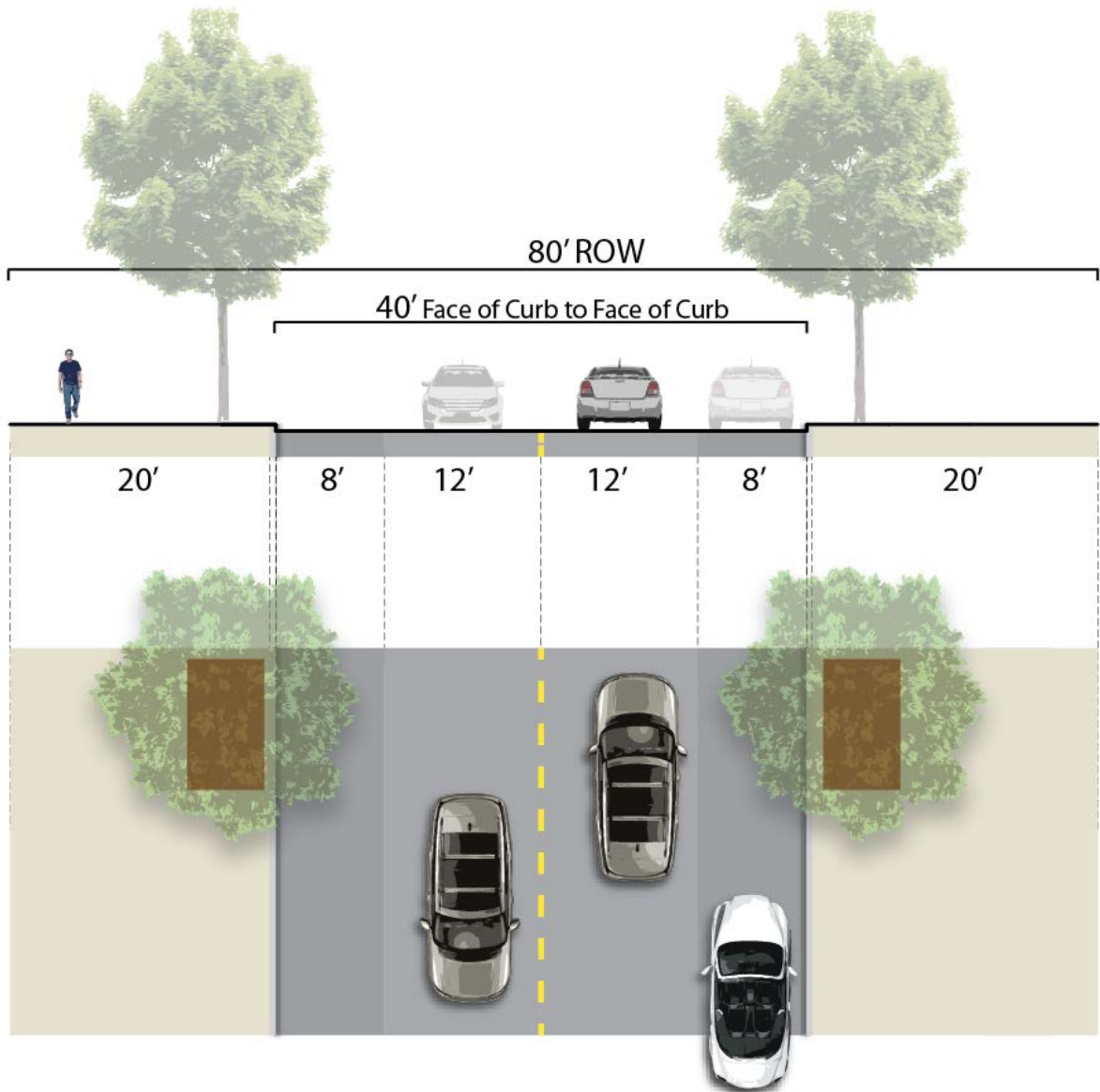


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CIRCULATION SYSTEM DESIGN

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Street Type H Collector Street in commercial neighborhood with parking on both sides



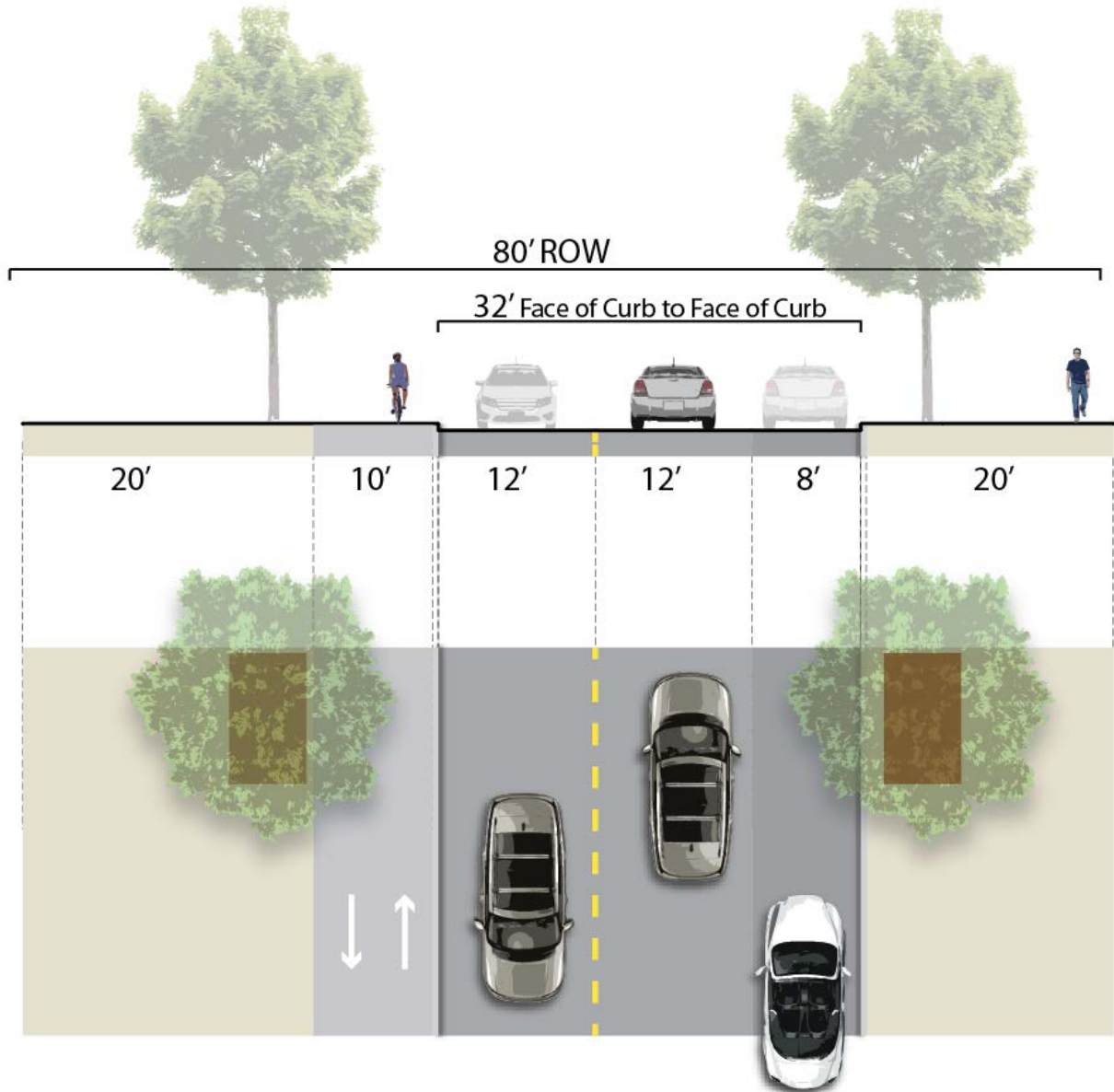
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CIRCULATION SYSTEM DESIGN

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Street Type I

Collector Street in commercial neighborhood with parking on one side



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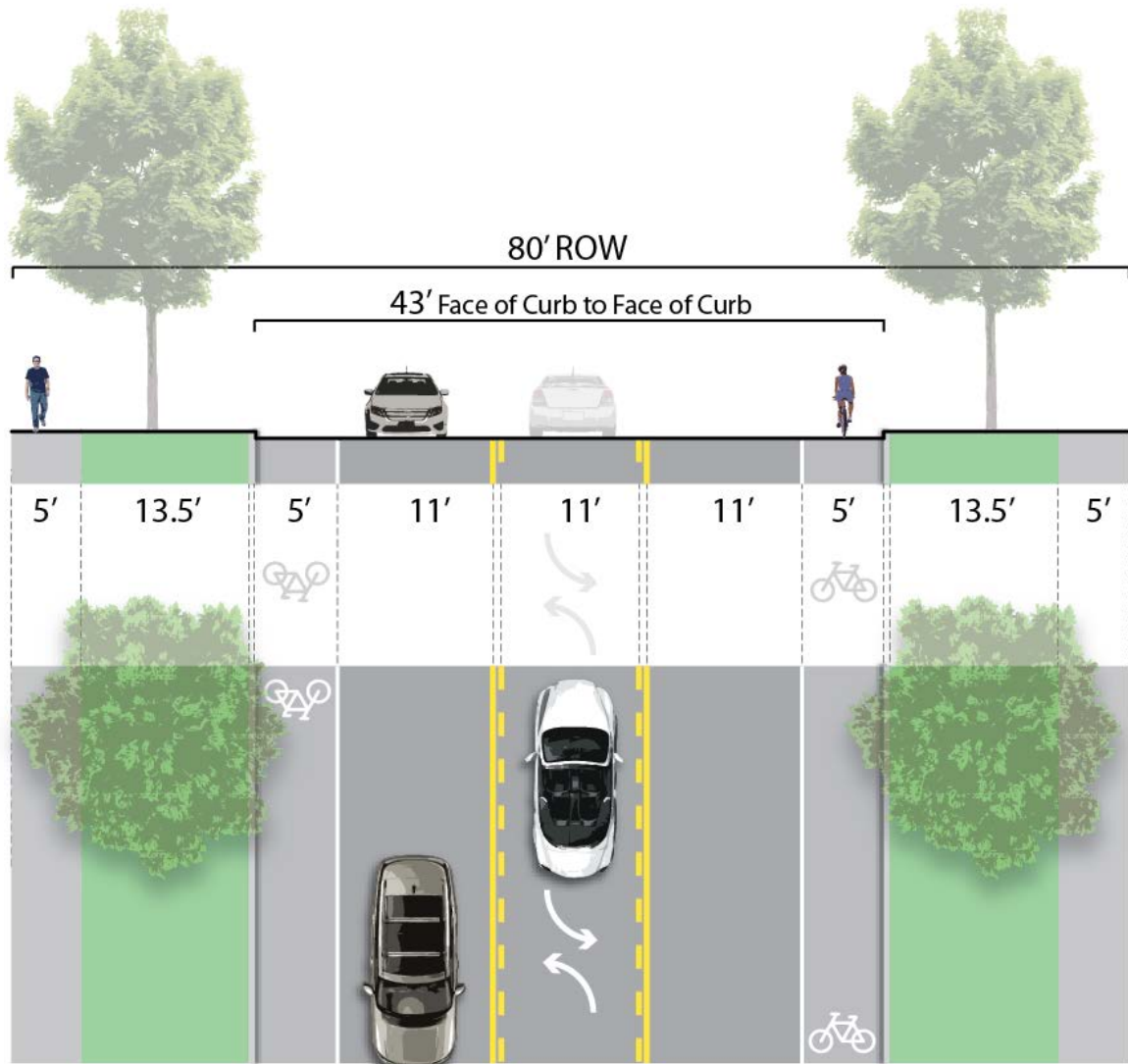
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CIRCULATION SYSTEM DESIGN

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Street Type J

Collector Street in commercial neighborhood 3 lane complete street configuration



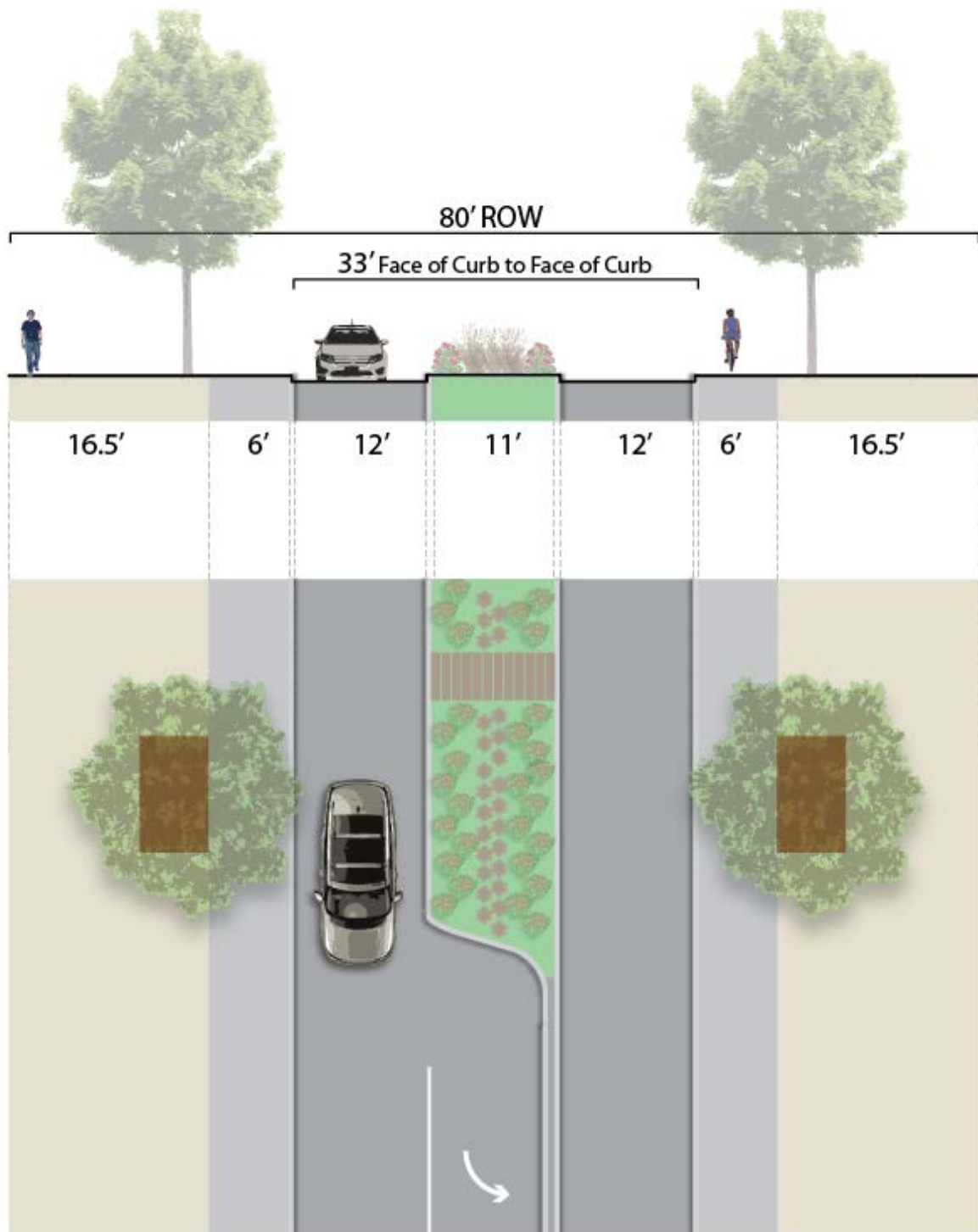
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CIRCULATION SYSTEM DESIGN

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Street Type K

Collector Street in Commercial neighborhood with landscaped median and no parking



