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CERTIFICATE AS TO ZONING ORDINANCE AND SUBDIVISION ORDINANCE

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MARY E. WELTY 15 pgs
RECORDER
MADISON COUNTY, IOWA
Fee $1.50
L.M.M.

STATE OF IOWA :
MADISON COUNTY : SS
TOWN OF EARLHAM :

I, John J. Moreland, certify that I am the Town Clerk of the Town of Earlham, Iowa, at all times hereinafter referred to.

I further certify that Ordinance No. 136, an ordinance to repeal all ordinances in conflict herewith; and establishing comprehensive zoning regulations for the Town of Earlham, Iowa, and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of Chapter 414, of the 1962 Code of Iowa as amended to empower the Town of Earlham to enact a zoning ordinance, and to provide for its administration, enforcement and amendment; for the purpose of promoting the health, safety, morals, and general welfare of the Town of Earlham, Iowa, was passed and adopted by the Town Council in a regular meeting held on the 3rd day of February, 1969, and published in the Earlham Echo, a weekly newspaper of general circulation in the Town of Earlham, Iowa, on the 20th day of March, 1969, as shown by the publisher's affidavit on file in the office of the Town Clerk. I further certify that a true and correct copy of Ordinance No. 136 is attached hereto.

I further certify that Ordinance No. 137, an ordinance to repeal all ordinances in conflict herewith; providing rules and regulations for the approval of plats, subdivisions, and resubdivision in the Town of Earlham, Iowa; prescribing minimum standards for the design layout and development thereof; providing for the preliminary and final approval or disapproval thereof; providing for the enforcement and penalties for the violation thereof; all for the purpose of promoting the adequacy, safety and efficiency of the street and road system; and for the purpose of improving the health, safety and general welfare of the citizens; in accordance with the provisions of Chapters 373 and 409 of the 1962 Code of Iowa, as amended, was passed and adopted by the Town Council at a regular meeting held on the 3rd day of February, 1969, and published in the Earlham Echo, a weekly newspaper of general circulation on the 20th day of March, 1969, as shown by the publisher's affidavit on file in the office of the Town Clerk. I further certify that a true and correct copy of Ordinance No. 137 is attached hereto.

Witness my hand and the seal of the Town of Earlham, Iowa, this 21st day of March, 1969.

John J. Moreland, Town Clerk of the Town of Earlham, Iowa.

TOWN SEAL
EARLHAM
IOWA

Public Notice

Town of Earlham, Iowa

Zoning Ordinance

No. 136

RECEIVED
MAR 20 1968

TOWN OF EARLHAM, IOWA

TOWN OF EARLHAM, IOWA

ZONING ORDINANCE

NO. 136

SECTION 1

PREAMBLE

AN ORDINANCE TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE TOWN OF EARLHAM, IOWA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 414, OF THE 1962 CODE OF IOWA.

WHEREAS, Chapter 414 of the 1962 Code of Iowa, empowers the Town of EARLHAM, to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment, and

WHEREAS, the Town Council deems it necessary for the purpose of promoting health, safety, morals or general welfare of the Town of EARLHAM to enact such an Ordinance, and

WHEREAS, the Town Council, pursuant to the provisions of Chapter 414 of the 1962 Code of Iowa, has appointed a Zoning Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein, and

WHEREAS, the Zoning Commission has divided the Town into districts and has prepared regulations pertaining to such districts in accordance with a Comprehensive Plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

WHEREAS, the Zoning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS, the Zoning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the Town Council, and

WHEREAS, the Town Council has given due public notice of hearings related to zoning districts, regulations and restrictions, and has held such public hearings, and

WHEREAS, all requirements of Chapter 414 of the 1962 Code of Iowa, with regard to the preparation of the report of the Zoning Commission and the subsequent action of the Town Council have been met: Tuesday, November 28, 1967 at 7:00 p.m. in the Council Chambers in the Earlham Memorial Library.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EARLHAM, IOWA:

SECTION 2

INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or Ordinances, the provisions of this Ordinance shall control.

SECTION 3

DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word PERSON includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The PRESENT tense includes the FUTURE tense, the SINGULAR number includes the PLURAL, and the PLURAL number includes the SINGULAR.

The word SHALL is mandatory, the word MAY is permissive.

The word USED or OCCUPIED include the words INTENDED, DESIGNED, or ARRANGED TO BE USED or OCCUPIED.

The word LOT includes the words PLOT or PARCEL.

1. ACCESSORY USE OR STRUCTURE:
   A use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to use of the principal building.
2. ALLEY:
   A public way other than a street, twenty (20) feet or less in width, affording secondary means of access to abutting property.
3. BASEMENT:
   A story having more than one-half (½) of its height below grade. A basement shall not be counted as a story for the purpose of height regulation.
4. BLOCK:
   That property abutting on one side of a street and lying within the two nearest intercepting or intersecting streets, or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.
5. BILLBOARD:
   "Billboard" as used in this Ordinance shall include all structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
6. BOARD
   The Board of Adjustment.
7. BOARDING HOUSES:
   A building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.
8. BUILDING HEIGHT OF:
   The vertical distance from the average natural grade at the building line to the highest point of the roof of a flat roof, or to the deck line of a mansard roof, or to the mean height level (between eaves and ridge) for gable, hip and gambrel roofs.
9. BUILDING LINE:
   The line of the outside wall of the building or any enclosed projection thereof nearest the street.
10. BULK STATIONS:
    Distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
11. COURT:
    An open, unobstructed and unoccupied space other than a yard, which is bounded on two (2) or more sides by a building on the same lot.

12. DISTRICT:
A section or sections of the Town within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

13. DWELLING:
Any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer or mobile home.

14. DWELLING, SINGLE-FAMILY:
A building designed for or occupied exclusively for residence purposes by one (1) family.

15. DWELLING, TWO-FAMILY. (DUPLEX):
A building designed for or occupied exclusively for residence purposes by two (2) families.

16. DWELLING, MULTIPLE:
A building or portion thereof designed for or occupied exclusively for residence purposes by more than two (2) families.

17. FAMILY:
One or more related persons occupying a single housekeeping unit and using common cooking facilities but shall not include more than four (4) individuals not related by blood or marriage.

18. FARM:
An area of ten (10) acres or more which is used for the growing of the usual farm products, such as vegetables, fruits, trees and grain, and their storage on the area as well as for the raising thereon of the usual farm poultry and farm animals. The term "farming" includes the operating of such an area for one or more of the above uses including the necessary accessory uses for treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities and provided further that farming does not include the feeding of garbage or offal to swine or other animals.

19. GARAGE, PRIVATE:
An accessory building housing motor driven vehicles of the residents of the premises; but not more than one (1) vehicle per family shall be used for business purposes.

20. GARAGE, PUBLIC:
Any building or premises other than a private garage, used for equipping, refueling, servicing, repairing, hiring, selling or storing motor-driven vehicles.

21. GRADE:
The average elevation of the finished ground at the exterior walls of the main building.

22. HOME OCCUPATION:
Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling purposes and which does not change the character thereof; and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the immediate family residing on the premises. The following, but not limited to the following, shall not be deemed home occupations: clinics, doctor's offices, hospitals, barber shops, beauty parlors, dress shops, real estate offices, millinery shops, tea rooms, tourist or nursing homes, animal hospitals and kennels.