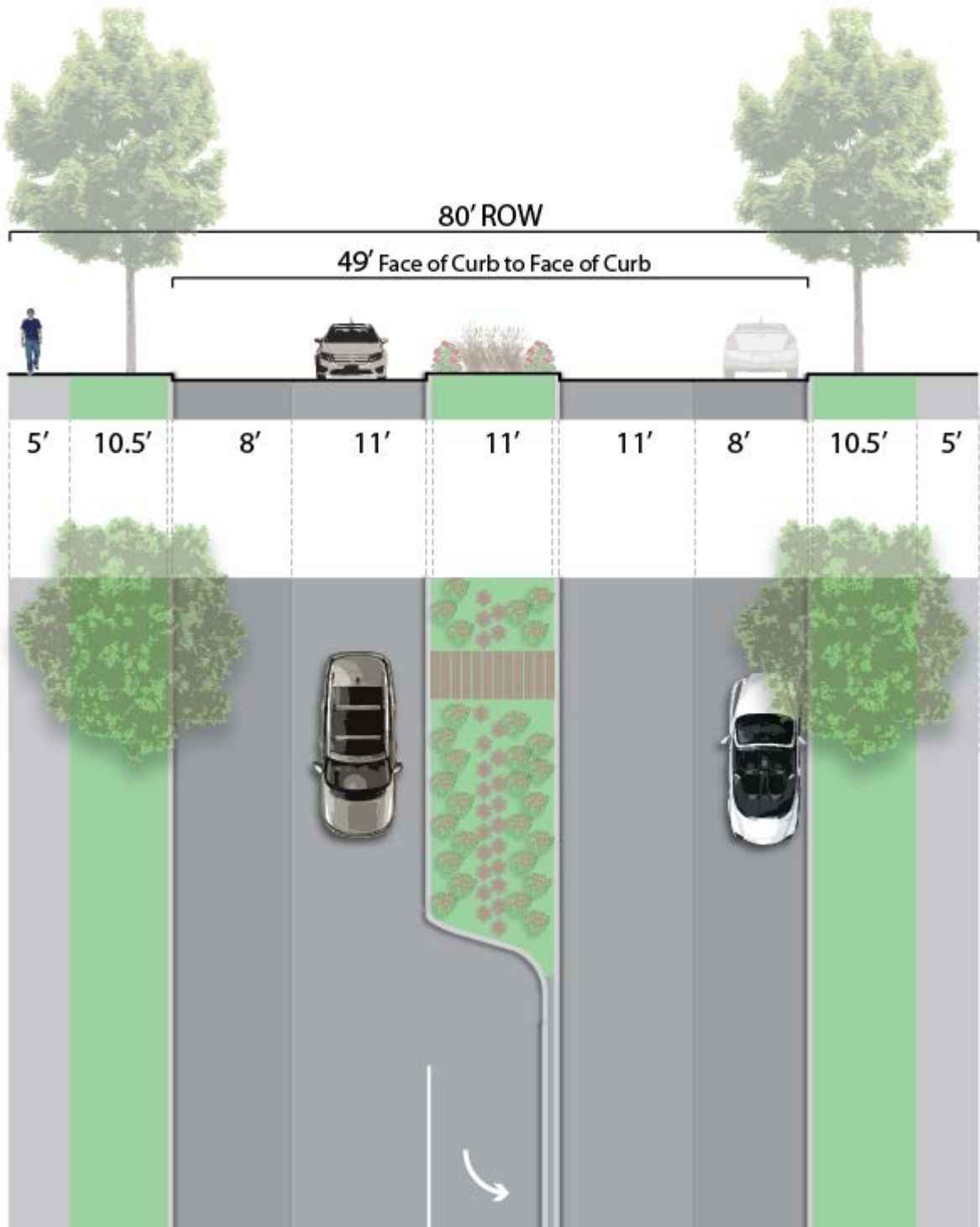
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CIRCULATION SYSTEM DESIGN

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Street Type L

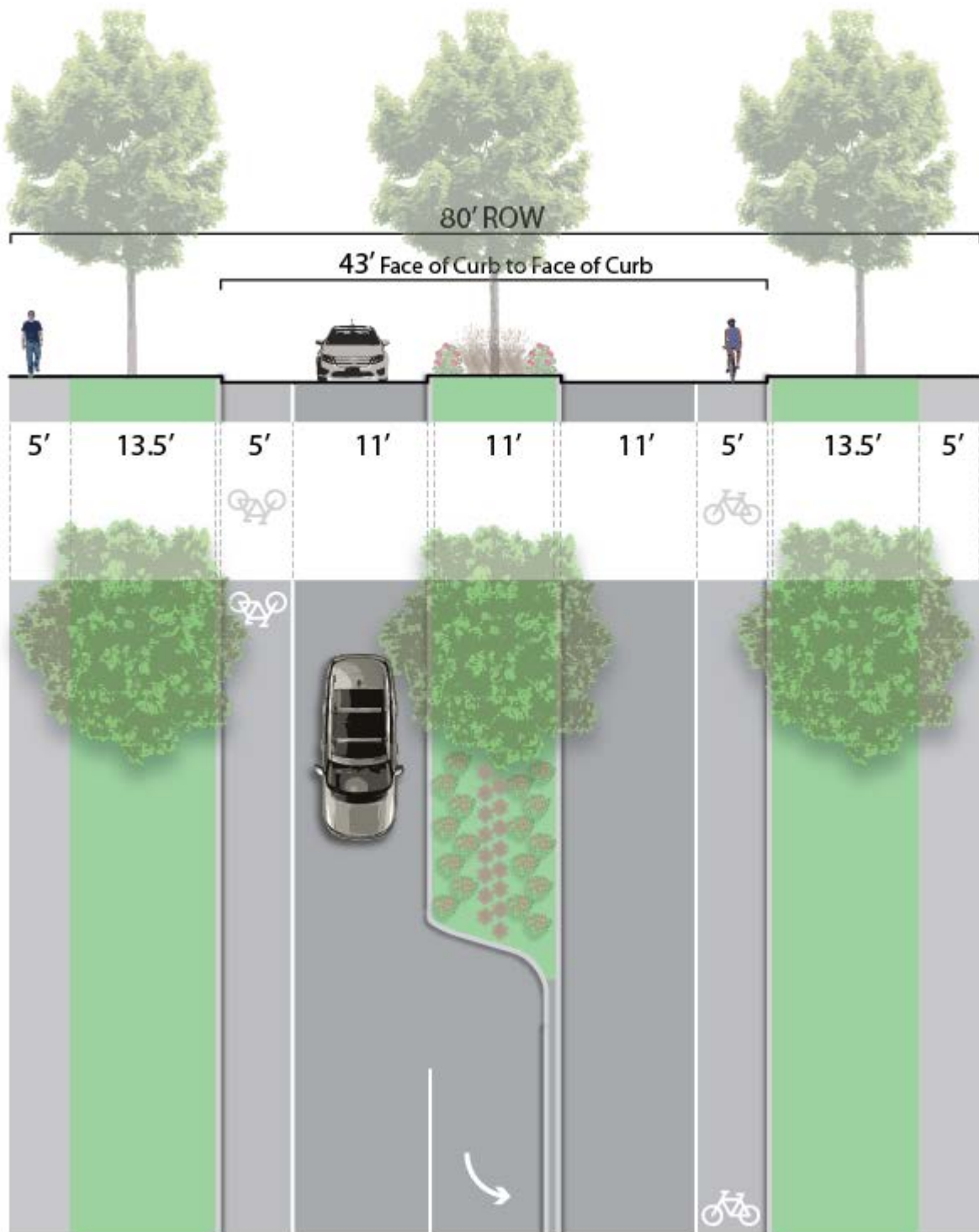
Collector Street in Residential or Commercial area neighborhood
landscaped median and on street parking



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Collector Street in Residential neighborhood with landscaped median



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CIRCULATION SYSTEM DESIGN

Street Grades. Streets and alleys shall be completed to grades, which have been officially determined or be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six (6) percent for main and secondary thoroughfares, or ten (10) percent for main or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length in feet equivalent to twenty (20) times the algebraic difference between the rates of grades, or greater, if deemed necessary to the City Infrastructure and Public Facilities Director; for minor streets, fifteen (15) times. The grade alignment and resultant visibility, especially at the intersections, shall be worked out in detail to meet with the approval of the City Infrastructure and Public Facilities Director.

TABLE 5-3: Curb, Sidewalk, and Trail Requirements

<i>Street Type</i>		<i>Curb/ Shoulder</i>	<i>Sidewalk</i>	<i>Bike Trail Type</i>
Cul-de-sac		Required	Not Required if the cul-de-sac has no pedestrian connection through the end of the cul-de-sac to a public trail, park, school or other destination	NA
Local		Curb	Both sides	Bike Boulevard
Collector		Curb	Both sides – or paired with an off street multi-purpose trail	Bike Boulevard or On Street Bike Lanes or off-street multi-purpose trail (side path)
Arterial		Curb	Both Sides – or paired with an off street multi-purpose trail	Off street multi-purpose trail (side path)
- Arterial right-of-way design and width is determined by state standards and designation of individual street or roadway segment.(See SUDAS manual) - Sidewalk and trail configurations in PUDs shall be consistent with the goals and policies outlined in the comprehensive plan and shall be subject to the approved PUD.				

6

ARTICLE SIX

6-1 Purpose

The purpose of this Article is to assure that all subdivisions developed in the City of Storm Lake and its jurisdiction is adequately furnished with necessary public services. These services include adequate water, waste management, and storm water drainage utilities; and park and open space resources.

6-2 Water

a. Connection

1. All installations shall be properly connected to an approved and functioning community water system.
2. If a public water supply system is proposed to be provided to an area within a six-year period from the time of platting, as indicated in an officially adopted document of the City or other authorized agency, the City may require installation of a capped system or dry lines. Alternately, the City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision to a future public water supply.
3. All proposals for new water supplies, extensions, or main installation shall be approved by the City of Storm Lake.

b. Capacity

1. The water supply system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
2. The demand rates for all uses, including emergency fire demand, shall be included in the computation of total water demand.
- ~~3.~~ Fire protection shall be furnished for any development connected to the municipal water system.
4. Hydrants spaced for necessary fire flow and provided with adequate means of drainage. The City Infrastructure and Public Facilities Director and Fire Chief shall approve the type and placement of hydrants. All lines serving hydrants shall be at least six inches in diameter, should be circulating lines, and should carry appropriate state approvals.

PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

5. Installation of water systems shall conform to community design standards in use within the City of Storm Lake.
6. A certification from a registered Professional Engineer shall be filed with the City of Storm Lake certifying that the water supply system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Iowa. This certification shall be affixed to an accurate set of "as-built" system plans.
7. All state requirements shall be met and approvals from the Department of Natural Resources shall be obtained for all water systems.

6-3 Sanitary Sewers

a. Connection

1. All installations shall be properly connected to an approved and functioning sanitary sewer system prior to issuance of a certificate of occupancy.
2. If a sanitary sewer system is to be provided to an area within a six-year period, as indicated in an officially adopted document of the City, the County, the Iowa Department of Health, or other authorized agency, the City may require installation of a temporary alternative system, capped system or dry lines.
3. All proposals for new public sanitary sewer systems or extensions of existing systems shall be approved by appropriate public agencies.
4. All state requirements shall be met and approvals from the Department of Natural Resources shall be obtained for all waste disposal systems.

b. Capacity

1. The sanitary sewer system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
2. Installation of sanitary sewer systems shall conform to community design standards in use within the City of Storm Lake.
3. A certification from a registered Professional Engineer shall be filed with the City of Storm Lake certifying that the sanitary sewer system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Iowa. This certification shall be affixed to an accurate set of "as-built" system plans.

PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

6-4 Storm Water Management

a. Design

1. All subdivisions shall have a storm water management system that is adequate to properly manage the volume, rate, and quality of storm water runoff from the site. .
2. The design of the storm water management system shall be consistent with general and specific concerns and standards of the Comprehensive Plan, the City's Storm Water Management Ordinance and the drainage control programs of applicable public agencies. Design shall be based on environmentally sound site planning and engineering techniques.
3. To the maximum degree possible, drainage from subdivisions shall conform to natural contours of land and not disturb pre-existing drainage ways.
4. Adjacent properties shall not be unduly burdened with surface water from the subdivision. Specifically:
 - (a) There may be no unreasonable impediment of water from higher adjacent properties across the subdivision, causing damage to lower properties.
 - (b) No action shall unreasonably collect and channel storm water onto lower properties. The volume or rate of post-development run off shall not exceed the amount of pre-development runoff, and is to be managed in a manner consistent with Iowa statute and existing case law regarding such flows.
5. Design shall use the best available technology to minimize off-site runoff, encourage natural filtration, grey water reuse, simulate natural drainage, and minimize discharge of pollutants. Best available technology may include retention basins, swales, bio-swales, rain gardens, porous paving, and terracing.
6. No surface water may be channeled into a sanitary sewer system.
7. Where possible, a subdivision's drainage system shall coordinate with that of surrounding properties or streets.
8. All storm water design shall be reviewed and approved by the consulting City Engineer. The preliminary plat submission must include preliminary drainage computations and demonstrations that the proposed storm water management system meets the requirements of this Section. A certification from a registered Professional Engineer shall be filed with the City of Storm Lake certifying that the storm water management system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Iowa. This certification shall be affixed to an accurate set of "as-built" system plans.

b. Erosion Control

1. With the submission of the preliminary plat, the subdivider shall submit an erosion control plan, prepared and certified by a licensed Professional Engineer, for any land

PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

disturbing activity. All grading activities must be carried out consistent with this approved erosion control plan and Storm Water Management Plan.

6-5 Easements

a. Utility Easements

1. Easements for utilities shall be provided for in the subdivision dedication allowing for the construction, maintenance, repair, and replacement of such facilities in a five foot wide strip of land adjoining all front and side property lines; and a ten foot wide strip of land adjoining all rear property lines.

b. Drainage Easements

Where a watercourse, drainage way, crosses a subdivision channel, or stream, a storm water easement or drainage right-of-way shall be provided. It shall correspond generally with the extent of such watercourse, together with any additional construction or expansion necessary to allow it to conduct storm water adequately. Parallel streets or parkways may be utilized to preserve such drainage ways.

c. Setback Requirements for Structures Adjacent to Creeks and Drainage Ways

1. In addition to other applicable provisions of city ordinances, no persons shall be granted a permit for the construction of any structure, exclusive of fences, bank stabilization structures, poles signs, and non-related parking areas adjacent to any creek or stream unless such structure is located so that no portion whereof is any closer to the stream than will allow a maximum 3:1 slope between the water's edge (during normal flow conditions) of the stream and the closest point of the structure at-grade.

d. Other Easements

The subdivision shall provide easements for other public utilities that cross through it, in a form acceptable to the City or appropriate public agency.

6-6 Dedications

Before final plat approval is granted to the subdivision, dedications to public use of all streets, alleys, other public right-of-ways, or other parks and public lands shall be completed as required by this Ordinance.

a. Public Parkland Dedication Purpose and Applicability

1. The purpose of this section is to regulate the use and development of land so as to assure that new developments provide for the health, safety and welfare of future residents by providing land for public parks within the City and within areas being newly developed or redeveloped for residential purposes.

PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

2. Any Developer who seeks to develop land for residential purposes shall be required to dedicate public parkland.
3. No new plats or site plans for residential development shall be approved unless and until the provisions of this section are complied with, including a depiction of the parkland on the plat in compliance with this section.

b. Computation of the Amount of Public Parkland Required.

This subsection shall prescribe the minimum amount of space to be provided in a proposed development for use as a public park.

1. The amount of public parkland required to be dedicated in a proposed development shall be five percent (5%) of the gross acres in the residential development. The desired minimum area for a neighborhood park is one acre. Subdivisions that require less than one acre shall be provided alternative means to meet the parkland dedication requirements as outlined in subsection c. below.
2. The dedicated public parkland may include waterways and ponds, provided the area of such waterways and ponds is not used to satisfy the amount of public parkland required.
3. Dedicated public parkland shall not be used to satisfy required stormwater management standards, except in cases where creative use of best management practices can integrate public park uses with stormwater infrastructure. In no cases shall more than 25% of dedicated public parkland be utilized to satisfy required storm water management standards.
4. In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the approval of an amended plat or site plan, the above space requirements for public parkland shall be based upon the new lots or new units being proposed for development.
5. Where proposed subdivisions abut undeveloped lands, the dedicated public parkland shall be located adjacent to the subdivision boundaries with the undeveloped land, at the discretion of the City Council, to allow the public parkland to be increased in size when the adjacent property develops.
6. Requirement of Dedication and Installation of Land or Easements for Trails. Where bike/pedestrian or recreational trails are indicated in the Comprehensive Plan the Developer shall be required to dedicate land or trail easements at least ten (10) feet in width. Furthermore, the Developer is required to install the trails to the width and specifications as required by the City. This land or easements, if approved by the City Council, may serve to satisfy parkland dedication requirements.

c. Alternative to Dedication of Public Parkland Provided.

If a Developer does not desire to dedicate public parkland required in this section, the Developer may make a request to the City Council that the Developer be allowed to meet the requirements of this section through other arrangements agreeable to the City Council and the Developer as long as such agreement provides equal value to the City. Such arrangements shall be made between the City Council and the Developer in the form of a Development Agreement.

7

ARTICLE SEVEN

7-1 Purpose

The purpose of this Article is to ensure the equitable financing and proper installation and maintenance of required streets, utilities, and other improvements. The guarantee shall be structured to provide adequate assurances to the City while not adding unnecessary costs to the developer.

7-2 Application

This article applies to subdivisions, which require the installation of streets, utilities, or other public improvements by the City or developer.

7-3 Responsibility of Sub Divider

The subdivider shall be responsible for the installation and/or construction of all improvements required by this Ordinance and shall warrant the design, materials, workmanship, construction, and performance of such improvements for two years after the date of completion.

7-4 Subdivision Agreement

a. Condition for Approval of Plat

As a condition for final approval, each subdivision plat must include a subdivision development agreement entered into between the City of Storm Lake and the subdivider. No contract for the construction of public improvements involving a subdivision within two miles of the corporate limits of Storm Lake shall be awarded without adequate provisions for the construction, operations, and maintenance of a private sanitary sewer system.

b. Rules for Distributing Improvement Costs

Generally, the following rules shall be followed in distributing costs for public improvements:

1. Public Costs: Allowable public costs will be those items that have demonstrable benefit to the general public. These items may include:
 - (a) Pavement width in excess of 32 feet for streets designated as collector or arterial streets in the Storm Lake Comprehensive Plan or any subsequent amendment thereof. On collector and arterial streets the additional cost shall be borne by the City or other public agency.
 - (b) The incremental cost of water mains over six inches.

IMPROVEMENT FINANCING AND GUARANTEES

- (c) Oversized storm sewers or drainage structures required serving other areas in the watershed. Such expenses may also be assessed on an area basis to properties served by the improvement.
 - (d) Sanitary outfall sewers or water lines outside of the limits of a District that serve areas larger than that of the District, provided that such extension is consistent with the sequencing of development specified in an approved master plan or planned unit development.
 - (e) The additional costs of sanitary sewers over 8 inches in diameter, when the City requires such sewers.
 - (f) Park and recreation facilities consistent with the Comprehensive Plan or an approved Park System Plan.
2. Private Costs: Allowable special assessment costs will be those items that have direct benefit primarily to adjacent properties. These items may include:
- (a) The entire cost of grading street rights-of-way, including intersections.
 - (b) All sanitary sewer lines serving the subdivision up to 8 inches and water lines serving the subdivision up to 6 inches.
 - (c) All paving and street construction, including curbs and gutters, up to a roadway width of 32 feet.
 - (d) A storm water management system adequate to provide for the collection, retention, and treatment of surface runoff, extending to the boundaries of the subdivision.
 - (e) Sidewalks as required by this Ordinance. Construction of sidewalks may be delayed until after completion of site grading and construction, but must be completed prior to occupancy of the structure.
 - (f) The contract charge for underground electrical and gas service.
 - (g) An iron rod not less than one-half inch in diameter and 24 inches in length as follows:
 - (1) Set in concrete three feet deep at the intersection of all lines forming angles in the boundary of the subdivision and at all street intersections.
 - (2) At lot corners and changes in direction of block and lot boundaries.
3. The subdivider in lieu of installing and constructing said improvements at his/her expense, may, along with all owners of property to be affected by such improvements and all perfected lien holders, petition the Council to cause the construction of such improvements. This petition shall waive any required resolution of necessity, any applicable limitations of the amount, which could be, assessed against subdivision

IMPROVEMENT FINANCING AND GUARANTEES

property owners including intersection costs, and other costs normally paid by the City in special assessment projects.

7-5 Performance Guarantees

a. Required Guarantees

As a condition of the final approval of the plat and prior to its recording with the Buena Vista County Recorder, the City Council shall require and accept the following:

1. The furnishing of a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount not to exceed 120% of the estimated cost of the improvement installation.
2. A specification of the time allowed for the installation of improvements. This period may be extended by the City Council at the request of the applicant after demonstrating the reasonable need for the extension.
3. The performance guarantee amount and requirement, along with the permitted time for installation, shall be included within the Subdivision Development Agreement negotiated between the City and the Developer and approved with the Final Plat.

7-6 Notification of Completion and Acceptance by City

a. Notification

Upon substantial completion of all required improvements, the developer shall notify the Zoning Administrator in writing, as well as submitting a certification from a registered Professional Engineer, attesting to the adequacy of the installation.

b. Inspection and Acceptance

1. The City's designee shall inspect all installations, and shall approve, partially approve, or disapprove the installation. Upon completion of improvements, he/she shall file a statement with the City Council and Zoning Administrator certifying that the improvements have been completed satisfactorily or listing the defects in the improvements.
2. If the installation is approved, the Zoning Administrator shall notify the Developer of acceptance in writing. Such acceptance shall release the developer from liability pursuant to the performance guarantee for the installation. The City has the right to retain up to 10% of the value of the performance guarantee for a period of up to one year from the date of acceptance to remedy any deficiencies, which appear during that period.
3. If improvements are not accepted or not completed within the specified time, the performance guarantee shall be forfeited and used by the City to complete satisfactory installation of improvements.

IMPROVEMENT FINANCING AND GUARANTEES

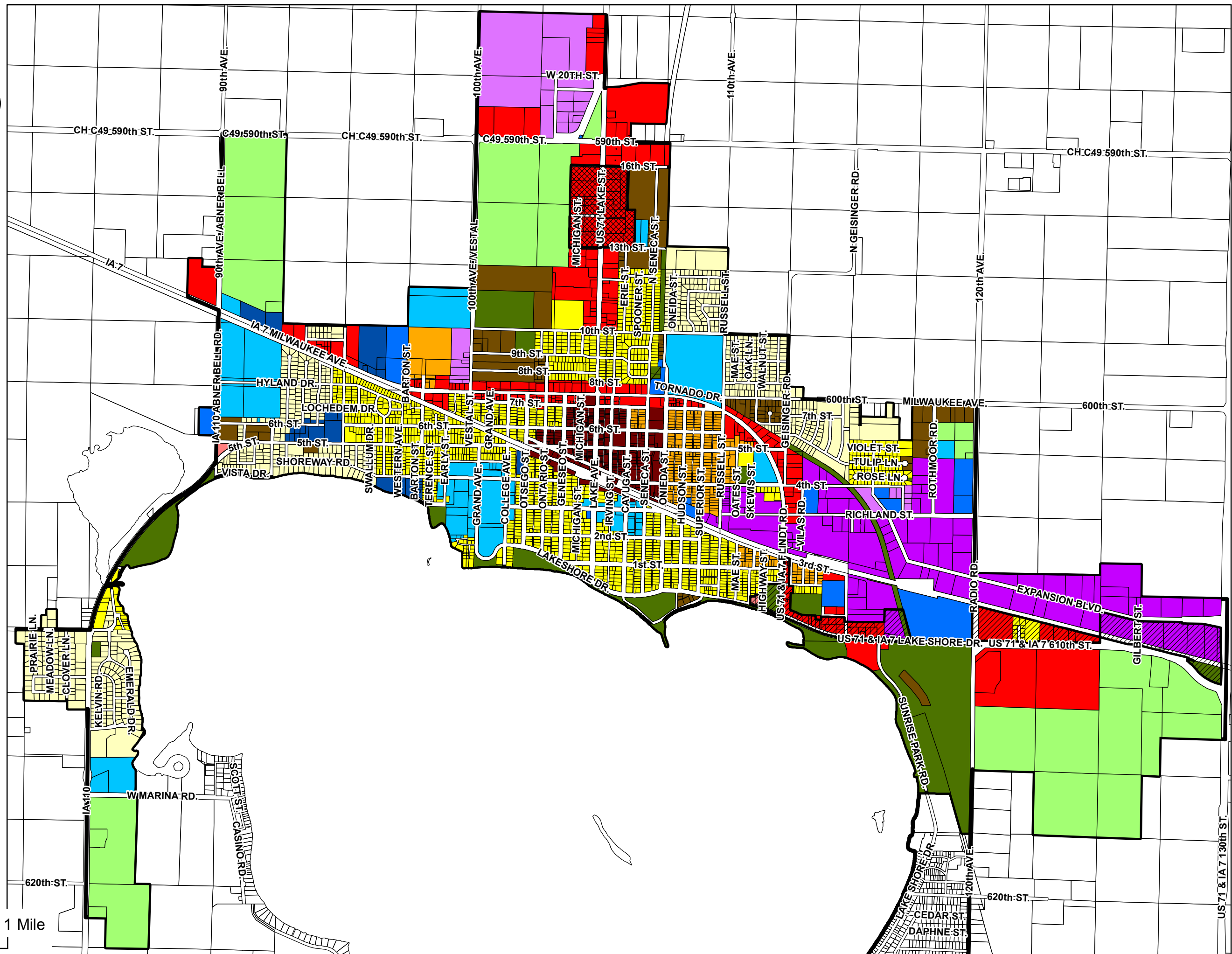
4. No occupancy permits shall be issued for a subdivision unless the installation of improvements has been inspected and approved in full by the designee of the City.

c. Improvements within the two mile Jurisdiction

1. Improvements in the two-mile jurisdiction shall be the same as required above, provided that they are not less than required by county subdivision policy and that all road and drainage plans shall be approved by the County Engineer. The County Board of Supervisors for public maintenance shall accept all completed roads.
2. Where the subdivision contains physical facilities necessary for the welfare of the area, which are of common use or benefit, and which are not or cannot be satisfactorily maintained by an existing public agency, other satisfactory legal provision shall be made for the proper and continuous maintenance of such facilities and shall be identified as part of the subdivision development agreement.

Zoning Districts

-



Zoning Comparisons: R-2, R-4, IN-2, IN-3

Table 4-1 Zoning District Purpose Statements

R-2	Low Medium Density Residential (4-8 du/ac net)	This district is intended to provide for low to medium-density residential neighborhoods, characterized predominantly by single-family dwellings on moderately sized lots with supporting community facilities and urban services. The district also permits duplexes, two-family units, and townhouses subject to appropriate standards and applies to much of the established part of Storm Lake. It provides special regulations to encourage innovative forms of housing development. It adapts to both established and developing neighborhoods, as well as transitional areas between single-family and multi-family neighborhoods. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure. Net densities will not exceed eight units per acre.
R-4	High Density Residential (greater than 12 du/ac net)	This district is intended to provide locations primarily for multiple-family housing, with supporting and appropriate community facilities. The predominant housing pattern in the R-4 district is stacked (3-4 story) apartment or condominium type housing. The district would also include limited townhome or rowhouse housing types. It also permits some non-residential uses such as offices as conditional uses, to permit the development of mixed-use neighborhoods. Maximum densities will be based on the sites ability to adequately serve the development with municipal infrastructure, fire and safety needs, and traffic capacity.
IN-2	Institutional Facilities	This district reserves areas for educational and religious purposes, particularly in campus settings. The district is designed to minimize impacts on adjacent land uses while allowing these important civic institutions to be located throughout the community.
IN-3	Hospital Medical Facilities	This district accommodates commercial and professional uses associated with the community's role as a regional medical center including the hospital, laboratories, clinics, nursing homes, physical fitness/rehab centers, and medical offices. Its regulations are intended to minimize traffic congestion and buffer adjacent uses, particularly residential, from negative impacts.

Table 4-2 Permitted and Conditional Uses by Zoning Districts

USES	R-2	R-4	IN-2	IN-3	Additional Regulations
<u>Agricultural Uses</u>					
Community Garden	C	C	C	C	
Home Garden	P	P	P	P	602
Market or Community Supported Agriculture	C	C	C	C	
Urban Animal Husbandry	P*	P*	P*	P*	602b
Urban Farm	C	C	C	C	
<u>Residential Uses</u>					
Boarding House for Students	C		P		
Co-Housing		P	P		603b
USES	R-2	R-4	IN-2	IN-3	Additional Regulations
Duplex (or Two Family Residential)	P	P	P	P	
Group Residential		P	P	P	
Manufactured Housing	P	P			216 (1) 603f
Mobile Home Park		C			603g
Mobile Home Subdivision		C			603h
Multiple-Family	P	P	P	P	
Single-Family Attached	P	P	P	P	
Single-Family Detached	P		P	P	603a
Townhouse	P	P	P	P	603c
<u>Civic Uses</u>					
Administration		C	P	P	

Clubs/Community Centers	C	C	P	P	604a
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USES	R-2	R-4	IN-2	IN-3	Additional Regulations
College/University	C	C	P		
Convalescent Facilities	C	C		P	
Cultural Facilities	C	C	P		
Day Care (Limited)	P	P	P	P	604b
Day Care (General)	P	P	P	P	604b
Emergency Res.	P	P		P	
Group Care Facility	C	P	P	P	604c
Guidance Facilities				P	
Health Care		C		P	
Helipads	C	C		C	604d
Hospitals	C	C		P	
Maintenance Fac.			C	C	
Parks/ Recreation	P	P	P	P	
Primary Education	C	C	P		
Public Assembly			P	P	
Religious Assembly	C	C	P	P	

Safety Services	C	P			
Secondary Educ.	C	C	P		
Utilities	C	C			

Office Uses

Financial Services		C			
General Offices		C	P	P	
Medical Offices		C		P	

Commercial Uses

Bed and Breakfast	C	C	P	P	605d
Bus. /Trade School			P		

USES	R-2	R-4	IN-2	IN-3	Additional Regulations
Funeral Services				P	
Laundry Services			C		
Liquor Sales			C		
Personal Improve		C			
Personal Services		C			
Research Services			P		
Retail (Limited)		C			
<u>Parking Uses</u>					
Off-Street Parking			P	P	
Parking Structure			P	P	
<u>Miscellaneous Uses</u>					
Alternative Energy Production Devices	C	C	C	C	
Amateur Radio Tower	P	P	P	P	703b
Wind Energy Conservation Sys.	C	C	C	C	703d

Table 4-3a Summary of Residential Site Development Regulations

Regulation	R-2	R-4
Minimum Lot Area (square feet) (Note 1)	7,200 (1-fam) 8,400 (other)	(Note 5)
Minimum Lot Width (feet)	60 (1-fam) 70 (other)	50 (Note 4)
Site Area per Housing Unit (square feet)	7,200 (1-fam) 4,200 (duplex) 3,000 (Other resid.)	(Note 5)
Minimum Yards (feet)		
Front Yard (Note 8)	25	25
Street Side Yard (Note 8)	25	15
Interior Side Yard	7 (Note 2)	10 (Note 2,6)
Rear Yard	25	20
Maximum Height (feet)	65	65
Maximum Building Coverage	40%	50%
Maximum Impervious Coverage	45%	60%

Table 4-3b Summary of Non-Residential Site Development Regulations

Regulation	IN-2	IN-3
Minimum Lot Area (square feet)	12,000	12,000
Minimum Lot Width (feet)	100	100
Site Area per Housing Unit (square feet)	(Note 3)	(Note 3)
Minimum Yards (feet)		
Front Yard	20	20
Street Side Yard	20	20
Interior Side Yard	20	20
Rear Yard	20	20
Maximum Height (feet)	65	65
Maximum Building Coverage	50%	50%
Maximum Impervious Coverage	70%	70%

Notes to Preceding Pages: Table 4-3a and 4-3b

Note 1:

The Comprehensive Plan encourages alternative development patterns that allow for conservation development and rural estate type housing patterns. Residential development in the RES district is encouraged to be designed in a manner to facilitate future extension of urban services. Lot sizes smaller than five acres can be done through the platting process only.