23. HOTEL:
A building in which lodging is provided and offered to the public for compensation and which is open to transient guests in contradistinction to a boarding house or lodging house.

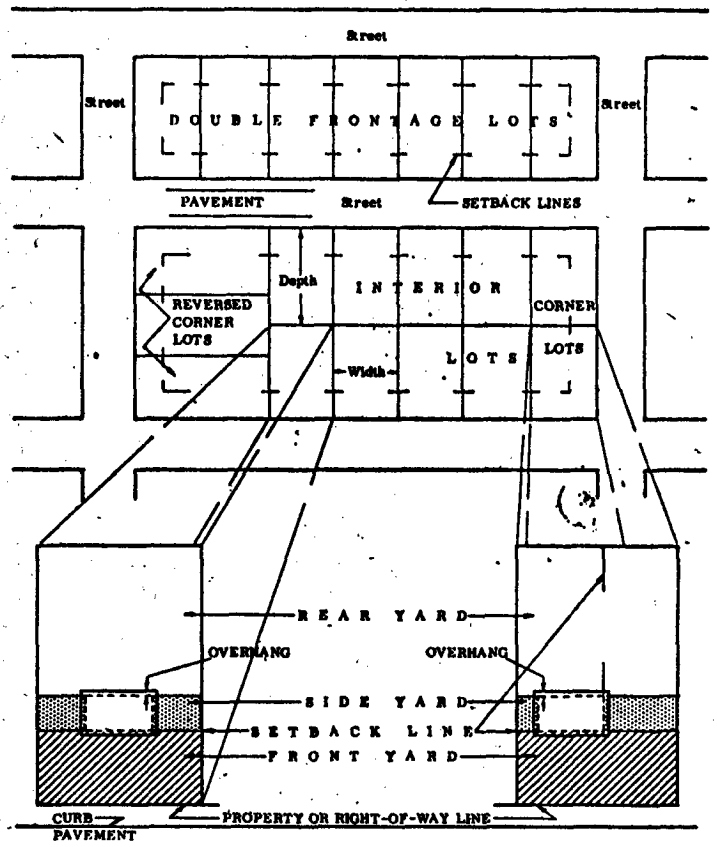
24. JUNK YARD:
Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including places or yards for storage of salvaged housewrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building, and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

25. LODGING HOUSE:
A building where lodging or boarding is provided for compensation for five (5) or more, but not exceeding twenty (20) persons not members of the family there residing.

26. LOT:
For zoning purposes, as covered by this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated or private street and may consist of:
A. A single lot of record or a portion of a lot of record;
B. A combination of complete lots of record and/or portions of lots of record;
C. A parcel of land described by metes and bounds; provided that in no case of subdivision shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

27. LOT LINE:
Property line bounding a lot.

28. LOT MEASUREMENT:
A. Depth—the mean horizontal distance between the t and rear lot lines.
B. Width—the width of a lot shall be considered to be the tance between straight lines connecting front and rea lines at each side of the lot, measured at the minimum b ing setback line.



LOT TYPES AND YARD AREAS - PLATE 1

29. LOT OF RECORD:
A lot which is part of a subdivision which is recorded in the office of the Madison County Recorder or a lot or parcel described by metes and bounds, the deed to which has been so recorded.

30. LOT TYPES: (See Plate 1)
Terminology used in this Ordinance with reference to var s types of lots is as follows:
A. "CORNER" LOT:
A lot located at the intersection of two (2) or more str
B. "INTERIOR" LOT:
A lot other than a corner lot with only one (1) frontage a street other than an alley.
C. "DOUBLE FRONTAGE" LOT:
A lot other than a corner lot with frontage on more t...n one (1) street other than an alley. Lots with frontage on two (2) nonintersecting streets may be referred to as "through" lots.
D. "REVERSED CORNER" LOT:
A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

31. MOBILE HOME:
Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings and which is, has been or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "mobile home" shall include camp car and house car.

32. MOBILE HOME PARK:
Any lot or portion of a lot upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation.

33. MOTEL, MOTOR LODGE:
A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists with garage attached or parking facilities conveniently located to each such unit.

34. NON-CONFORMING USE:
Any building or land lawfully occupied by a use at the time of passage of this Zoning Ordinance (or any amendment thereto) which does not conform after the passage of the Zoning Ordinance (or amendment thereto) with the use regulations of the district in which it is situated.

35. NURSING OR CONVALESCENT HOMES:
A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent or physically disabled persons, not including insane and other mental cases, inebriate or contagious cases.

36. PARKING SPACE:
A surfaced area, enclosed, or unenclosed, of not less than two hundred fifty (250) square feet either within a structure or in the open, exclusive of driveway or access drives for the parking of a motor vehicle.

37. SIGN, ON-SITE:
A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-Site Signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

38. STORY:
That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.

39. STORY, HALF:
A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.

40. STRUCTURAL ALTERATIONS:
Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

41. STRUCTURE:
Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards and poster panels.

42. TOURIST HOME:
A residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers.

43. YARD:
An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. (See Plate 1).

44. YARD, FRONT:
A yard extending across the full width of the lot and measured, using the least distance, between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. The narrow frontage on a corner lot is considered the front lot line, regardless of where the building entrance is located.

45. YARD, REAR:
A yard extending across the full width of the lot and measured, using the least distance, between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as adjoining the street upon which the lot has its greater dimension. On both corner lots and interior lots the opposite end of the lot from the front yard.

YARD, SIDE:
A yard extending from the front yard to the rear yard and measured between the side lot lines and the building.

SECTION 4
ESTABLISHMENT OF DISTRICTS AND DISTRICT BOUNDARIES

For the purpose of this Ordinance, the following four (4) classes of districts are hereby established within the Town as shown on the Official "Zoning Map" which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

A Agricultural District
R Residence District
C Commercial District
M Industrial District

The Official "Zoning Map" shall be identified by the signature of the Mayor attested by the Town Clerk under the following words:

"This is to certify that this is the Official Zoning Map referred to in Section 4 of Ordinance of the Town of Earlham, Iowa, adopted on this 28 day of November, 1967."

If, in accordance with the provisions of this Ordinance and Chapter 414, of the 1962 Code of Iowa, changes are made in district boundaries on the Official Zoning Map, copies of such changes shall be filed with the Official Zoning Map promptly after the amendment has been approved by the Town Council. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, together with amending ordinances, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Town.

Where there is uncertainty as to the boundaries of districts as shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of use, the Town Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. 136 of the Town of Earlham, Iowa."

SECTION 5
APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered:
   1. to exceed the height limit herein established;
   2. to accommodate or house a greater number of families;
   3. to occupy a greater percentage of lot area;
   4. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;

   or in any other manner be contrary to the provisions of this Ordinance.

C. Yards or parts of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall not be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

D. Yards or lots existing at the time of passage of this Ordinance shall not be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 6
NON-CONFORMING USES

A. AUTHORITY TO CONTINUE.
Any building, structure or use, lawfully established and existing on the effective date of this Ordinance, which does not conform to all of the regulations of the district in which it is located, may be continued subject to the provisions of this Ordinance. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the Plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

B. REPAIRS AND ALTERATIONS.
Repairs and alterations may be made to a non-conforming building, provided that no structural alterations shall be made to a building which is designed or intended for a use not permitted in the district in which it is located, except that structural alterations may be made if they are required

by law or are necessary to make the building and use thereof conform to the regulations of the district.