Note 2:

See Section 603 for supplemental regulations governing single-family attached and townhouse residential use types.

Note 3:

7,200 square feet for single-family lots; 4,200 square feet per unit for duplex or two-family residential; 3,000 per unit for townhouse residential buildings subject to districts in which applicable lots are permitted uses.

Note 4:

See Section 603 for supplemental regulations regarding modifications of lot width for townhouse residential use type.

Note 5:

7,200 square feet for single-family lots; 4,200 square feet per unit for duplex or two-family residential; 3,000 per unit for townhouse residential buildings. For multi-family development, 6,000 square feet for the first unit, 1,200 square feet for each additional unit up to 12 units and 750 square feet for each additional unit over 12 units. Density of multi-family residential may exceed this maximum, subject to approval of a Conditional Use Permit by the Board of Adjustment. Minimum lot area for all other uses is 9,600 square feet.

Note 6:

15 feet minimum for multi-family uses over 12 units.

Note 7:

Height limit for non-agricultural structures

Note 8:

On arterial streets designated as part of the Storm Lake's Surface Transportation Plan System, front yard setbacks shall be the greater of 40 feet from the property line of such arterial streets or 100 feet from the centerline of the arterial street.

805 Buffer Yard Provisions

These provisions apply when a use is established in a more intensive zoning district (District A) which is adjacent to a less intensive zoning district (District B). The owner, developer, or operator of the use within District A shall install and maintain a landscaped buffer yard on his/her lot or site, as set forth in this section. Buffer yard requirements apply only to those districts indicated in Table 8-1. Buffer yards are not required of single-family, 2-family, duplex, or townhouse use types in the more intensive zoning district.

a. The buffer yard dimensions set forth in Table 8-1 apply to zoning districts, which share a common lot line or are adjacent but separated by an intervening alley.

Table 8-1: Buffer Yard Requirements (in feet)

District B (Less Intensive Adjacent District)				
District A (More Intensive District) Note 3	RES (Note 1)	R-1 (Note 1)	R-2 (Note 1)	R-3, R-4 (Note 1)
R-4, IN 1, 2, 3	20	20	10	---
LC	10, 20RY	10, 20RY	10, 20RY	10, 20RY
CC	10, 20RY	10, 20RY	10, 20RY	10, 20RY
CBD	10, 20RY	10, 20RY	10, 20RY	10, 20RY
LI	30	30	30	30
GI	40	40	40	30

Notes to Table 8-1:

Note 1: Applies to residential uses previously established in the zoning district.

Note 2: Vertical screening only is required as set forth in Section 806.

Note 3: Buffer requirements do not apply to single-family, duplex, or townhouse residential uses established in District A

b. When a street separates adjacent zoning districts requiring a buffer yard, the size of the buffer yard shall be one-half the required buffer yard set forth in Table 8-1.

c. Each required buffer yard must be entirely landscaped.

Staff Summary

3/3/2014

Agenda Item # 4.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Jennifer Movall, Finance Department Manager

SUBJECT: Public Hearing FY 2014-2015 Budget

BACKGROUND: This agenda item will hold a public hearing for the Fiscal Year 2014-2015 Budget as required by State of Iowa Code.

Per the Iowa Code the City of Storm Lake has published proper notice of this public hearing.

The FY 2014-2015 Budget will cover the time period of July 1, 2014 through June 30, 2015.

FISCAL IMPACT: There is no fiscal impact for the public hearing.

RECOMMENDATION: Open Public Hearing
Accept Comments from the Public
Close the Public Hearing

Staff Summary



3/3/2014

Agenda Item # 5.

City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Jennifer Movall, Finance Department Manager

SUBJECT: **Resolution No. 66-R-2013-2014 Adopting Fiscal Year 2014-2015 Budget**

BACKGROUND: This resolution if approved will adopt the City of Storm Lake's Fiscal Year 2014-2015 Budget.

The Fiscal Year 2014-2015 Budget presented today outlines the funding priorities for the City in the next fiscal year. The highlights of these priorities include:

- An average wage increase of 2.5% for city employees
- Maintaining existing service levels with the addition of the Water and Wastewater Plant employees and operations
- Funding for capital improvement projects that address the council's adopted Strategic Plan and the City's Comprehensive Plan
- A commitment to infrastructure as seen in the updated 5-Year Capital Improvement Plan (to be formally adopted on this agenda)
- Continued support of community agencies including Witter Gallery, CommUNITY Education, Storm Lake United, Upper Des Moines Opportunity and Iowa Lake Corridor
- Maintain or lower tax levy rate - the proposed budget will lower the tax levy rate by \$0.5359 per thousand dollars of taxable value from \$13.55986 this fiscal year to \$13.02396

The proposed budget is the same budget that was presented at the Budget Workshop on February 11, 2014.

FISCAL IMPACT: The total expenditures for FY 2014-2015 are \$36,545,363 and the total revenues are \$34,673,587. The internal transfers budgeted are \$6,592,444.

RECOMMENDATION: Adopt Resolution No 66-R-2013-2014

ATTACHMENTS:

Description	Type
 Resolution No. 66-R-2013-2014	Resolution

RESOLUTION NO. 66-R-2013-2014

RESOLUTION ADOPTING THE 2014-2015 FISCAL YEAR BUDGET FOR THE CITY OF STORM LAKE, IOWA

Be it Resolved by the Council of the City of Storm Lake, Iowa:

Whereas the proposed budget has been published as required by law, and

Whereas the City Council has held a public hearing as required by law, and

Whereas all transfer of funds must be approved by resolution of the City Council.

NOW THEREFORE BE IT RESOLVED that the annual budget for the fiscal year ending June 30, 2015, as set forth in the Budget Summary and in the detailed budget in support thereof showing the revenue estimates, transfers and appropriation expenditures and allocations to program activities for said fiscal year be adopted.

		Budget FY 2015	Re-est. FY 2014	Actual FY 2013
		(a)	(b)	(c)
<u>Revenues & Other Financing Sources</u>				
Taxes Levied on Property	1	3,698,697	3,755,706	3,552,240
Less: Uncollected Property Taxes-Levy Year	2	0	0	0
Net Current Property Taxes	3	3,698,697	3,755,706	3,552,240
Delinquent Property Taxes	4	0	0	0
TIF Revenues	5	677,061	670,878	634,492
Other City Taxes	6	1,506,198	1,517,626	1,595,424
Licenses & Permits	7	581,200	676,200	163,414
Use of Money and Property	8	152,018	146,162	165,372
Intergovernmental	9	7,538,918	11,451,625	5,036,948
Charges for Services	10	12,419,223	12,013,181	11,981,713
Special Assessments	11	0	0	0
Miscellaneous	12	905,800	902,201	1,001,500
Other Financing Sources	13	7,194,472	11,298,386	14,430,268
Total Revenues and Other Sources	14	34,673,587	42,431,965	38,561,371
<u>Expenditures & Other Financing Uses</u>				
Public Safety	15	2,864,993	2,744,376	2,650,608
Public Works	16	1,268,025	1,247,612	1,340,842
Health and Social Services	17	10,500	4,500	3,504
Culture and Recreation	18	1,679,413	1,618,449	1,559,731

Community and Economic Development	19	633,611	597,366	510,162
General Government	20	423,308	420,028	445,610
Debt Service	21	1,979,462	2,031,398	1,897,222
Capital Projects	22	2,229,380	4,008,435	1,777,616
Total Government Activities Expenditures	23	11,088,692	12,672,164	10,185,295
Business Type / Enterprises	24	18,864,227	25,299,495	15,375,283
Total ALL Expenditures	#	29,952,919	37,971,659	25,560,578
Transfers Out	27	6,592,444	7,982,239	4,548,670
Total Expenditures/Transfers Out	#	36,545,363	45,953,898	30,109,248
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out	#	-1,871,776	-3,521,933	8,452,123
Continuing Appropriation		0	0	
Beginning Fund Balance July 1	30	15,178,698	18,700,631	10,248,508
Ending Fund Balance June 30	31	13,306,922	15,178,698	18,700,631

PASSED AND APPROVED this 3rd day of March, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Staff Summary

3/3/2014

Agenda Item # 6.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Jennifer Movall, Finance Department Manager

SUBJECT: **Public Hearing On FY 2015-2019 Five-Year Capital Improvements Plan**

BACKGROUND: This agenda item will hold a public hearing for the Fiscal Year 2015-2019 Five-Year CIP as required by the State of Iowa Code.

Per the Iowa Code the City of Storm Lake has published proper notice of this public hearing.

The FY 2015-2019 Five-Year CIP will cover the period of time beginning on July 1, 2014 and going through June 30, 2015.

FISCAL IMPACT: There is no fiscal impact for the public hearing.

RECOMMENDATION: Open Public Hearing
Accept Comments from the Public
Close the Public Hearing

Staff Summary

3/3/2014

Agenda Item # 7.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Jennifer Movall, Finance Department Manager

SUBJECT: **Resolution No. 67-R-2013-2014 Adopting The City of Storm Lake 5-Year Capital Improvements Plan**

BACKGROUND: This agenda item will formally adopt the City's 5-Year Capital Improvement Plan (CIP) providing citizens, council and staff with a strategic prioritization of capital expenditures over the next five fiscal years.

At the recent budget workshop the City Council was presented with a 5-Year CIP that outlined the current priority funding of major capital improvement projects and equipment purchases. This document is designed to act as a planning tool that will guide staff and the City Council in making both short and long term decisions.

Annually, the city departments are asked to update the CIP by reviewing existing projects and priorities as well as submitting additional requests for the new fifth year. This process allows administration and Council to review priorities and plan for five fiscal years in the future. Each year during the budget workshop staff presents an updated plan to the City Council who has an opportunity to review and revise the plan. The plan is then adopted by resolution.

One of the major objectives of the FY 2015 budget was a commitment to infrastructure within the City. As you will see, the current 5-Year CIP addresses this. The capital improvement projects in this plan include the Downtown Facade Project, West Milwaukee/Hwy. 7 3-Lane Extension, Rose Lane Park development, reconstruction of a portion of Seneca Street, W. 5th Street Construction, Expansion Blvd. and North Central Storm Water Projects, Runway 13/31 Rehabilitation, E. 10th Street Rehab, North Lake Avenue Trail construction, Airport Chautauqua Building Demolition, Sunset Park Expansion, Police Dept. Supervisors Vehicle, City Wide Clean-Up in Spring 2015, Shoreway and Northwestern Storm Water Project, Well #20 Development and Lime Press Building, Water Distribution Painting and Wastewater Treatment Plant endloader.

FISCAL IMPACT: The total cost of the 5-Year CIP for FY 14-15 through FY 18-19 is \$24,912,958. The cost for FY 2014-2015 is \$8,264,422.

RECOMMENDATION: Adopt Resolution No. 67-R-2013-2014

ATTACHMENTS:

Description	Type
 Resolution No. 67-R-2013-2014	Resolution

RESOLUTION NO. 67-R-2013-2014

RESOLUTION ADOPTING THE CITY OF STORM LAKE 5-YEAR CAPITAL IMPROVEMENTS PLAN

WHEREAS, the City of Storm Lake has a need to develop a 5-Year Capital Improvements Plan that will assist city staff and the City Council in the development of long term capital funding priorities; and

WHEREAS, each department of the City of Storm Lake has submitted and prioritized potential projects for the next five fiscal years; and

WHEREAS, the City Manager and City Council have reviewed and prioritized those projects based on potential funding sources in each fund; and

WHEREAS, the proposed 5-Year Capital Improvements Plan has been reviewed and commented on by the City Council during their Budget Workshop in February 2014,

NOW, THEREFORE BE IT HEREBY RESOLVED, that the Storm Lake City Council formally approves the City's FY 2015-2019 5-Year Capital Improvement Plan as a planning document for the entire city organization.

PASSED AND APPROVED this 3rd day of March, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Staff Summary

3/3/2014

Agenda Item # 8.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Pat Kelly, Infrastructure Superintendent / Public Facilities Director

SUBJECT: **Submit Map 21 Application For Highway 7 Widening From Barton To Northwestern**

BACKGROUND: This project provides for safety improvements to State Highway 7 consisting of widening to a 3-lane section from the existing 3-lane east of Barton Street through the intersection with Northwestern Drive.

The improvements were recommended in a TEAP study dated November 22, 2013. Significant delays occur at the intersection of HWY 7 and Northwestern Drive during A.M. & P.M. school days due to the Storm Lake Middle School and an elementary school traffic accessing Highway 7 at this location.

The Northwestern Drive average daily traffic count is 3,320 on the south leg of this intersection. The speed limit on this State Highway varies from 35 mph to 45 mph.

The City has met with the IDOT District 3 staff, who support this application.

In addition to this funding request, \$400,000 in U-STEP funds will be requested to construct the project.

All improvements will be designed to meet current ADA standards.

FISCAL IMPACT:

- Construction \$852,500
- Engineering \$130,000
- Legal/Admin \$15,000
- Traffic Signals \$180,000
- Total \$997,500

The MAP 21 funding is being requested for 51% of eligible construction cost for \$341,000 with the city portion of \$511,500.

The traffic light replacement, which is part of the project, is not eligible for MAP 21 funding but would be eligible for U-STEP

funding.

RECOMMENDATION:

Authorize Mayor to sign the application

ATTACHMENTS:

Description

Type



[Map 21 Application](#)

Application

LYON	OSCEOLA	DICKINSON	EMMET
SIoux	O'BRIEN	CLAY	PALO ALTO
		BUENA VISTA	

Region III

MAP-21
APPLICATION
PACKAGE

APPLICATION FOR REGION III TRANSPORTATION PROJECTS

Complete and return the original plus one (1) copy to : Ted Kourousis, Executive Director, NWIPDC

P.O. Box 1493, Spencer, Iowa 51301 by 4:30 p.m. Friday, March 14, 2014

(please do not send any color maps or maps larger than 8.5"x14" legal size paper)

1. Project Name Highway 7 Widening, Barton to Northwestern		Date 27-Feb-14
2. Contact Person Pat Kelly		Phone Number 712-732-8029
3. Address of Contact Person 620 Erie Street	City Storm Lake	County Buena Vista
		Zip Code 50588
4. Project Sponsor (lead entity if multi-jurisdictional) Storm Lake, Iowa		Sponsor Signature

5. Classification of Project: (Check all that apply)

☒ Highway	☐ Transit	☐ Transportation Alternatives
☒ Construction, reconstruction, resurfacing, restoration, and rehabilitation	☐ Capital costs for transit projects	☐ Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990.
☒ Highway safety Improvements	☐ Surface trans. planning for transit technology transfer activities	☐ Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users
☐ Capital and operating costs for traffic management and control		☐ Construction of turnouts, overlooks, and viewing areas.
☐ Surface Transportation planning, highway and research and development		☐ Community improvement activities, including- *inventory, control, or removal of outdoor advertising; *historic preservation and rehabilitation of historic transportation facilities; *vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and *archaeological activities relating to impacts from implementation of a transportation project eligible under title 23
☒ Operational improvements		☐ Any environmental mitigation activity, including prevention and pollution abatement activities and mitigation to- *address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 133(b)(11), 328(a), and 329 of title 23; or *reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.
☐ Fringe and corridor parking facilities		☐ The recreational trails program under section 206 of title 23.
☐ Most transportation control measures in the Clean Air Act		☐ Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former right-of-way of former Interstate System routes or other divided highways.
☐ Development and establishment of management systems		

6. Please describe the proposed project within the space provided.

This project provides for safety improvements to State Highway 7 consisting of widening to a 3-lane section from the existing 3-lane east of Barton Street through the Intersection with Northwestern Drive. The improvements were recommended in a TEAP study completed in 2013 for the City, dated November 22, 2013. Significant delays occur at the intersection with Northwestern Drive during A.M. & P.M. school days due to the Storm Lake Middle School and an elementary school accessing Highway 7 at this location. The Northwestern Drive ADT is 3,320 on the south leg of this intersection. The speed limit on this State Highway varies from 35 mph to 45 mph. The City has met with the IDOT District 3 staff, who support this application. In addition to this funding request, \$400,000 in U-STEP funds will be requested to construct the project. All improvements will be designed to current ADA standards.

7. Please provide a brief description of the project area. Include a map with the area marked (please do not enclose any color maps or maps larger than 8.5"x 14"(legal size) paper

(Use map from TEAP study)

8. Project Budget

EXPENSES		REVENUE		
Item	Cost	Source	Amount	%
Land/Site Acquisition Costs	\$0.00	Fed.	\$ 341,000.00	34
		Local.	\$ 256,500.00	26
Construction/Materials Costs	\$852,500.00	U-STEP, State funds	\$ 400,000.00	40
Engineering/Consulting Costs	\$130,000.00			
Capital Acquisition	\$0.00			
explain:				
Other (expl.)	Legal/Admin. \$15,000.00			
Traffic Signals	\$180,000			
MAP-21 request is for 51% of eligible construction costs				
TOTAL COST	\$997,500.00	TOTAL COST	\$ 997,500.00	100

9. Work Plan and Schedule for Project Completion (Please be sure to coincide the work plan with the correct federal fiscal year, fiscal year for this cycle is 2018) (Federal fiscal year is October 1-September 30)

Preliminary Engineering	October 2014
Final Design	November 2014
Construction	May 2015

10. Is there a need to coordinate with another entity in the programming and/or implementation of this project?

☒ Yes ☐ No

If yes, list other entities involved and describe the interaction needed and coordination to date.

Iowa DOT -District 3 for funding of U-STEP portion of project.

QUESTIONS 11-13 ARE FOR HIGHWAY PROJECTS ONLY

11. If applicable, what is the Average Daily Traffic of the proposed project? 8,100-8,600

12. If applicable, what is the Federal Functional Classification(s) of the route within the proposed project?
Principal Arterial

13. If applicable, what are the basic roadway sufficiency numbers for the route within the proposed project?

PROJECT CHECKLIST

14. The following items are required

- ☒ Project description
- ☒ Project location map(reproducible)
- ☒ Project budget
- ☒ Project work plan with schedule

NOTE: Applications must specifically and directly answer each criterion within the space provided to receive points. Pertinent attachments are allowed such as maps, drawings, and/or photos as long as they are reproducible

Please fill in the following appropriate blanks:

We, the City of Storm Lake support this application for Highway 7 Widening
(City, County or State) (Project Name)
By submitting this application, Regional MAP-21 (Transportation Alternatives or Surface Transportation)
Underline One
funds in the amount of \$ 341,000.00 are requested. This project has the support
of local match funding of \$ 511,500, which is 60 % of the anticipated
project costs.

BY: _____

ATTEST: _____

_____ Preservation of Abandoned
railway corridors

_____ Safety and educational activities
for pedestrians and bicyclists

_____ Scenic highway programs incl.
tourist & welcome centers

_____ Acquisition of scenic easements
& scenic sites

_____ Landscaping & other scenic
beautification

_____ Control & removal of outdoor
advertising

_____ Mitigation of water pollution due
to highway runoff

_____ Historic highway programs,
including tourist & welcome
centers

_____ Historic preservation

_____ Rehabilitation & operation of
historic trans. Buildings, struc.,
& facilities

_____ Archaeological planning and
research

_____ Establishment of transportation
museums

Staff Summary

3/3/2014

Agenda Item # 9.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Pat Kelly, Infrastructure Superintendent / Public Facilities Director

SUBJECT: **Submit Map 21 Application For Oneida Street Reconstruction From Highway 7 To Railroad Street**

BACKGROUND: This project provides for reconstruction of Oneida Street from Highway 7 to Railroad Street.

The existing roadway is 31 feet wide, the project length is approximately 2,200 feet. The improvements included in the project would include the complete reconstruction of the roadway with a PCC pavement on rock base at 31 foot width, compliance with ADA sidewalks, and some storm water related work.

The roadway is in poor condition with numerous failures. The last overlay was completed in 1986. Traffic continues to increase along this mixed use corridor with mainly residential properties on the east side and heavy traffic commercial and business uses on the west side.

Potential closure of adjacent railroad/street crossings will also increase traffic on Oneida Street.

Provided that funding through the MAP 21 program is available and granted, the City would then follow up with a grant request for the south half of Oneida Street next year. Low Impact Development standards will be incorporated in the design. If funded this project would be scheduled for five years out.

The project is included in the City's 5-Year Capital Improvements Plan.

FISCAL IMPACT:

- Construction \$761,100
- Engineering \$152,600
- Storm Sewer \$256,600
- Total \$1,170,000

The Map 21 requested funding is for 60% of eligible costs for \$456,660. With the city portion being \$713,340.00.

Eligible costs are only the construction costs related to the replacement of roads, sub-base, and sidewalks. Engineering and utility work, including storm water utilities, are not grant eligible funds.

RECOMMENDATION:

Authorize the Mayor to sign the application

ATTACHMENTS:

Description

Type

 [Map 21 Application](#)

Application

LYON	OSCEOLA	DICKINSON	EMMET
SIoux	O'BRIEN	CLAY	PALO ALTO
		BUENA VISTA	

Region III

MAP-21
APPLICATION
PACKAGE

APPLICATION FOR REGION III TRANSPORTATION PROJECTS

Complete and return the original plus one (1) copy to : Ted Kourousis, Executive Director, NWIPDC

P.O. Box 1493, Spencer, Iowa 51301 by 4:30 p.m. Friday, March 14, 2014

(please do not send any color maps or maps larger than 8.5"x14" legal size paper)

1. Project Name Oneida Street, Highway 7 to Railroad Street		Date 27-Feb-14
2. Contact Person Pat Kelly		Phone Number 712-732-8029
3. Address of Contact Person 620 Erie Street	City Storm Lake	County Buena Vista
		Zip Code 50588
4. Project Sponsor (lead entity if multi-jurisdictional) Storm Lake, Iowa		Sponsor Signature

5. Classification of Project: (Check all that apply)

☐ Highway	☐ Transit	☐ Transportation Alternatives
☒ Construction, reconstruction, resurfacing, restoration, and rehabilitation	☐ Capital costs for transit projects	☐ Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990.
☐ Highway safety Improvements	☐ Surface trans. planning for transit technology transfer activities	☐ Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users
☐ Capital and operating costs for traffic management and control		☐ Construction of turnouts, overlooks, and viewing areas.
☐ Surface Transportation planning, highway and research and development		☐ Community improvement activities, including- *inventory, control, or removal of outdoor advertising; *historic preservation and rehabilitation of historic transportation facilities; *vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and *archaeological activities relating to impacts from implementation of a transportation project eligible under title 23
☐ Operational improvements		☐ Any environmental mitigation activity, including prevention and pollution abatement activities and mitigation to- *address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 133(b)(11), 328(a), and 329 of title 23; or *reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.
☐ Fringe and corridor parking facilities		☐ The recreational trails program under section 206 of title 23.
☐ Most transportation control measures in the Clean Air Act		
☐ Development and establishment of management systems		

Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former right-of-way of former Interstate System routes or other divided highways.

6. Please describe the proposed project within the space provided.

This project provides for Reconstruction of Oneida Street from Highway 7 to Railroad Street. The existing roadway is 31 feet wide, the project length is approximately 2,200 feet. The improvement programed would replace the roadway with a PCC pavement on rock base at 31 foot width. The roadway is in poor condition with numerous failures. The last overlay was in 1986. Traffic continues to increase along this mixed use corridor with mainly residential properties on the east side and heavy traffic commercial and business uses on the west side. Closure of adjacent railroad/street crossings will also increase traffic on Oneida Street. The project cost includes upgrade of pedestrian facilities to current ADA standards.

7. Please provide a brief description of the project area. Include a map with the area marked (please do not enclose any color maps or maps larger than 8.5"x 14"(legal size) paper

Complete.

8. Project Budget

EXPENSES		REVENUE		
Item	Cost	Source	Amount	%
Land/Site Acquisition Costs		Fed.	\$ 456,660.00	39
		Local.	\$ 713,340.00	61
Construction/Materials Costs	\$761,100.00	Other		
Engineering/Consulting Costs	\$152,600.00			
Capital Acquisition				
explain:				
Other (expl.) Storm Sewer \$256,300.00				
The Map-21 request is for 60% of eligible costs.				
TOTAL COST	\$ 1,170,000.00	TOTAL COST	\$ 1,170,000.00	100

9. Work Plan and Schedule for Project Completion (Please be sure to coincide the work plan with the correct federal fiscal year, fiscal year for this cycle is 2018) (Federal fiscal year is October 1-September 30)

Preliminary Engineering	October 2017
Engineering	November 2017
Construction	June 2018

10. Is there a need to coordinate with another entity in the programming and/or implementation of this project?

Yes ☒ No ☐

If yes, list other entities involved and describe the interaction needed and coordination to date.

QUESTIONS 11-13 ARE FOR HIGHWAY PROJECTS ONLY

11. If applicable, what is the Average Daily Traffic of the proposed project? 970-1280

12. If applicable, what is the Federal Functional Classification(s) of the route within the proposed project?
Collector

13. If applicable, what are the basic roadway sufficiency numbers for the route within the proposed project?

PROJECT CHECKLIST

14. The following items are required	
X Project description X Project location map(reproducible) X Project budget X Project work plan with schedule	NOTE: Applications must specifically and directly answer each criterion within the space provided to receive points. Pertinent attachments are allowed such as maps, drawings, and/or photos as long as they are reproducible

Please fill in the following appropriate blanks:

We, the City of Storm Lake support this application for Oneida Reconstruction

(City, County or State)(Project Name)

By submitting this application, Regional MAP-21 (Transportation Alternatives or Surface Transportation)

Underline One

funds in the amount of \$ 456,660.00 are requested. This project has the support

of local match funding of \$ 304,440 , which is 60 % of the anticipated

project costs.

BY: _____

ATTEST: _____

_____ Preservation of Abandoned
railway corridors

_____ Safety and educational activities
for pedestrians and bicyclists

_____ Scenic highway programs incl.
tourist & welcome centers

_____ Acquisition of scenic easements
& scenic sites

_____ Landscaping & other scenic
beautification

_____ Control & removal of outdoor
advertising

_____ Mitigation of water pollution due
to highway runoff

_____ Historic highway programs,
including tourist & welcome
centers

_____ Historic preservation

_____ Rehabilitation & operation of
historic trans. Buildings, struc.,
& facilities

_____ Archaeological planning and
research

_____ Establishment of transportation
museums

Staff Summary

3/3/2014

Agenda Item # 10.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Pat Kelly, Infrastructure Superintendent / Public Facilities Director

SUBJECT: **Resolution No. 68-R-2013-2014 To Accept & Award Bid For The West 5th Street Overlay Project**

BACKGROUND: The West 5th Street Overlay Project will consist of a 3" nominal asphalt overlay from Vista Drive to Lake Avenue. There will be some storm sewer repairs along with new ADA compliant sidewalks at all intersections.

Bids were opened at the IA DOT building on February 18, 2014. There were three bids received:
Blacktop Service Co. \$922,146.52
Heartland Asphalt Co. \$1,101,796.97
Henningson Const. Co. \$1,308,066.33

The low bidder was Blacktop Service Co. from Humboldt, Iowa with a bid of \$922,146.52.

Engineers construction estimate for the project is \$1,056,964.00.

The City of Storm Lake has produced a project web page for this project on the City's web page along with a project blog which is designed to keep the public informed of the project happenings. Citizens can follow the project online at www.stormlake.org/w5thproject.

FISCAL IMPACT: The FY 2014-2015 Budget estimated construction costs at \$1,056,964 of which the low bid was \$992,146.52 for a potential savings of 64,817.48. There is still potential that with change orders the overall project construction costs will increase.

Total cost of this project is estimated as follows:

Construction Costs	\$1,056,964.00
Engineering Costs	\$157,100.00
Legal & Admin	\$5,000.00
Land Acquisition	\$40.00
Total Project Costs	\$1,219,104.00

SAFETEA-LU funds	\$245,853.00
City Cost	\$973,251.00

City funds are a combination of Local Option Sales Tax, Road Use Tax Funds, and General Fund revenues.

RECOMMENDATION: Approve Resolution No. 68-R-2013-2014

ATTACHMENTS:

Description	Type
 Resolution No. 68-R-2013-2014	Resolution

RESOLUTION NO. 68-R-2013-2014

RESOLUTION ACCEPTING AND AWARDING BID FOR THE CITY OF STORM LAKE 2014 STREET IMPROVEMENT PROJECT – HMA RESURFACING WITH MILLING, WEST FIFTH STREET FROM VISTA DRIVE TO LAKE AVENUE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA:

Section 1. That the following bid for the construction of certain public improvements described in general as the City of Storm Lake 2014 Street Improvement Project – HMA Resurfacing with Milling, West Fifth Street from Vista Drive to Lake Avenue, described in the plans and specifications heretofore adopted by this Council on February 3, 2014 be and is hereby accepted, the same being the lowest responsible bid received for said work, as follows:

Contractor:	Blacktop Service Co. from Humboldt, Iowa
Amount of bid:	\$922,146.52
Portion of bid:	All

Section 2. That the Mayor and Clerk are hereby directed to execute contract with the contractor for the construction of said public improvements, said contract not to be binding on the City until approved by this Council.

PASSED AND APPROVED this 3rd day of March, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Staff Summary

3/3/2014

Agenda Item # 11.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Justin Yarosevich, Assistant City Manager / City Clerk

SUBJECT: **Public Hearing On Amendment #1 To Storm Lake Urban Revitalization Plan**

BACKGROUND: The City of Storm Lake last adopted and updated the Urban Revitalization Plan in 2005. That plan was good for 20 years and provides for tax abatement opportunities within the City limits as of the Plan adoption date.

Since 2005, the City has expanded it's borders and has added three (3) more Urban Renewal Areas (URA) in which tax abatement can have a negative impact on the overall goals of the URA. Thus staff has worked with Simmering & Cory staff and our legal counsel to update the plan through the attached amendment.

The amendment provides for the following changes:

- * Provides for the extension of the plan to 2024
- * Provides for newly annexed areas (those annexed since 2005) to be included in the Urban Revitalization Area and provides that all new annexations become eligible upon approval of the annexation
- * Excludes Tax Abatement benefits from properties in an existing Urban Renewal Area (The City could still choose to incentivize development and/or expansion through the Urban Renewal process instead of Urban Revite)
- * Provides for the same abatement rules as in the 2005 plan with the exception of multi-residential housing which is not eligible for benefits in the new plan

Notice of this public hearing was published as required by Iowa Law.

FISCAL IMPACT: The cost of the revision to the plan is estimated to be

approximately \$5,000 which would include consulting fees and legal fees needed to update the plan and provide the requirement documentation for approvals.

Cost of publication of the notice of public hearing is estimated to be approximately \$200.

RECOMMENDATION:

Open the Public Hearing

Hear the Public

Close the Public Hearing

Staff Summary

3/3/2014

Agenda Item # 12.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Justin Yarosevich, Assistant City Manager / City Clerk

SUBJECT: **Resolution No. 69-R-2013-2014 Adopting Amendment #1 To Storm Lake Urban Revitalization Plan**

BACKGROUND: The City of Storm Lake last adopted and updated the Urban Revitalization Plan in 2005. That plan was good for 20 years and provides for the opportunity for tax abatement within the City limits as of the date of adoption.

Since 2005 the City has expanded it's borders and has added three (3) more Urban Renewal Areas (URA) of which tax abatement can have a negative impact on the overall goals of the URA. Thus staff has worked with Simmering & Cory staff and our legal counsel to update the plan through the provided amendment which is attached to this staff summary.