C. ADDITIONS AND EXPANSIONS.
A non-conforming building which is non-conforming as to size, height or setbacks, or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to, expanded or enlarged unless such addition, expansion or enlargement conforms to all the regulations of the district in which it is located and unless the entire building thereafter conforms to all of the regulations of the district as to size. A non-conforming use of land shall not be expanded or extended beyond the area it occupies at the date of the adoption of this Ordinance.

D. DISCONTINUATION OF A NON-CONFORMING BUILDING OR USE:
A building, substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, which is or hereafter becomes vacant and remains unoccupied or is not used for a period of two (2) years, shall not thereafter be occupied or used except in a manner which conforms to the use regulations of the district in which it is located. If a non-conforming use of land only is discontinued for a period of six (6) months, such use shall not thereafter be renewed, and any subsequent use of the land shall conform to the regulations of the district in which it is located.

E. RESTORATION OF A DAMAGED NON-CONFORMING BUILDING.
A building, designed or intended for a use which is not permitted in the district in which it is located, which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration shall exceed sixty (60) per cent of the cost of replacement of the entire building, shall not be restored unless such building and use thereof shall conform to all the regulations of the district in which it is located. If the cost of restoration of such damaged building does not exceed sixty (60) per cent of the cost of replacement of the entire building, no repairs or reconstruction shall be made unless such restoration is commenced within one (1) year from the date of the fire or other casualty or act of God and is diligently pursued until completion.

F. USES UNDER "SPECIAL PERMIT USES."
Any use for which a special exception is permitted as provided in Section 12 of this Ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use.

SECTION 7
GENERAL REGULATIONS

A. STREET FRONTAGE REQUIRED.
Lots containing any building used in whole or in part for residence purposes shall abut for at least forty (40) feet on at least one (1) street, or have an exclusive unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street; and there shall be only one (1) single-family dwelling for such frontage or easement.

B. ACCESSORY BUILDINGS AND GARAGES.
Accessory buildings shall be erected in any yard other than a front yard as provided hereinafter. Accessory buildings shall be distant at least two (2) feet from all lot lines, and on a corner lot they shall conform to the setback regulations on the side street. Accessory buildings, except buildings housing animals or fowl, may be erected as a part of the principal building, or may be connected thereto by a breezeway or similar structure; provided said buildings comply with all yard requirements for a principal building. An accessory building which is not a part of the main building may occupy a maximum of thirty (30) per cent of the rear yard but shall not exceed twelve (12) feet in height and shall be distant at least ten (10) feet from other separate buildings on the lot.

1. In the "R" District, a private garage is permitted in the side or rear yard on the same lot with a dwelling, either as a separate building or in a separate room within, or attached to the dwelling, provided that space for not more than three (3) motor vehicles is permitted on one lot. When wholly or partially within the limits of the side yard and attached to a principal building, such garage shall be considered as a part of such principal building and shall conform to all yard and space requirements as specified in this Ordinance for principal buildings.

C. CORNER LOTS.
For corner lots, platted after the effective date of this Ordinance, the street side yard shall be equal in width to the setback regulation of the lots to the rear having frontage on the intersecting street.
On corner lots platted and of record at the time of the effective date of this Ordinance, the side yard regulation shall apply to the longer street side of the lot except in the case of reverse frontage where the corner lot faces an intersecting street. In this case, there shall be side yard on the longer street side of the corner lot of not less than fifty (50) per cent of the setback required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear; provided further that this regulation shall not be interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of purchase at the time of the effective date of this Ordinance to less than twenty-eight (28) feet nor to prohibit the erection of an accessory building.

D. HOME OCCUPATIONS.
Home occupations can be conducted entirely within a dwelling and carried on by the inhabitants thereof; provided that any such activity shall not occupy more than fifty (50) per cent of the floor area of one (1) story of such buildings; provided further that only the proprietor and one additional person shall be regularly employed; provided further there may be a small non-illuminated sign not exceeding two (2) square feet in area; provided further there is no mechanical equipment except such as is normally used for domestic or household purposes.

E. BUILDING LINES ON APPROVED PLATS.
Whenever the plat of a land subdivision approved by the Zoning Commission and on record in the Office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage unless specific yard requirements in this Ordinance require a greater setback.

F. FRONT YARD — EXCEPTIONS.
In areas where some lots are developed with a front yard that is less than the minimum required for the district by this Ordinance, or where some lots have been developed with a front yard greater than required by this Ordinance, the following rule shall apply. The front yard depth for a principal building located on a lot within two hundred fifty (250) feet measured along the street line from the nearest corner of the lot under consideration, to any portion of two (2) or more lots in the same block and which lots are occupied by dwellings that front on the same street as the proposed principal dwelling, shall be the average front yard depth of such existing dwellings.

1. Buildings located entirely on the rear half of a lot shall not be counted.
2. Buildings shall not be required to have a front yard greater than fifty (50) feet nor less than that required in the Zoning District in which it is located.
3. If no building exists on one (1) side of a lot within two hundred fifty (250) feet of the lot in question, the minimum front yard shall be the same as the building on the other side.

G. OPEN SPACE.
Yards or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall not be considered as providing a yard or open space for any other building. The lot area per family shall not be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located.

H. MOBILE HOMES.
Temporary buildings, trailers, mobile homes, tents, portable or potentially portable structures shall not be used for dwelling purposes in any district, except when located within a mobile home park.

I. LOTS OF RECORD.
Any lot of record on the effective date of this Ordinance which is located in any Residence District and which does not comply in area and/or minimum dimensions with the requirements of the district in which it is located, may be used for a single-family structure, provided that all setback and other requirements of this Ordinance are complied with.

SECTION 8
A — AGRICULTURE DISTRICT — REGULATIONS

In "A" Districts, the following regulations shall apply except as otherwise provided herein:

A. PERMITTED USES.

1. Agriculture; crop and tree farming; truck gardening.
2. One and two-family dwellings.
3. Plant nurseries and greenhouses.
4. Public and private schools and educational institutions of academic instruction.
5. Public museums, libraries, parks, playgrounds or community centers, and similar uses.
6. Golf courses, country clubs, tennis courts and similar

recreational uses, provided that any such use not be operated primarily for commercial gain.
7. Private swimming pools.
8. Churches and accessory buildings.
9. Hospitals, nursing homes and charitable institutions (not to include penal or correctional institutions).
10. Nursery schools and childcare centers.

B. ACCESSORY USES.
1. Customary accessory uses incidental to the permitted use.
2. Signs, On-Site. One (1) only sign not exceeding eighty (80) square feet in area pertaining to the lease, hire, or sale of the building or premises on which such sign is located. Outdoor identification signs or bulletin boards for hospitals, churches and schools and other public buildings.
3. Private garage.

C. SPACE REQUIREMENTS.
1. Building Height Limit: 2½ stories or thirty-five (35) feet maximum.
2. Minimum Area and Yards:
(a) Lot: 20,000 square feet, exclusive of road right-of-way.
(b) Width: One hundred (100) feet.
(c) Front Yard Depth: Thirty-five (35) feet from proposed right-of-way line as shown on Major Thoroughfares Plan.
(d) Side Yard Width: ten (10) feet; fifteen (15) feet for any other principal building.
(e) Rear Yard Width: Thirty-five (35) feet; forty-five (45) feet for any other principal building.

D. EXCEPTIONS.
See Section 12.

SECTION 9
R — RESIDENCE DISTRICT — REGULATIONS

In the "R" District, the following regulations shall apply except as otherwise provided herein:

A. USES PERMITTED.
1. One and two-family dwellings.
2. Multi-family dwellings. (See Section 12).
3. Churches and accessory buildings.
4. Public museums, libraries, parks, playgrounds or community centers and similar uses.
5. Golf courses, country clubs, tennis courts and similar recreational uses provided that any such use not be operated primarily for commercial gain.
6. Private and Public swimming pools.
7. Hospitals.
8. Public and private schools and educational institutions of academic instruction.
9. Nursery schools and childcare centers.
10. Boarding and/or lodging houses, provided that there be no conspicuous advertising signs.
11. Governmental buildings except maintenance and storage buildings.
12. Clinics, sanatoriums, dispensaries, home for the aged, nursing homes, educational, religious, philanthropic or charitable nature.

B. ACCESSORY USES.
1. Customary accessory uses and structures incidental to the permitted principal uses.
2. Signs, On-Site. One (1) only sign not exceeding eight (8) square feet in area, appertaining only to the lease, hire or sale of the building or premises on which such sign is located, and one (1) only sign, appurtenant to a home occupation or a permitted use, not exceeding two (2) square feet in area, provided that no such sign or nameplate shall emit any flickering, flashing or glaring light, provided that these signs shall conform to the setback line required of any principal building. Also, outdoor signs or bulletin boards for churches, schools and other public buildings not exceeding sixteen (16) square feet and not erected within twenty-five (25) feet of a street line.
3. Private garage.

C. BUILDING HEIGHTS LIMIT.
Two and one-half (2½) stories, but not exceeding thirty-five (35) feet in height and no accessory structure shall exceed one (1) story or twelve (12) feet in height.

D. MINIMUM LOT AREA (SQUARE FEET).

	One-family	Two-family	Multi-family
No water or public sewer	10,000	20,000	10,000 each
Water, but no sewer	10,000	10,000	10,000 each
Water and sewer available	8,500	8,500	4,000 each

E. MINIMUM LOT WIDTH (FEET)

No water or public sewer	100	100	100
Water, but no sewer	80	80	80
Water and sewer available	65	65	65

F. MINIMUM FRONT YARD DEPTH.
Thirty (30) feet.

G. MINIMUM SIDE YARD WIDTH.
Eight (8) feet on each side for a dwelling.
Twenty (20) feet on each side for any other principal building.
On lots of record at the time of adoption or amendment of this Ordinance having a width less than sixty-five (65) feet, the side yards may be reduced for single-family dwellings only as follows:
1. Each side yard may be reduced to not less than ten (10) per cent of the lot width, but in no case less than 5 feet.
2. On corner lots, only the interior side yard may be reduced below eight (8) feet.

H. MINIMUM REAR YARD DEPTH.
Thirty-five (35) feet for a dwelling and forty-five (45) feet for any other building.

I. EXCEPTIONS.

SECTION 10
C — COMMERCIAL DISTRICT — REGULATIONS

A. PERMITTED USES.
1. Uses permitted in the "R" District.
2. Any local retail business or service establishment such as the following:
Animal hospital, veterinary clinic or kennel.
Antique shop.
Automobile, truck, farm implement and mobile home sales and repair.
Baby store.
Barber shop or beauty parlor.
Ballrooms and dance halls.
Bars and taverns.
Bicycle and motorcycle shop—sales and repair.
Billboards.
Billiard parlors and pool halls.
Bookbinding.
Bowling alleys.
Candy shops.
Clothes dry cleaning.
Cocktail lounges.
Contractor's shop and warehouse.
Commercial parking lots.
Dairy store—retail.
Dance and/or music studio.
Drive-in eating and drinking establishments.
Drugstore.
Electric substations.
Florist shop.
Fruit and vegetable market.
Funeral homes.
Furniture store.
Garages, public.
Gasoline service stations.
Golf-driving range and miniature golf course.
Gift Shop.
Grocery and delicatessen.
Hardware store.
Hobby shop.
Hotel, motel or motor lodge.
Household appliances, equipment, sales and repair.
Ice storage and distributing station of not more than five (5) ton capacity.
Jewelry shop.
Launderette and similar businesses.
Laundry.
Lawn mower repair shop.
Locker plants.
Monument sales and engraving.
Office building.
Packaging of candy, confections and/or frozen foods.
Paint and wallpaper store.
Photographic studios.
Postoffice substation.
Printing and/or publishing business.
Radio and television—sales and repair.
Real estate office.
Restaurant, cafe, and soda fountain.
Sheet metal shop.
Shoe repair shop.
Sign painting shop.
Sporting goods and camping equipment.
Storage warehouse.
Tailor shop.
Tire repair shops.
Truck terminals.
Variety store.

3. Business or professional offices, supplying commodities or performing services.

B. ACCESSORY USES.
1. Accessory uses as permitted in the "R" District.
2. Accessory uses and structures customarily incidental to any permitted principal uses.

C. BUILDING HEIGHT LIMIT.
Three (3) stories, but not exceeding forty-five (45) feet in height.

D. MINIMUM LOT AREA
For single family dwellings; same as in the "R" District. No requirement for any other building except where living facilities are hereafter erected or altered above stores or other commercial uses, there shall be provided a lot area of not less than one thousand (1,000) square feet per dwelling unit.

E. MINIMUM LOT WIDTH.
For a dwelling and any building containing any dwelling units; same as in the "R" District. No requirement for any other building.

F. MINIMUM FRONT YARD DEPTH.
Twenty-five (25) feet. When fronting on the right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, the front yard shall be measured from the proposed right-of-way line.

G. MINIMUM SIDE YARD WIDTH.
None required except as follows:
1. Side yards shall be required for a dwelling and any building containing any dwelling units as required in the "R" District.
2. A side yard of not less than eight (8) feet shall be required on that side of a lot which adjoins the "R" District.

H. MINIMUM REAR YARD DEPTH.
Thirty-five (35) feet. For each foot that the front yard is increased over twenty-five (25) feet, the rear yard may be decreased proportionately; except that where the rear yard adjoins the side lot line of a lot in the "R" District, there shall be a minimum rear yard of eight (8) feet required adjacent to said lot line.

I. EXCEPTIONS.
See Section 12.

SECTION 11

M — INDUSTRIAL DISTRICT — REGULATIONS

In the "M" District, the following regulations shall apply, except as otherwise provided herein.