The amendment provides for the following changes:

- * Provides for the extension of the plan to 2024
- * Provides for newly annexed areas (those annexed since 2005) to be included in the Urban Revitalization Area and provides that all new annexations become eligible upon approval of the annexation
- * Excludes Tax Abatement benefits from properties in an existing Urban Renewal Area (The City could still choose to incentivize development and/or expansion through the Urban Renewal process instead of Urban Revite)
- * Provides for the same abatement rules as in the 2005 plan with the exception of multi-residential housing which is not eligible for benefits in the new plan

Following the previous agenda item where the City Council held a public hearing regarding the proposed amendment the Council is

now able to take formal action to approve the amendment via resolution. Should the Council approve the amendment via resolution the Council will have to pass an ordinance on three readings prior to the amendment and the plan being officially approved.

FISCAL IMPACT:

The cost of the revision to the plan is estimated to be approximately \$5,000 which would include consulting fees and legal fees needed to update the plan and provide the requirement documentation for approvals.

RECOMMENDATION:

Adopt Resolution No. 69-R-2013-2014

ATTACHMENTS:

	Description	Type
📎	Resolution No. 69-R-2013-2014	Resolution

RESOLUTION NO. 69-R-2013-2014

RESOLUTION ADOPTING AMENDMENT NO. 1 TO STORM LAKE URBAN REVITALIZATION PLAN

WHEREAS, pursuant to the provisions of Chapter 404 of the Code of Iowa (the "Act") the City of Storm Lake, Iowa, may designate an area of the City as a revitalization area, if that area meets the criteria of Section 404.1 of the Act; and

WHEREAS, by Resolution No. 48-R-2004-2005 adopted February 21, 2005, the City Council has determined that certain areas within the City of Storm Lake can be revitalized and the potential for permitted commercial and residential development enhanced by the adoption of an Urban Revitalization plan, as authorized by Chapter 404, Code of Iowa; and

WHEREAS, the City of Storm Lake finds that the rehabilitation, conservation, redevelopment, economic development, or a combination thereof of the Area is necessary in the interest of the public health, safety, and welfare of the residents of the City of Storm Lake and that the adoption of Amendment No. 1 to the Urban Revitalization Plan substantially meets criteria established in Section 404.1 of the Code of Iowa as being a qualified revitalization area; and

WHEREAS, a proposed Amendment No. 1 ("Amendment") to Storm Lake Urban Revitalization Plan (the "Plan") has been prepared, the purpose of which is to extend the expiration date of the Plan, amend the legal description to include the entire City limits as of January 1, 2014, provide that future annexed property shall be automatically included within the Area, and prohibit any eligibility for exemptions under this Plan for properties located within a current or future urban renewal area; and

WHEREAS, the property within the Area, as amended by Amendment No. 1, is legally described as follows:

Entire corporate limits as of January 1, 2014. The Area shall also include all area annexed into the City after January 1, 2014, effective immediately upon the effective date of the annexation of such area.

WHEREAS, after published notice was given, as required by the Act, the City Council held a public hearing on March 3, 2014, at 5:00 o'clock p.m., on the Amendment No. 1 to Storm Lake Urban Revitalization Plan (the "Plan") and considered all objections, comments, and evidence presented.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA AS FOLLOWS:

Section 1. That all objections received, if any, at the public hearing referred to in the preamble above are found to be without sufficient merit to warrant amending the proposed Amendment No. 1 to Storm Lake Urban Revitalization Plan.

Section 2. That the proposed Amendment No. 1 be adopted in the form attached as Exhibit 1 to this Resolution and, accordingly, the Amendment No. 1 to Storm Lake Urban Revitalization Plan should include the property described above.

Section 3. That the Amendment No. 1 to Storm Lake Urban Revitalization Plan as it is described in the proposed Amendment is approved, and that it is the intention of the Council to designate by ordinance said Amendment No. 1 to Storm Lake Urban Revitalization Area, a revitalization area under the Act.

Section 4. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed, to the extent of such conflict.

PASSED AND APPROVED this 3rd day of March, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

EXHIBIT 1

URBAN REVITALIZATION PLAN

STORM LAKE REVITALIZATION AREA

CITY OF STORM LAKE, IOWA

**February, 2005
Amendment #1 – March, 2014**

SIMMERING-CORY, INC.

AMENDMENT #1 TO STORM LAKE URBAN REVITALIZATION PLAN

The City of Storm Lake (“City”) Urban Revitalization Plan (“Revitalization Plan” or “Urban Revitalization Plan”) for the Storm Lake Urban Revitalization Area (“Revitalization Area” or “Area”), dated February 2005, is being amended to:

- (a) extend the expiration date of the Plan to January 1, 2024;
- (b) prohibit any eligibility for exemptions under this Plan for properties located within an urban renewal area;
- (c) to amend the description of the Area to include the entire City limits as of January 1, 2014, thus including all annexed areas since the Original Plan was adopted in 2005; and
- (d) provide that future annexed property shall be automatically included within the Area upon the effective date of annexation.

Except as modified by this Amendment #1 (“Amendment”), the provisions of the original Storm Lake Urban Revitalization Plan are hereby ratified, confirmed and approved and shall remain in full force and effect as provided therein.

C. DESCRIPTION OF THE AREA

The original Storm Lake Revitalization Area (“Area”) included the entire area within the corporate limits as it existed on February 21, 2005, except that part of the City located south of Richland Street and east of Flint Drive. The excepted area had been designated as an Urban Renewal Area. The City has now determined to include the entire City within the Revitalization Area. However, all property within the City that is within a current or future Urban Renewal Area will not be eligible for any benefits under this Plan. (See Section R.)

The legal description of the Urban Revitalization Area is attached as Exhibit A.

Section J Modified: Section J of the Storm Lake Urban Revitalization Plan is hereby repealed and the following adopted in lieu thereof:

J. TIME FRAME

The Area shall be eligible for tax abatement under the Revitalization Plan until January 1, 2024. This means the improvements must be completed during the 2023 calendar year so that the assessor can make a full assessment of the improvements as of January 1, 2024. If, in the opinion of the City Council, the desired level of revitalization has been attained or economic conditions are such that the continuation of the exemption granted would cease to be of benefit to the City, the City Council may repeal the ordinance establishing the Revitalization Area, pursuant to Section 404.7 of the Code of Iowa at any time prior to February 1, 2024. In the event the ordinance is repealed, all existing exemptions shall continue until their expiration. The City may also extend the time period for tax

abatement at any time.

Section K Modified: Section K of the Storm Lake Urban Revitalization Plan is hereby repealed and the following adopted in lieu thereof:

K. EXEMPTIONS

All qualified real estate assessed as residential property is eligible to receive a one hundred percent (100%) exemption from taxation on the first seventy-five thousand dollars (\$75,000) of actual value added by the improvements. The exemption is for a period of five (5) years.

All qualified real estate assessed as commercial property is eligible to receive a fifty percent (50%) exemption from taxation on the actual value added by the improvements. The exemption is for a period of three (3) years.

No exemption is applicable to commercial property that consists of three or more separate living quarters with at least 75% of the space used for residential use or for property classified as multiresidential property.

Section N Modified: Section N of the Storm Lake Urban Revitalization Plan is hereby repealed and the following adopted in lieu thereof:

N. OTHER SOURCES OF REVITALIZATION FUNDS

The City encourages the investment and reinvestment of funds to construct new or rehabilitate existing residential properties in the community. As such, the City has a history of utilizing various funding sources, including CDBG (Community Development Block Grant) and IFA (Iowa Finance Authority) programs for financing improvements to residential properties.

It is not the intention of the City of Storm Lake to prohibit the use of these or other appropriate federal or state revitalization or incentive programs within the Revitalization Area.

New Section R: The Storm Lake Urban Revitalization Plan is amended by adding a new Section R, which is adopted to read as follows:

R. EXCLUSION OF BENEFITS IN URBAN RENEWAL AREAS

Property located within any current or future Urban Renewal Area established in the City is ineligible for any Exemptions under this Plan.

Accordingly, in the future, as boundaries of existing or future Urban Renewal Areas are amended, or if new Urban Renewal Areas are established or modified, the land area within such Urban Renewal Areas shall automatically become ineligible for Exemptions under Section K of this Urban Revitalization Plan, without the need for an amendment to the Urban Revitalization Plan.

Likewise, if in the future, an Urban Renewal Plan expires or if an amendment removes property from an Urban Renewal Area and consequently such land is no longer within an Urban Renewal Area, such land shall automatically become eligible for Exemptions under Section K of this Urban Revitalization Plan, without the need for an amendment to the Urban Revitalization Plan.

A map of the current Urban Renewal Areas is attached hereto as Exhibit B. These areas will be modified in the future. For current information on the boundaries of the City's Urban Renewal Areas, see the City Clerk.

New Section S: The Storm Lake Urban Revitalization Plan is amended by adding a new Section S, which is adopted to read as follows:

S. ANNEXED AREAS TO BE INCLUDED

The Urban Revitalization Plan for the Storm Lake Urban Revitalization Area was adopted by Resolution #48-R-2004-2005 on February 21, 2005 (Original Plan).

This Amendment #1 to the Storm Lake Urban Revitalization Plan adds the additional property that has been annexed by the City of Storm Lake since the adoption of the Original Plan. For all property annexed after February 21, 2005, up to and through December 31, 2013, such property is eligible for exemptions under this Urban Revitalization Plan for projects on or after the effective date of this Amendment #1 to the Urban Revitalization Plan.

For all property annexed after January 1, 2014, and in the future, such property shall be automatically included within the Area as of the effective date of annexation and the provisions of the Plan, as amended, shall be applicable to such property.

Note, however, if annexed property is located within a current or future Urban Renewal Plan, as amended, such property is not eligible for abatement, meaning such property is not eligible for the Exemptions under Section K.

EXHIBIT A

Legal Description of Urban Revitalization Area

Entire corporate limits as of January 1, 2014. The Area shall also include all area annexed into the City after January 1, 2014, effective immediately upon the effective date of the annexation of such area.

Urban Renewal Areas - City of Storm Lake, Iowa

Urban Renewal Areas - City of Storm Lake, Iowa



Staff Summary

3/3/2014

Agenda Item # 13.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Justin Yarosevich, Assistant City Manager / City Clerk

SUBJECT: **Ordinance No. 08-O-2013-2014 Adopting Amendment #1 To Urban Revitalization Plan - First Reading**

BACKGROUND: The City of Storm Lake last adopted and updated the Urban Revitalization Plan in 2005. That plan was good for 20 years and provides for the opportunity for tax abatement with the City limits as of the date of adoption.

Since 2005 the City has expanded it's borders and has added three (3) more Urban Renewal Areas (URA) of which tax abatement can have a negative impact on the overall goals of the URA. Thus staff has worked with Simmering & Cory staff and our legal counsel to update the plan through the provided amendment which is attached to this staff summary.

The amendment provides for the following changes:

- * Provides for the extension of the plan to 2024
- * Provides for newly annexed areas (those annexed since 2005) to be included in the Urban Revitalization Area and provides that all new annexations become eligible upon approval of the annexation
- * Excludes Tax Abatement benefits from properties in an existing Urban Renewal Area (The City could still choose to incentivize development and/or expansion through the Urban Renewal process instead of Urban Revite)
- * Provides for the same abatement rules as in the 2005 plan with the exception of multi-residential housing which is not eligible for benefits in the new plan

The City Council has now held the required public hearing and must now adopt the Ordinance on three seperate readings as noted below in order for the Amendment #1 to the plan to be adopted.

FISCAL IMPACT: The fiscal impact of adopting the plan is difficult to determine but the theory is that it should encourage development and revitalization within the community.

In addition the City will have the cost of publishing the ordinance after approval of the third reading. This is estimated to be about \$150.00.

RECOMMENDATION:

Adopt Ordinance On:
1st Reading - March 3, 2014
2nd Reading - March 17, 2014
3rd Reading - April 7, 2014

ATTACHMENTS:

	Description	Type
📎	Amendment 1 to Urban Revitalization Plan	Backup Material
📎	Ordinance No. 08-2013-2014	Ordinance

URBAN REVITALIZATION PLAN

STORM LAKE REVITALIZATION AREA

CITY OF STORM LAKE, IOWA

February, 2005
Amendment #1 – March, 2014

SIMMERING-CORY, INC.

AMENDMENT #1 TO STORM LAKE URBAN REVITALIZATION PLAN

The City of Storm Lake (“City”) Urban Revitalization Plan (“Revitalization Plan” or “Urban Revitalization Plan”) for the Storm Lake Urban Revitalization Area (“Revitalization Area” or “Area”), dated February 2005, is being amended to:

- (a) extend the expiration date of the Plan to January 1, 2024;
- (b) prohibit any eligibility for exemptions under this Plan for properties located within an urban renewal area;
- (c) to amend the description of the Area to include the entire City limits as of January 1, 2014, thus including all annexed areas since the Original Plan was adopted in 2005; and
- (d) provide that future annexed property shall be automatically included within the Area upon the effective date of annexation.

Except as modified by this Amendment #1 (“Amendment”), the provisions of the original Storm Lake Urban Revitalization Plan are hereby ratified, confirmed and approved and shall remain in full force and effect as provided therein.

C. DESCRIPTION OF THE AREA

The original Storm Lake Revitalization Area (“Area”) included the entire area within the corporate limits as it existed on February 21, 2005, except that part of the City located south of Richland Street and east of Flint Drive. The excepted area had been designated as an Urban Renewal Area. The City has now determined to include the entire City within the Revitalization Area. However, all property within the City that is within a current or future Urban Renewal Area will not be eligible for any benefits under this Plan. (See Section R.)

The legal description of the Urban Revitalization Area is attached as Exhibit A.

Section J Modified: Section J of the Storm Lake Urban Revitalization Plan is hereby repealed and the following adopted in lieu thereof:

J. TIME FRAME

The Area shall be eligible for tax abatement under the Revitalization Plan until January 1, 2024. This means the improvements must be completed during the 2023 calendar year so that the assessor can make a full assessment of the improvements as of January 1, 2024. If, in the opinion of the City Council, the desired level of revitalization has been attained or

economic conditions are such that the continuation of the exemption granted would cease to be of benefit to the City, the City Council may repeal the ordinance establishing the Revitalization Area, pursuant to Section 404.7 of the Code of Iowa at any time prior to February 1, 2024. In the event the ordinance is repealed, all existing exemptions shall continue until their expiration. The City may also extend the time period for tax abatement at any time.

Section K Modified: Section K of the Storm Lake Urban Revitalization Plan is hereby repealed and the following adopted in lieu thereof:

K. EXEMPTIONS

All qualified real estate assessed as residential property is eligible to receive a one hundred percent (100%) exemption from taxation on the first seventy-five thousand dollars (\$75,000) of actual value added by the improvements. The exemption is for a period of five (5) years.

All qualified real estate assessed as commercial property is eligible to receive a fifty percent (50%) exemption from taxation on the actual value added by the improvements. The exemption is for a period of three (3) years.

No exemption is applicable to commercial property that consists of three or more separate living quarters with at least 75% of the space used for residential use or for property classified as multiresidential property.

Section N Modified: Section N of the Storm Lake Urban Revitalization Plan is hereby repealed and the following adopted in lieu thereof:

N. OTHER SOURCES OF REVITALIZATION FUNDS

The City encourages the investment and reinvestment of funds to construct new or rehabilitate existing residential properties in the community. As such, the City has a history of utilizing various funding sources, including CDBG (Community Development Block Grant) and IFA (Iowa Finance Authority) programs for financing improvements to residential properties.

It is not the intention of the City of Storm Lake to prohibit the use of these or other appropriate federal or state revitalization or incentive programs within the Revitalization Area.

New Section R: The Storm Lake Urban Revitalization Plan is amended by adding a new Section R, which is adopted to read as follows:

R. EXCLUSION OF BENEFITS IN URBAN RENEWAL AREAS

Property located within any current or future Urban Renewal Area established in the City is ineligible for any Exemptions under this Plan.

Accordingly, in the future, as boundaries of existing or future Urban Renewal Areas are amended, or if new Urban Renewal Areas are established or modified, the land area within such Urban Renewal Areas shall automatically become ineligible for Exemptions under Section K of this Urban Revitalization Plan, without the need for an amendment to the Urban Revitalization Plan.