A. PRINCIPAL PERMITTED USES.
1. Uses permitted in the "C" District, provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them.
2. Any of the following uses:
Grain elevators, feed mixing and grinding.
Storage of junk or non-operable motor vehicles, but only within a painted-type fence or masonry wall not less than eight (8) feet in height.
Automobile assembly and major repair.
Creamery, bottling, ice manufacturing and cold storage plant.
Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products, except fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.
Manufacturing, compounding, assembling or treatment of articles of merchandise from previously prepared materials such as bone or cloth, cork, fibre, leather, paper, plastics, metals or stones, tobacco, wax, yarns, and wood.
Manufacture of musical instruments, novelties and moulded rubber products.
Manufacture or assembly of electrical appliances, instruments and devices.
Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
Laboratories—experimental, film or testing.
Manufacture and repair of electric signs, advertising structures, light sheet metal products, including heating and ventilating equipment.
Blacksmith, welding or other metal shop.
Foundry.
Bag, carpet and rug cleaning; provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
Enameling, lacquering or japanning.
Crematory—if located not less than two hundred (200) feet from the "R" District.
Concrete mixing plants, gravel, sand and concrete storage and sales, concrete products manufacture.
Sawmill, planing mill; including manufacture of wood products not involving chemical treatment. Building material sales yards, lumber yard, contractor's equipment storage yard or plant or rental of equipment commonly used by contractors and storage yards for vehicle of a delivery or draying service.
Inflammable liquids.
Truck terminal or yard, including repair.
Milk processing and canning factories.
Hatcheries of all kinds.
3. Any other use not otherwise prohibited by law; provided, however, that the following uses shall be permitted subject to approval by the Town Council after public hearing and after report and recommendation by the Zoning Commission:
Garbage offal or dead animal reduction or dumping.
Acid manufacture.
Cement, lime, gypsum, or plaster of paris manufacture.
Distillation of bones, coal, tar, petroleum, refuse, grain or wood.
Drilling for or removal of oil, gas, or other hydro-carbon substance.
Explosives manufacture or storage.
Fat rendering.
Fertilizer manufacture.
Gas manufacturer.
Glue manufacture.
Hog ranch.
Mineral extraction, including sand and gravel.
Petroleum or petroleum products refining.
Rubber goods manufacture.
Salvage yards, including auto wrecking and salvage, used parts sales and junk, iron or rags, storage or baling.
No portion of the front yard is to be used for the conduct of business in any manner whatsoever except for parking of customer or employee vehicles. Any premises on which such activities are carried on shall be wholly enclosed within a building or by a wooden, metal or masonry fence or wall not less than six (6) feet in height and so constructed that it completely obscures the view of the operations on the premises from surrounding streets or private property.
Smelting of ores.
Stockyard or slaughter of animals, except poultry or rabbits.
Tannery. Livestock buying stations.
Any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise or may impose hazard to health or property.

B. REQUIRED CONDITIONS.
1. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance shall be employed.
2. All principal buildings and all accessory buildings or structures, including loading and unloading facilities shall be located at least one hundred (100) feet from an "R" District boundary, except where adjoining a railroad right-of-way.

C. BUILDING HEIGHT LIMIT.
Three (3) stories but not more than fifty (50) feet.

D. MINIMUM LOT AREA.
No minimum.

E. MINIMUM LOT WIDTH.
No minimum.

F. MINIMUM FRONT YARD DEPTH.
Thirty (30) feet. When fronting on the right-of-way of major thoroughfare shown on the Official Major Thoroughfare Plan, the front yard shall be measured from the proposed right-of-way line.

G. MINIMUM SIDE YARD.
None required except adjacent to the "R" District, in which case, not less than one hundred (100) feet except where adjoining a railroad right-of-way.

H. MINIMUM REAR YARD DEPTH.
Forty (40) feet, unless the rear lot line adjoins a railroad right-of-way, in which case, none is required.

I. EXCEPTIONS.
See Section 12.

SECTION 12

EXCEPTIONS, MODIFICATIONS, INTERPRETATIONS AND SPECIAL PERMITS

A. STRUCTURES PERMITTED ABOVE HEIGHT LIMIT.
The building height limitations of this Ordinance shall be modified as follows:
1. Chimneys, cooling towers, fire towers, grain elevators

monuments, pent houses, stacks, stage towers or scenery lofts, tanks, silos, water towers, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted Ordinances.

2. Public, semi-public or public service buildings, hospitals, sanatoriums, or schools, when permitted in a district, may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one (1) foot, in addition to the minimum yard requirements for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is constructed.

B. DOUBLE FRONTAGE LOTS.
Buildings on double frontage lots extending through from street to street shall provide the required front yard on both streets.

C. REAR YARDS ADJACENT TO ALLEYS—HOW COMPUTED.
In computing the depth of a rear yard where the rear yard opens on an alley, one-half (½) of the alley width may be included as a portion of the rear yard.

D. OTHER EXCEPTIONS TO YARD REQUIREMENT.
Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for ordinary projections not to exceed twenty-four (24) inches including roof overhang.

E. SPECIAL PERMIT USES.
The Town Council may by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are otherwise prohibited by this Ordinance. Notice of time and place of hearing shall be given to all affected property owners at least ten (10) days in advance of hearing by placing notices in the United States mail.

1. Any public building erected and used by any department of the Town, Township, County, State or Federal Government for maintenance or storage.
2. Airport or landing field.
3. Homes for the aged, nursing homes, non-profit fraternal institutions provided they are used solely for fraternal purposes, and institutions of an educational, religious, philanthropic or charitable character, provided that the building shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height but not less than the yard requirements for the district in which located.
4. Mobile Home Parks, subject to the minimum development requirements as follows: (See Plate 2).
   (a) Park:
   Front yard (to be measured from all streets on which park abuts)—fifty (50) feet.
   Side yard—thirty-five (35) feet.
   Rear yard—thirty-five (35) feet.
   Area—two (2) acres.
   Drives—twenty-five (25) feet in width surfaced with asphaltic or Portland cement concrete.
   Sanitary facilities—connection with the municipal sewer system or adequate private sewage disposal facilities.
   (b) "Home" spaces:
   Space size—fifty (50) feet by eighty (80) feet.
   Space area—four thousand (4,000) sqare feet.
   Off-drive parking—one (1) parking space for each "home" space.
   Front yard—fifteen (15) feet.
   Rear yard—ten (10) feet.
   Side yard—five (5) feet.
5. Multiple dwellings, except in the "M" District, containing three (3) or more dwelling units provided the minimum lot area per dwelling unit shall be as follows:
With public sewer and water...4,000 sq. ft. per dwelling unit
With public water and septic tanks
.....6,000 sq. ft. per dwelling unit
With private well and septic tanks
.....10,000 sq. ft. per dwelling unit
6. Pre-schools.
7. Public cemetery.