Likewise, if in the future, an Urban Renewal Plan expires or if an amendment removes property from an Urban Renewal Area and consequently such land is no longer within an Urban Renewal Area, such land shall automatically become eligible for Exemptions under Section K of this Urban Revitalization Plan, without the need for an amendment to the Urban Revitalization Plan.

A map of the current Urban Renewal Areas is attached hereto as Exhibit B. These areas will be modified in the future. For current information on the boundaries of the City's Urban Renewal Areas, see the City Clerk.

New Section S: The Storm Lake Urban Revitalization Plan is amended by adding a new Section S, which is adopted to read as follows:

S. ANNEXED AREAS TO BE INCLUDED

The Urban Revitalization Plan for the Storm Lake Urban Revitalization Area was adopted by Resolution #48-R-2004-2005 on February 21, 2005 (Original Plan).

This Amendment #1 to the Storm Lake Urban Revitalization Plan adds the additional property that has been annexed by the City of Storm Lake since the adoption of the Original Plan. For all property annexed after February 21, 2005, up to and through December 31, 2013, such property is eligible for exemptions under this Urban Revitalization Plan for projects on or after the effective date of this Amendment #1 to the Urban Revitalization Plan.

For all property annexed after January 1, 2014, and in the future, such property shall be automatically included within the Area as of the effective date of annexation and the provisions of the Plan, as amended, shall be applicable to such property.

Note, however, if annexed property is located within a current or future Urban Renewal Plan, as amended, such property is not eligible for abatement, meaning such property is not eligible for the Exemptions under Section K.

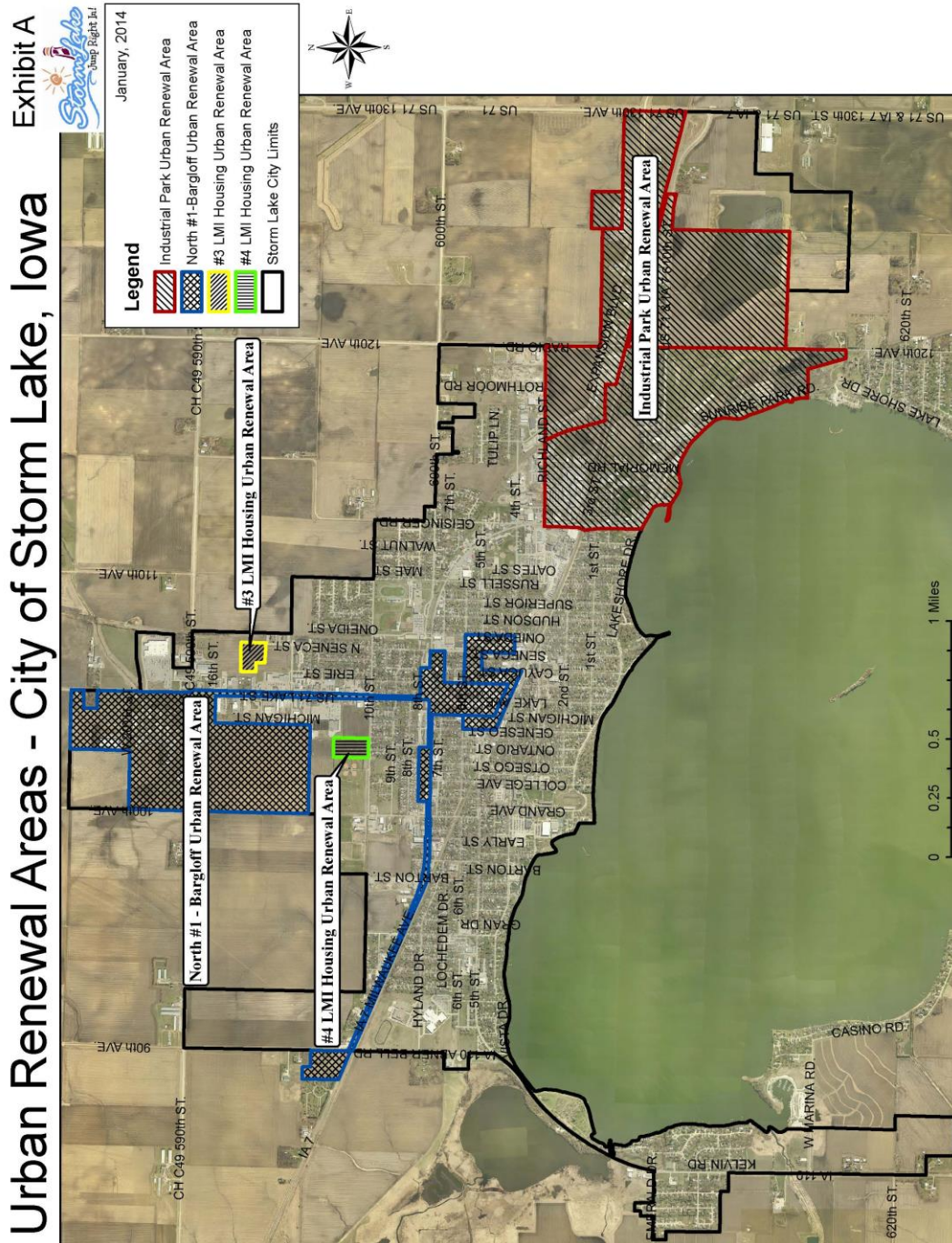
EXHIBIT A

Legal Description of Urban Revitalization Area

Entire corporate limits as of January 1, 2014. The Area shall also include all area annexed into the City after January 1, 2014, effective immediately upon the effective date of the annexation of such area.

EXHIBIT B

Map showing current Urban Renewal Areas that are not eligible for any Exemptions under this Revitalization Plan. Property within future modifications, additions and/or deletions of urban renewal areas are likewise not eligible for any Exemptions under this Revitalization Plan.



ORDINANCE NO. 08-O-2013-2014

**ORDINANCE DESIGNATING AMENDMENT NO. 1 TO THE
STORM LAKE URBAN REVITALIZATION AREA OF THE
CITY OF STORM LAKE, IOWA**

WHEREAS, Chapter 404 of the Code of Iowa, the "Act", authorizes cities by ordinance to designate revitalization areas if such areas meet the criteria of the Act and if the City completes the procedural requirements of the Act; and

WHEREAS, pursuant to the Act, this Council did, by Resolution No. 48-R-2004-2005 on February 21, 2005 adopt an urban revitalization plan for certain permitted commercial and residential development for the City of Storm Lake, Iowa, called the Storm Lake Urban Revitalization Plan ("Plan") for the Storm Lake Urban Revitalization Area ("Area" or "Revitalization Area"); and

WHEREAS, Amendment No. 1 ("Amendment") to the Plan has been adopted, the purpose of which is to extend the expiration date of the Plan, amend the legal description to include the entire City limits as of January 1, 2014, provide that future annexed property shall be automatically included within the Area, and prohibit any eligibility for exemptions under this Plan for properties located within a current or future urban renewal area; and

WHEREAS, the Area so designated has heretofore been found to meet the criteria of the Act; and

WHEREAS, the revitalization of the Area so described will enhance the rehabilitation, conservation, redevelopment, economic development, or a combination thereof of the Area and is necessary in the interest of the public health, safety, or welfare of the residents of the City, and the area substantially meets the criteria of section 404.1; and

WHEREAS, notice of the public hearing was published per the requirements for amendments to urban renewal plans pursuant to Chapter 404; and

WHEREAS, pursuant to the provisions of the Act, the City has held a public hearing on the proposed Amendment No. 1 for said Storm Lake Urban Revitalization Area; and

WHEREAS, pursuant to the provisions of the statute, the City has adopted the Amendment No. 1 to the Storm Lake Urban Revitalization Area on March 3, 2014.

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

Section 1. That in accordance with Chapter 404 of the Code of Iowa, and as a result of the adoption of Resolution No. _____ on March 3, 2014, the legal description of the Storm Lake Urban Revitalization Area now contains the following property:

Entire corporate limits as of January 1, 2014. The Area shall also include all area annexed into the City after January 1, 2014, effective immediately upon the effective date of the annexation of such area

be and the same is hereby designated as a Revitalization Area under the Act, which shall be known as Amendment No. 1 to Storm Lake Urban Revitalization Area of the City of Storm Lake, Iowa.

Section 2. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That if any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Staff Summary

3/3/2014

Agenda Item # 14.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Justin Yarosevich, Assistant City Manager / City Clerk

SUBJECT: **Motion Approving Engineering Agreement With Bolton & Menk For Engineering Work On Potential City Sub-Division**

BACKGROUND: The City continues to move forward with exploring the potential of building out a 20+ lot sub-division on the City's north side. While City staff has prepared some rough estimates of costs and design in order to proceed further the City needs the assistance of a licensed engineer to continue with design and refine construction estimates.

In addition, the City would like to proceed quickly on the first phase of the sub-division if it proves to be economical in 2014 so that lots can be sold and homes could be built as soon as possible. Another benefit to beginning the development in 2014 would be the potential cost savings of tying in some of the work with other contracts that the City plans to construct in 2014 including, Seneca Street Reconstruction, East 10th Street Reconstruction, and the North Central Storm Water Project.

Attached to this staff summary is an engineering proposal from Bolton & Menk Engineering to provide assistance for the development of this sub-division. The proposal would help the City develop the plats and master plan as well as provide the engineering work to assist with the design and construction of the public infrastructure.

The sub-division would be designed to be a middle income sub-division similar to the existing sub-division to the south of the proposed location (or north of the High School area).

As the plans move forward the City will develop a project web page for this project and will hold some neighborhood meetings for residents in that area.

The agreement has been reviewed by the City Attorney and found acceptable.

FISCAL IMPACT: The proposal outlines the engineering fees for this contract at

\$45,740 as a not to exceed amount for the design, platting, and development of plans and specifications phases of the project. Construction observation services are outlined as hourly fees estimated to be \$36,150 depending on the actual hours used.

In the early projections of numbers for the development the City would not expect that the sub-division would break even in a ten to fifteen year period based on conservative estimates without the assistance of funding from the Water and Sewer funds which will have to occur. However, the Council may want to consider that some of the infrastructure that would be put in as part of this development would hold additional benefits for existing and future development in the area. For example:

- The extension of Oneida Street north to East 13th Street and the west to the connection at the intersection of Seneca will provide additional ingress and egress access to the existing neighborhood north of the high school which currently has only one access point off of East 10th Street.
- The construction of East 13th Street from Seneca Street East would also provide for the development of housing on the north side of the road. That land is privately owned and not currently planned for development.
- Extension of storm water services will help to resolve some of the issues currently experienced by the existing residences in to the south of the planned sub-division.
- The development of a park in the sub-division will provide for recreational activities that currently do not exist in the existing neighborhood.

RECOMMENDATION: Approve Motion and Authorize Mayor to sign Agreement

ATTACHMENTS:

Description	Type
 Engineering Agreement City Sub-Division	Contract



BOLTON & MENK, INC.[®]

Consulting Engineers & Surveyors

P.O. Box 668 • 2730 Ford Street • Ames, IA 50010-0668

Phone (515) 233-6100 • Fax (515) 233-4430

www.bolton-menk.com

February 21, 2014

Justin Yarosevich
Assistant City Manager
City of Storm Lake
P.O. Box 1086
Storm Lake, Iowa 50588

RE: Proposal for Petersen Land Development

Dear Justin:

Bolton & Menk is pleased to provide the following scope of services and agreement to complete the necessary survey, platting, preliminary design, final design, permitting, and construction administration, staking and part-time observation necessary for the first phase of the Petersen Land Development. This 13 acre property will consist of 24 developable lots and 2 outlots to be used by the city for storm water management and a neighborhood park.

The scope of work will include the following general tasks:

- Master planning and preparation of a preliminary plat for the property.
- Overall grading plan for the property to be completed with the initial plan
- Utility layout for the development
- Public improvement plans for the first phase consisting of 8 lots and the two outlots.
- Final plat for the initial 8 lots
- The scheduling of the improvements will be coordinated with development of the adjacent improvements for the first phase of the North Central Stormwater Improvement project as much as practical.

We understand that the city desires to implement “green street” improvements within the development which most likely will consist of some form of pervious pavement to minimize storm sewer improvements. We will work with City staff to develop a standard during design of the first phase of the improvements.

The first phase of construction will generally consist of improvements along Oneida Street from the current end of the pavement north of East 12th Street north to the 13th Street Alignment. In addition, it is intended that 13th Street will be extended from Seneca Street to Oneida Street providing a 2nd outlet for home owners in this part of the community. Sanitary sewer and water main for this first phase will be constructed along the Oneida corridor and the water main will be looped to existing mains at the intersection of Seneca and 13th Streets.



The following provides a brief description of the tasks necessary to complete your project.

SCOPE OF SERVICES

TASK 1: Topographic and Boundary Survey

Task 1.1 Design Survey

The majority of this survey was completed in conjunction with the North Central Stormwater improvement project. We have budgeted two additional days of field survey work to pick up miscellaneous utility and boundary survey information necessary for platting and design. Estimated Fee \$2,200.

TASK 2: Conceptual Plan and Platting

Task 2.1 Conceptual Plan

Bolton and Menk with assistance from City staff will finalize conceptual plans and budgets for various phasing scenarios of the project. We will then proceed with final plan development based on these decisions. Estimated Fee \$1,240.

Task 2.2 Preliminary Plat

Bolton & Menk will prepare the preliminary plat for the entire property showing proposed lot layout and improvements in accordance with the City and SUDAS requirements. Estimated Fee \$5,800

Task 2.3 Final Plat Phase 1

Bolton & Menk will prepare the final plat for the Phase 1 improvements, this will include 8 lots along Oneida Street, the park land and the stormwater pond at the eastern edge of the property. Appropriate easements will be shown as discussed with the owner for public and franchise utilities, and stormwater conveyance. The engineer will set all lot corners upon approval of the final plat once they will not interfere with other construction activities in the corridor. Estimated Fee \$4,600.

TASK 3: Design and Bidding Phase Services

Task 3.1 Meeting With City Staff

Bolton and Menk will meet with City staff to review the project scope and estimated cost. We will then proceed with final plan development based on the direction received. Estimated Fee \$400.

Task 3.2 Final Bidding Documents

Bolton & Menk will prepare a final plan set showing proposed improvements in accordance with the City and SUDAS requirements. We will develop the project manual and other items necessary to take the project to bid letting. Estimated Fee \$28,000.

Major design components will include the following:

- Title sheet, special details, quantities and reference notes
- Grading plans
- Roadway, sanitary sewer, water main and storm sewer design drawings/details.
- The project manual will include the following items:
 - General Information for Bidders: Advertisement for Bids, Instructions to Bidders, Special Bidding requirements/provisions



- General Supplementary Conditions
- Information to be submitted with bid: Proposal and Bid Bond
- Agreement, Performance, Payment and Maintenance Bond Forms
- Technical Specifications, SUDAS

Task 3.3 Bidding Phase

Bolton & Menk will provide the following items during bidding phase services: Estimated Fee \$3,500.

- Prepare advertisement for bids and submit to the City for publications
- Provide copies of the contract/bidding documents
- Address questions from prospective bidders, subcontractors and suppliers, and prepare and issue addenda as required
- Attend bid opening and prepare recommendation for Award

TASK 4: Construction Services

Task 4.1 Construction Contract Administration

During the term of the construction phase, Bolton & Menk will provide the following services: Review all shop drawing submittals, prepare pay estimates and other contractor or city correspondence, conduct onsite visits, final inspection, and preparation of punch list and other close out documents. Estimated Fee \$4,200.

Task 4.2 Preconstruction Conference

Bolton & Menk will attend and preside over a preconstruction conference. Attendees will include City staff, Contractor, Subcontractors, and utility companies. We will provide meeting minutes to all attendees. \$500.

Task 4.3 Construction Survey

Bolton & Menk will provide construction staking for the project, services will include subgrade, storm sewer, watermain, sanitary sewer and paving. Estimated Fee \$5,500.

Task 4.4 Resident Project Representation Services

Bolton & Menk will provide part time, on-site representation during construction. These services are estimated at 24 hours per week for 10 weeks of construction. Staff will act as liaison between the Contractor and the City and Engineer. They will mark out removals, measure quantities and present issues that arise to the Engineer for clarification. Estimated Fee \$24,500

Task 4.5 Final Inspection

We will meet with City staff and the Contractor near the completion of construction to review the work and note any issues or items that need to be resolved. A final punch list will be provided to the contractor and copied to the City. Estimated Fee \$650.

Task 3.5 Project Closeout

Provide Record Drawings based on RPR staff and Contractor records during construction. Verify that punch list items are complete and prepare final change order and pay request. Estimated Fee \$800.

Items provided by the Client

- IDNR permit fees for water/sewer improvements



February 21, 2014

Page 4

- Abstract of property's for review of easements and other matters
- Setting date and times for public meetings
- City to provide all supporting documents required with the platting by ordinance
- The City will coordinate with franchise utilities regarding the routing and location of their utilities on the property.
- The City will provide for necessary construction material testing as specified by SUDAS, this typically includes grading and trench compaction and pavement testing. The Engineer will coordinate the work.

COMPENSATION

<i>Task 1 Design and Boundary Survey</i>	<i>\$ 2,200 Not to Exceed</i>
<i>Task 2 Conceptual Plan and Platting</i>	<i>\$ 11,640 Not to Exceed</i>
<i>Task 3 Design and Bidding</i>	<i>\$ 31,900 Not to Exceed</i>
<i>NOT TO EXCEED</i>	<i>\$ 45,740</i>

<i>Task 4 (Construction Services):</i>	<i>\$ 36,150 Hourly Estimate</i>
<i>HOURLY</i>	<i>\$ 36,150</i>

Upon authorization and Notice to proceed, we will proceed immediately with development of the Preliminary Plat. We anticipate submitting the Preliminary Plat to the City for review within 30 days of receiving notice to proceed and bidding the project in May of 2014.

In addition, Bolton & Menk does not have any hidden costs for services. You will not be charged separately for indirect costs including mileage, survey supplies, computer time, copies, etc.

This scope of work will be completed and invoiced monthly at Standard Hourly Rates with a Not to Exceed Fee for Tasks 1-3 fee of \$45,740. Task 4 Construction Services is entirely dependent upon the effort of the contractor to complete the work. We have estimated a 10 week construction schedule for the improvements. Any significant changes to the scope of work initiated by the City after initial submittal to the City may require an additional agreed upon fee.

This proposal is subject to the attached "Professional Services Agreement".

We appreciate this opportunity and look forward to the continuation of our relationship.

Sincerely,

BOLTON & MENK, INC.

Neil Guess, P.E.
Principal Engineer

PROFESSIONAL SERVICES AGREEMENT

by and between
BOLTON & MENK, INC.
1900 N Grand Ave., Suite E12
Spencer, IA 51301
Ph. (712) 580-5075

and

Date of Agreement: February 21, 2014

Agreement Number: P11. _____

Project Location: Storm Lake, Iowa

Client

Name: City of Storm Lake, Iowa

Address: 620 Erie Street

Address: _____

City: Storm Lake State Iowa Zip 50588

(hereinafter referred to as Client)

Phone No.: 712-732-8000

Fax No.: 712-732-4114

Agent or Person Ordering Services and/or Billing Address (if different)

Agent or Person Ordering Services: James Patrick, City Manager

Address: _____

City: _____ State _____ Zip _____

Phone No.:

Fax No.:

Fee Arrangement

Tasks 1, Task 2, Task 3 - Not to exceed \$ 45,740.00

Task 4 - Hourly Estimate \$ 36,150

Scope/Intent and Extent of Services

Scope of Work is to be completed as outlined in the attached Letter Proposal.

Special Conditions

BMI and Client agree to the Terms and Conditions as stated above and attached to this Agreement. The below signed represents that he or she has been authorized to accept this agreement on behalf of the Client.

Offered by: Bolton & Menk, Inc.

Accepted by:

Neil Guess, PE Principal Engineer

print name/title

John F. Kruse, Mayor

print name/title



2/21/14

signature and date

signature and date

Terms & Conditions

Bolton & Menk, Inc.

The accompanying Proposal (hereinafter referred to as "Proposal") is subject to the following terms and conditions. These Terms of Proposal (hereinafter referred to as "Terms") are an integral part of the Proposal as if stated directly therein. No change or deviation from these Terms will be binding without the written approval of Bolton & Menk, Inc. (BMI). Such changes may require an adjustment in the proposed fee, schedule or scope of the Proposal.

A. Services: BMI proposes to perform the services outlined in the Proposal for the stated fee arrangement. Changes required by the Client or other controlling entities (regulatory agencies, contractors, courts, etc.) from the scope or schedule of services described in the Proposal shall be considered "Additional Services" and will be invoiced on an hourly basis in addition to the stated fee arrangement.

B. Information from Client: Unless otherwise stated, Client agrees to provide BMI with all site information necessary to complete the proposed services. This information should include current site property descriptions (from abstract, title opinion or title commitment); other legal documents affecting the site; copies of previous surveys, maps, engineering studies and plans; existing or required soils and geotechnical reports; governmental, regulatory and utility reviews and determinations; and all other pertinent information. Client shall promptly inform BMI of any alleged defects in services provided or the project.

C. Access to Site: Unless otherwise stated, Client agrees to provide BMI with access to the site, including adjoining properties, for activities necessary for the performance of services. It is understood that in the normal course of work, property damage may occur due to excavations, tree and brush trimming, marking lines, etc. The cost to correct resulting damages has not been included in the fee. BMI will take precautions to minimize damage due to these activities and the Client agrees to reimburse BMI for any costs associated with required restoration work.

D. Standard of Care: Professional services provided under this Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of BMI's profession currently practicing under similar conditions. **BMI makes no expressed or implied warranty with respect to its undertakings described herein.**

E. Certifications: Any certification provided by BMI is a professional opinion based upon knowledge, information and beliefs available to BMI at the time of certification. Such certifications are not intended as and shall not be construed as a guarantee or warranty. BMI shall not be required to certify the existence of conditions whose existence BMI cannot reasonably ascertain.

F. Project Approvals: Due to site limitations, code interpretations, regulatory reviews, political considerations and Client directed design and improvements, BMI makes no representations as to acceptability or approvability of the project; or, zoning requests, permit applications, site and development plans, plats and similar documents. Payment of fees to BMI is not contingent upon project approval.

G. Opinions or Estimates of Project Costs: Where included as part of project scope or otherwise, opinions or estimates of project cost will generally be based upon public construction cost information. Since BMI has no control over the cost of labor, materials, competitive bidding process, weather conditions and other factors affecting the cost of construction, all cost estimates are opinions for general information of the Client and BMI does not warrant or guarantee the accuracy of construction cost opinions or estimates. Project financing should be based upon actual, contracted construction costs with appropriate contingencies.

Terms & Conditions

Bolton & Menk, Inc.

(Continued)

H. Construction Phase Services: If construction phase engineering or staking services are included in this Proposal or subsequently authorized, Client is notified that BMI is not be responsible for means, methods, techniques or procedures of construction selected by any contractor employed on the project nor for the safety precautions or programs incident to the work of any contractor.

I. Ownership and Alteration of Documents: All documents, including reports, specifications, drawings, field data, notes and documents or electronic media prepared or furnished by BMI under this agreement shall remain the property of BMI. The Client may make and retain copies for its use in connection with this project. However, such documents are not intended for reuse by the Client on any other project or alteration of the project by others without the written consent of BMI. Electronic media may be furnished for convenience of Client; however, only signed and certified hard copies of submittals may be relied upon as documentation of professional services provided.

J. Billings and Payments: Invoices for BMI's services shall be submitted, at BMI's option, either monthly or upon completion of services. Invoices are due and payable within 30 days after the invoice date. If the invoice is not paid within 30 days, BMI may, without waiving any claim or right against the Client, and without liability whatsoever to the Client, terminate the performance of its services.

K. Late Payments: Accounts unpaid 30 days after the invoice date will be subject to a monthly service charge of 1 % on the unpaid balance. If any portion or all of an account remains unpaid 90 days after billing, the Client shall pay all costs of collection, including reasonable attorney's fees.

L. Termination of Services: This agreement may be terminated, upon written notice, by the Client or BMI should the other fail to perform its obligations hereunder. In the event of termination, the Client shall pay BMI for services rendered to the date of termination, all reimbursable expenses, and reimbursable termination expenses.

M. Limitation of Liability: In recognition of the relative risks, rewards and benefits of the project to both the Client and BMI, the risks have been allocated such that the Client agrees that, to the fullest extent permitted by law, BMI's total liability to the Client for any and all injuries, claims, losses, expenses, damages or claimed expenses arising out of the performance of this agreement from any cause or causes, shall not exceed \$ 150,000. Such claims include, but are not limited to, BMI's negligence, errors, omissions, strict liability, breach of contract, or breach of warranty, if any.

N. Dispute Resolution: Any claims or disputes made during or after the performance of services between BMI and the Client, with the exception of claims by BMI for non-payment of services rendered, shall be submitted to mediation before any other lawful dispute resolution is commenced by either party.

O. Withdrawal of Proposal: This Proposal constitutes a non-binding offer to perform services and BMI reserves the right to withdraw or modify this Proposal, without liability to the Client, at any time prior to receipt of written acceptance from the Client and execution of a signed agreement in accordance with Paragraph P.

P. Agreement: If the Proposal is accepted, the Client and BMI may enter into and execute an Agreement incorporating the Proposal, these Terms and such additional terms and conditions as may be mutually acceptable to BMI and Client. Upon request by the Client, BMI may, at its sole discretion and for the benefit of the Client, proceed with any proposed services prior to execution of a written agreement. In the absence of an executed written agreement, the accompanying Proposal and these Terms of Proposal shall constitute the whole and complete agreement between BMI and the Client.

Staff Summary

3/3/2014

Agenda Item # 15.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: James H. Patrick, City Manager

SUBJECT: **Motion Approving Settlement Agreement With WOW!**

BACKGROUND: In early 2013 the City of Storm Lake hired a consulting attorney to conduct a franchise audit on the two cable TV franchise agreements in place with the City to ensure that the cable TV provider was in compliance with the franchise language and making the correct payments to the City of Storm Lake.

During the audit the City found that there was a discrepancy and misunderstanding in the interpretation of the franchise agreement with WOW! that resulted in the mis-calculation of fees to the City.

The proposed agreement (which is attached) settles the understanding and clearly defines the definition of gross revenues which was in dispute. As part of the settlement WOW will pay the city of Storm Lake an additional \$5,000 for the past claims due.

FISCAL IMPACT: The cost of conducting the audits is around \$15,000 with the audit for Mediacom still outstanding. As part of this settlement agreement the City will receive a payment back from WOW in the amount of \$5,000.

RECOMMENDATION: Approve the Settlement Agreement and Authorize Mayor to Sign

ATTACHMENTS:

Description	Type
☐ WOW Settlement Agreement	Contract

SETTLEMENT AND RELEASE AGREEMENT

This Settlement and Release Agreement (the "Agreement") is made this _____ day of February, 2014 ("Effective Date"), by the City of Storm Lake, Iowa (the "City") and Knology, Inc. ("Knology").

RECITALS

WHEREAS, Knology operates a cable system in the City and pays franchise fees ("Fees") pursuant to Cable Television Franchise Ordinance No. 03-99-2000 ("Franchise") and Chapter 4-9 of the City Code ("Ordinance"); and

WHEREAS, the City alleges that Knology underpaid franchise fees for the time period beginning January 1, 2010 through December 31, 2011 ("Desk Review Period") and Knology contends that it did not underpay franchise fees during the Desk Review Period and may have remitted franchise fees to the City in excess of the Franchise requirements; and

WHEREAS, the City incurred fees and costs associated with the review of Knology's franchise fee in excess of Ten Thousand and No/100 Dollars; and

WHEREAS, Knology and the City now desire to conclude, settle, release and discharge once and forever, all rights, claims, causes of actions, liabilities, disputes and demands arising out of or in any way relating to the Fees during the Desk Review Period ("Claims"); and

WHEREAS, the City and Knology have also agreed to clarify the definition of gross revenues used to calculate the Fees going forward.

NOW THEREFORE, in consideration of the foregoing, and in consideration of the mutual promises and obligations hereinafter set forth, and for good and valuable mutual consideration, the receipt and sufficiency of which is hereby acknowledged, the parties to this Agreement hereto agree as follows:

AGREEMENTS

1. AMOUNT

Within thirty (30) days after the Effective Date of this Agreement, Knology shall submit payment to the City solely to reimburse the City costs associated with the franchise fee review in the amount of Five Thousand and No/100 Dollars (\$5,000.00) ("Payment"). It is expressly understood and agreed that the Payment represents full and complete satisfaction and compromise of any and all Claims. It is further understood that the Payment shall not constitute "Gross Revenue" in whole or in part as that term is defined in the Franchise.

2. USE OF AMOUNT

The Payment shall not be restricted in any manner and may be used by the City for any lawful purpose which the City may designate and on a time frame within the City's discretion.

3. GROSS REVENUES DEFINITION

Effective March 1, 2014, the City and Knology agree the definition of "gross revenues" as provided below and in the Ordinance at Section 4-9-2(o) shall be used to calculate the Fees.

Section 4-9-2(o):

"Gross Revenues" means all revenue derived directly or indirectly by the Grantee, its affiliates, subsidiaries, parents, or any Person in which Grantee has a financial interest of five percent (5%) or more, arising from or attributable, to the sale or exchange of Cable Service by the Grantee within the City. Gross Revenues shall be the basis for computing the Franchise Fees imposed pursuant to Section 1.20 hereof. Gross Revenues does not include uncollected amounts for Cable Service, or support for PEG Access Facilities collected from Subscribers.

4. RELEASE

The parties intend by this Agreement to resolve fully and completely all issues relative to the franchise fees (including penalty and interest or other related fees) alleged to be owed by Knology to the City for all periods, including the Desk Review Period and the calendar year 2013. By executing this Agreement below and conditioned upon the fulfillment of the conditions described in Sections 1, 2, and 3 of this Settlement Agreement, the parties each waive, release and give up any and all claims and rights which they may have against the other based upon the subject matter of this Settlement Agreement. For the avoidance doubt, the parties specifically agree that: (i) Knology is not in violation of its Franchise, and the City will make no claim against Knology (including the imposition of additional penalties or sanctions upon Knology) relative to the issues addressed in this Settlement Agreement and any alleged underpayment of franchise fees to City prior to December 31, 2013; and (ii) Knology will make no claim against the City relative to the issues addressed in this Settlement Agreement and any alleged overpayment of franchise fees to City prior to December 31, 2013.

5. VOLUNTARY AGREEMENT/NO WAIVER OF RIGHTS

This Agreement is freely and voluntarily given by each party, without any duress or coercion, and after each party has consulted with its counsel. Each party has carefully and completely read all of the terms and provisions of this Agreement. It is understood

and agreed by the City and Knology that nothing herein shall be deemed to be an admission of liability by Knology with respect to the matter of this Agreement. Nothing herein shall be deemed to be a waiver of any rights or obligations that City and Knology have that are not otherwise specifically addressed in this Agreement.

6. BINDING EFFECT

This Agreement will inure to the benefit of and be binding upon the parties and their respective successors and assigns. The parties for themselves and their respective successors, assigns and legatees agree to join in or execute any instruments and to do any other act or thing necessary or proper to carry into effect this or any part of this Agreement.

7. GOVERNING LAW

This Agreement, and any controversies arising hereunder, shall be interpreted and adjudicated in accordance with the laws of the State of Iowa and venue for any actions brought under this Agreement shall be located in state or federal court within the State of Iowa.

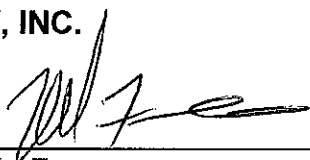
IN WITNESS WHEREOF, the parties have executed this Agreement as their free and voluntary acts and deeds, effective as of the date first above written.

CITY OF STORM LAKE, IOWA

By: _____
Mayor

By: _____
City Clerk

KNOLOGY, INC.

By: _____
Kelvin Fee

Its: Senior Vice President