Before issuance of any special permit for any of the above buildings or uses, the Town Council shall refer the proposed application to the Zoning Commission, which Commission shall be given forty-five (45) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action

and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or

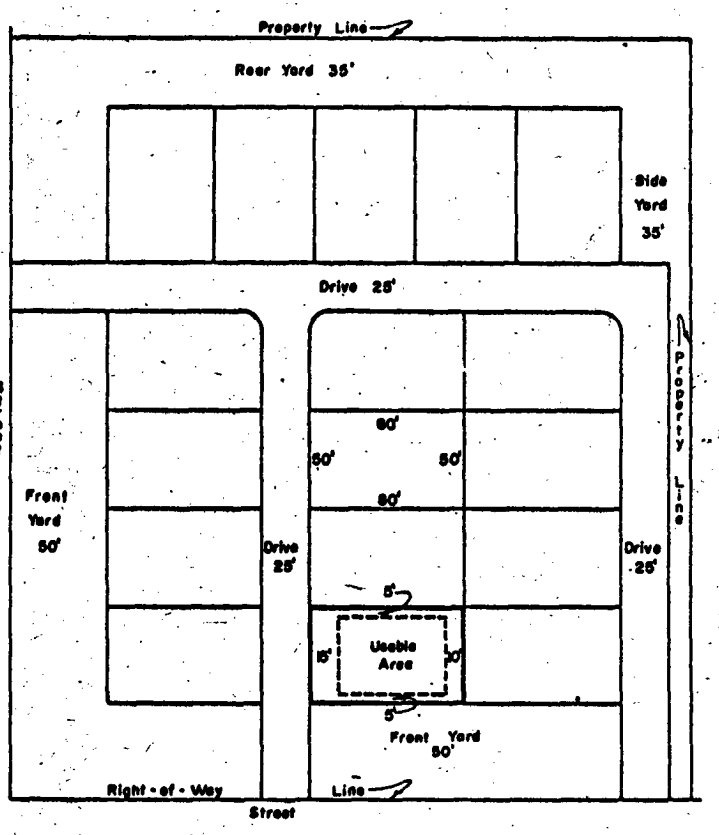


ILLUSTRATION OF MOBILE HOME PARK REQUIREMENTS - Plate 2

use above referred to until and unless the report of the Zoning Commission has been filed; provided, however, that if no report is received from the Zoning Commission within forty-five (45) days, it shall be assumed that approval of the application has been given by the said Commission.

SECTION 13

ADMINISTRATION AND ENFORCEMENT—BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

A. ADMINISTRATION AND ENFORCEMENT.
The provisions of this Ordinance shall be enforced and administered by the Zoning Administrator.
If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he 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 shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

B. BUILDING PERMITS REQUIRED.
Buildings or other structures shall not be erected, moved, added to, or structurally altered without a permit therefor, issued by the Zoning Administrator. Building permits shall be issued in conformance with the provisions of this Ordinance, or upon written order from the Board of Adjustment. Fees for building permits shall be as provided by Town Ordinance.

C. APPLICATION FOR BUILDING PERMIT.
All applications for building permits shall be accompanied by a plan showing the actual dimensions and shape of the lot to be built upon, and the location and dimensions of the existing or proposed building or alteration. The application shall include existing or proposed building or alteration; 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.

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 or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the administrative official stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

Certificates of zoning compliance shall be applied for coincidentally with the application for a building permit and shall be issued within ten (10) days after the lawful erection or alteration of the building is completed in conformity with the provisions of this Ordinance.

A temporary certificate of zoning compliance may be issued by the Administrative Official for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

The Administrative Official shall maintain a record of all certificates of zoning compliance and copies shall be furnished upon request to any person.

Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable under Section 19 of this Ordinance.

E. 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 a violation of this Ordinance and punishable as provided by Section 19 hereof.

SECTION 14
BOARD OF ADJUSTMENT—PROCEDURE, POWERS AND DUTIES

A. BOARD CREATED

A Board of Adjustment is hereby established which shall consist of five (5) members. The term of office of the members of the Board and the manner of their appointment shall be as provided by Section 414.8, 1962 Code of Iowa.

B. MEETINGS

Meetings of the Board 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 of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member on 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 be immediately filed in the Office of the Board and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum.

C. APPEALS

Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the Town of Earlham affected by any decision of the Administrative Officer. Such appeal shall be taken within ten (10) days by filing with the Administrative Officer and with the Board, a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer certifies to the Board after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the Administrative Officer and on due cause shown.

D. FEE FOR APPEAL

Five dollars ($5.00).

E. HEARINGS, NOTICE

The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

F. POWERS—ADMINISTRATIVE REVIEW

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Ordinance.

G. POWERS—SPECIAL EXCEPTIONS

To permit the following exceptions to the district regulations set forth in this Ordinance subject to the requirements of this section:

1. To permit erection and use of a building or the use of premises or vary the height and the regulations in any location for a public service corporation for public utility purposes or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.
2. To permit the extension of a use into a district where it would be otherwise prohibited in a case where a district boundary line is so located that a lot or plot is in more than one district.
3. To hear and decide only such other special exceptions as the Board is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted by the Board unless and until:
   (a) A written application for special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
   (b) Notice of Public Hearing shall be given in advance of Public Hearing. The owner of the property for which special exception is sought or his agent and and any other affected property owners shall be notified by mail. Notice of hearing may also be posted on the property for which special exception is sought.
   (c) The public hearing shall be held. Any party may appear in person, or by agent or attorney.
   (d) The Board shall make a finding that it is empowered under the Section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest. In granting any special exception, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable under Section 19 of this Ordinance. The Board may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set, shall void the special exception.

H. POWERS—VARIANCES

To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board unless and until:

1. A written application for a variance is submitted demonstrating:
   (a) that special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same district;
   (b) that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
   (c) that the special conditions and circumstances do not result from the actions of the applicant;
   (d) that granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.

No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

2. Notice of public hearing shall be given in advance of public hearing. The owner of the property for which the variance is sought or his agent and any other affected property owners shall be notified by mail.
3. The public hearing shall be held. Any party may appear in person or by agent or by attorney.
4. The Board shall make findings that the requirements of this Section have been met by the applicant for a variance.
5 The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance.
6. The Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board 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 19 of this Ordinance.

Under no circmstances shall the Board 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.

I. DECISIONS OF THE BOARD OF ADJUSTMENT

In exercising the above mentioned powers, the Board 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, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the Administrative Officer from whom the appeal is taken.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to affect any variation in the application of this Ordinance.

J. APPEALS FROM DECISION OF THE BOARD OF ADJUSTMENT

Any taxpayer, or any officer, department, board or bureau of the Town of Earlham or any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review.

SECTION 15
DUTIES OF ADMINISTRATIVE OFFICER, BOARD OF ADJUSTMENT, TOWN COUNCIL, AND COURTS ON MATTERS OF APPEAL

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Officer and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Administrative Officer, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law.

It is further the intent of this Ordinance that the duties of the Town Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The precedure for deciding such questions shall be as stated in this Section and this Ordinance. Under this Ordinance, the Town Council shall have only the duties of; (1) considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law; and, (2) considering applications for special permits for special uses as specified in Section 12 of this Ordinance; and, (3) considering applications for uses listed in the "M" Industrial District.

SECTION 16
CHANGES AND AMENDMENTS

The Town Council may on its own motion or on petition after Public Notice and Hearing as provided by law, and after report by the Town Zoning Commission, amend, supplement or change the boundaries or regulations herein or subsequently established. Any owner or owners of property may present a petition duly signed and verified, requesting an amendment, supplement, or change in the regulations prescribed for a district or part thereof. Such petition shall be signed by the owners of at least fifty (50) per cent of the area included in such proposed change and by the owners of fifty (50) per cent of the property within three hundred (300) feet therefrom, and said petition shall be filed with the Town Zoning Commission.

The Town Zoning Commission shall make a report to the Town Council within sixty (60) days from the date of receipt of such petition. In case the proposed amendment, supplement or change be disapproved by the Zoning Commission, or in case of a protest against any proposed amendment or change signed by the owners of twenty (20) per cent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending the depth of one (1) lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least three-fourths (¾) of all the members of the Council.

SECTION 17
COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrative Officer. He shall record properly such complaint, immediately investigate and take action thereon as provided by this Ordinance.

SECTION 18
SCHEDULE OF FEES

CERTIFICATE OF ZONING COMPLIANCE

New structure—$0.75 per $1,000.00, or any part thereof, valuation with a minimum of $1.00 for a building permit. The building permit fee shall include the Certificate of Zoning Compliance.

Change of Use

Residential Use	$2.50
Any use other than Residential	5.00

SECTION 19
ENFORCEMENT, VIOLATIONS AND PENALTIES

A. ENFORCEMENT

All departments, officials, and employees of the Town of Earlham who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure, or purpose if the same would not conform to the provisions of this Ordinance.

B. PENALTIES FOR VIOLATION

Violation of the provisions of this Ordinance, or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements, shall upon conviction thereof be fined not more than one hundred dollars ($100.00) or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

SECTION 20
REPEALER

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 21
SEPARABILITY CLAUSE

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 22
EFFECTIVE DATE

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

TOWN OF EARLHAM, IOWA

PROPOSED

SUBDIVISION ORDINANCE

NO. 137

AN ORDINANCE PROVIDING RULES AND REGULATIONS FOR THE APPROVAL OF PLATS, SUBDIVISIONS, AND RE-SUBDIVISIONS IN THE TOWN OF EARLHAM; PRESCRIBING MINIMUM STANDARDS FOR THE DESIGN, LAYOUT AND DEVELOPMENT THEREOF; PROVIDING FOR THE PRELIMINARY AND FINAL APPROVAL OR DISAPPROVAL THEREOF; PROVIDING FOR THE ENFORCEMENT AND PENALTIES FOR THE VIOLATION THEREOF; ALL FOR THE PURPOSE OF PROMOTING THE ADEQUACY, SAFETY, AND EFFICIENCY OF THE STREET AND ROAD SYSTEM: AND FOR THE PURPOSE OF IMPROVING THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS; AND REPEALING ALL OTHER ORDINANCES OR RESOLUTIONS IN CONFLICT HEREWITH.

BE IT ORDAINED by the Town Council of the Town of Earlham, Iowa;

SECTION 1
TITLE

These regulations shall be known as the "Subdivision Regulations of Earlham, Iowa."

SECTION 2
JURISDICTION

In accordance with the provisions of Chapters 373 and 409 of the 1962 Code of Iowa, as amended, this Ordinance is adopted by the Town of Earlham, Iowa, governing the subdivision of all lands within the corporate limits of the Town and within one (1) mile adjacent to said corporate limits.

SECTION 3
DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular; the word **shall** is mandatory, and the word **may** is permissive.

1. BLOCK:
   An area of land within a Subdivision that is entirely bounded by streets or highways, and/or the exterior boundaries of the the subdivision.
2. BUILDING LINE:
   Building lines shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by Ordinance. Such building lines shall not be less than required by the Zoning Ordinance. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.
3. COMMISSION:
   The Zoning Commission.
4. COUNCIL:
   The Town Council.
5. COLLECTOR STREETS:
   Those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
6. CUL-DE-SAC:
   A short, minor street, having one end open to motor traffic; the other end being permanently terminated by a vehicular turnaround.
7. EASEMENT:
   A grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
8. ENGINEER:
   An engineer is a registered engineer authorized to practice civil engineering, as defined by the registration act of the State of Iowa.
9. LOT:
   A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
10. MAJOR THOROUGHFARE:
    A street used primarily for fast, large volume traffic.
11. MARGINAL ACCESS STREET:
    A street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.
12. MINOR STREET:
    A street used primarily for access to the abutting properties.
13. PERFORMANCE BOND:
    A surety bond or cash deposit made out to the Town in an amount equal to the full cost of the improvements which are required by this Ordinance, said cost being estimated by the Town Engineer, and said surety bond or cash deposit being legally sufficient to secure to the Town that said improvements will be constructed in accordance with this Ordinance.
14. PLAT:
    A map, drawing or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends to record in final form.
15. ROADWAY:
    That portion of the street available for vehicular traffic and where curbs are laid, the portion from back to back of curbs.
16. SUBDIVISION:
    A Subdivision is the division of land into three (3) 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.
17. SURVEYOR:
    A registered surveyor authorized to practice surveying as defined by the registration act of the State of Iowa.

SECTION 4
PROCEDURE

A. Whenever the owner of any tract or parcel of land within the jurisdiction of this Ordinance wishes to subdivide or plat the same, he shall cause to be prepared a preliminary plat of said subdivision, and shall submit three (3) copies of said preliminary plat and other information to the Town Clerk. The preliminary plat shall contain such information and data as is outlined in Section 6 hereof.
   The Town Clerk shall immediately refer copies of the preliminary plat to the Zoning Commission and to the Town Engineer. The Town Engineer shall carefully examine said plat as to its compliance with the ordinances of the Town, the existing street system and good engineering practices, and shall, as soon as possible, submit his findings to the Zoning Commission.
   After receiving the Town Engineer's report, the Zoning Commission shall study the preliminary plat and other material for conformity thereof to these regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made by him. The Commission shall approve or reject such plan within forty-five (45) days after the date of submission thereof to the Commission. If the Commission does not act within forty-five (45) days, the preliminary plat shall be deemed to be approved, provided, however that the subdivider may agree to an extension of the time for a period not to exceed sixty (60) days. The approval of the preliminary plat by the Commission shall be null and void unless the final plat is presented to the Commission within one hundred eighty (180) days after date of approval.

B. Before approving a preliminary plat, the Commission may in its discretion, hold a Public Hearing on the proposed plat, notice of which shall be given by publication in a local newspaper of general distribution, or by posting notices on the tract, or by sending notices to affected property owners by mail. Such notice shall be given within seven (7) days prior to the Public Hearing.

SECTION 5
SUBDIVISION DESIGN STANDARDS

The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances; however, in the design and development of a plat, the subdivider should use standards consistent with the site conditions as to assure an economical, pleasant and durable neighborhood.

A. STREETS
   1. COMPREHENSIVE PLAN
      All proposed plats and subdivisions shall conform to the Comprehensive Plan.

2. CONTINUATION OF EXISTING STREETS.
Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but not less than fifty (50) feet in width, and in similar alignment, unless variations are recommended by the Commission.

3. CIRCULATION.
The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required.

4. STREET INTERSECTIONS.
Street intersections shall be as nearly at right angles as possible.

5. CUL-DE-SAC.
Whenever a cul-de-sac is permitted, such street shall be no no longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred (100) feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of fifty (50) feet. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than twenty-five (25) feet. A turnaround diameter greater than one hundred (100) feet may be required by the Commission in the case of commercial or industrial subdivisions if it is deemed necessary.

6. STREET NAMES.
All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.

7. PHYSICAL AND CULTURAL FEATURES.
In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.

8. HALF STREETS.
Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.

9. ALLEYS.
Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.

10. EASEMENTS.
Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the Town an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream. The width of such easement shall be not less than twenty (20) feet and the total width of the easement shall be adequate to provide for any necessary channel straightening or relocation.

11. NEIGHBORHOOD PLAN.
If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

12. LAND NOT PLATTED.
Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.

13. MAJOR THOROUGHFARES.
When a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, the street layout shall provide motor access to such frontage by one of the following means:
1. A parallel street supplying frontage for lots backing on to the trafficway.
2. A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing on to the highway.
3. An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.
4. A service drive or alley at the rear of the lots. Where any one of the above mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the trafficway.

14. DEDICATION.
A deed to the Town shall be given for all streets before the same will be accepted for Town maintenance.

15. RAILROADS.
If a railroad is involved, the subdivision plat should:
1. Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.
2. Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to back on to railroad; or form a buffer strip for park, commercial, or industrial use.
3. Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereon to.

16. STREET WIDTHS.
Streets shall have a width and cross-section as shown in the Comprehensive Plan for the type of street involved.

17. STREET GRADES.
Streets and alleys shall be completed to grades which have been officially determined or approved by the Town Engineer. All streets shall 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) per cent for main and secondary thoroughfares, or ten (10) per cent for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length equivalent to twenty (20) times the algebraic difference between the rates of grades, expressed in feet per hundred, or greater, if deemed necessary by the Town Engineer; for secondary and minor streets, fifteen (15) times. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the Town Engineer.

B. BLOCKS
1. No block shall be longer than one thousand three hundred and twenty (1,320) feet.
2. At street intersections, block corners shall be rounded with a radius of not less than fifteen (15) feet; where, at any one intersection a curve radius has been previously established, such radius shall be used as standard.

C. LOTS
1. Corner lots shall have a minimum width of seventy-five (75) feet in order to permit adequate building setbacks on both front and side streets.
2. Double frontage lots, other than corner lots, shall be prohibited except where such lots back on to a major street or highway or except in the case of large commercial or industrial lots.
3. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:
   (a) Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains, shall have a minimum width of one hundred (100) feet, measured at the building line, and an area of not less than twenty thousand (20,000) square feet.
   (b) Lots which are not within a reasonable distance of a public sanitary sewer system but are connected to a public water supply main shall have a minimum width of eighty (80) feet and an area of ten thousand (10,000) square feet.
4. Side lot lines shall be approximately at right angles to the street or radial to curved streets.

D. IMPROVEMENTS.
The Subdivider shall install and construct all improvements required by this Ordinance. All required improvements shall be installed and constructed in accordance with approved specifications and under the supervision of the Town Council and to its satisfaction.
1. PAVING.
Minimum paving required: Portland cement concrete—six (6) inch reinforced (3,000 p.s.i.), or seven (7) inch non-reinforced with six (6) inch integral curb; Asphaltic concrete—seven (7) inch with five (5) inch coarse graded binder course, and two (2) inch fine graded surface course with six (6) inch cement concrete curb integral with twenty-four (24) inch cement concrete gutter (30" overall); asphaltic concrete must be approved by the Town Engineer.

2. WATER.
Water mains shall have a minimum diameter of four (4) inches with larger sizes for feeder mains. Water mains shall be at least two (2) feet outside of the curb or traveled roadway on the high side of the street; with a minimum cover of forty-two (42) inches. Water lines shall be available to each lot.

3. SEWER.
Sanitary sewers shall be located in the center of the street and all house laterals shall be in before paving of the street. Sanitary sewers shall have a minimum diameter of eight (8) inches and be made available to each lot. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the Engineer preparing the plat. Such tests shall be in accordance with the State Board of Health.

4. STORM SEWERS.
Storm sewers shall have a minimum diameter of eighteen (18) inches and larger as the increase in drainage area demands. Storm sewers are to be located on the low side of the street well outside of the curb or traveled roadway line. Storm drainage facilities shall be provided, such as storm sewers and intakes and suitable permanent culverts or bridges of a size and design approved by the Town Engineer.

5. GAS.
Gas mains shall be laid on the opposite side of the street from the water mains and just outside of the curb or traveled roadway line.

6. UNDERGROUND CABLES.
Underground cables shall be laid either just outside of the property line or at the back lot line within the area of perpetual easement. Overhead line shall be placed at the back lot lines within the area of perpetual easement.

Before the Town Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Town Council. Before passage of said resolution of acceptance, the Town Engineer shall report that said improvements meet all Town specifications and Ordinances or other requirements and agreements between the Subdivider and the Town.

This requirement may be waived if the Subdivider will post a performance bond or certified check with the Town Council guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat; however, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the Town of any improvements to be constructed. Improvements will be accepted only after their construction has been completed and no public funds will be expended in the Subdivision until such improvements have been completed and accepted by the Town.

The Council may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of resubdivisions where only the size, shape and arrangement of the lots is being changed and no new streets are required and in cases of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the Subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

SECTION 6

PRELIMINARY PLAT—REQUIREMENTS

(See Plat Example in back of Ordinance)

The Preliminary Plat of a Subdivision is not intended to serve as a record plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The Subdivider or his representative may call at the office of the Commission in advance of the preliminary plat in order to discuss the proposed Subdivision and in order to obtain information as to the requirements necessary for approval of the plat.

A. NUMBER OF COPIES AND SCALE
Three (3) copies of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be 1" = 50' on small Subdivisions, and 1" = 100' on large Subdivisions unless otherwise approved by the Commission.

B. CONTENTS OF PRELIMINARY PLAT
1. Name of Subdivision, date, compass point, scale and official description and acreage of the property being platted.
2. Name and address of recorded owner and/or developer.
3. Name and address of Engineer or surveyor.
4. Existing buildings, railroads, underground utilities, other rights-of-way and easements.
5. Location, names and widths of all existing and proposed roads, alleys, streets and highways in or adjoining the area being subdivided.
6. Location and name(s) of adjoining Subdivision(s).
7. Proposed lot lines with approximate dimensions.
8. Areas dedicated for public use, such as schools, parks, playgrounds and streets.
9. Contour lines at intervals of not more than five (5) feet.
10. Building setback lines.
11. Boundaries of the proposed Subdivision shall be indicated by a heavy line.
12. Zoning classification of the area.
13. Proposed utility service.
(a) Source of water supply.
(b) Provision for sewage disposal, drainage and flood control.
14. A vicinity sketch at a legible scale showing the relationship of the Plat to its general surroundings.
15. Lot numbers.
16. Easements for public utility purposes.
17. Corner radii.

C. ACCOMPANYING MATERIAL
1. An abstractor's title together with an attorney's opinion, in duplicate, showing that the fee title to the Subdivision is in the owner as shown on the Plat and showing any encumbrances that may exist against said land.
2. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the Engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the Town Engineer.

SECTION 7

FINAL PLAT—REQUIREMENTS

(See Plat Example in back of Ordinance)

A. NUMBER OF COPIES AND SCALE
When and if the preliminary Plat is approved, the Subdivider shall submit six (6) copies of the Final Plat for review by the Commission. The scale of the map shall be 1" = 50' on small Subdivision, and 1" = 100' on large Subdivisions, unless otherwise approved by the Commission.

B. CONTENTS OF FINAL PLAT
1. Name of Subdivision.
2. Scale and compass point.
3. Corner radii.
4. Curve data including delta angle, length of arc, degree of curve, tangent.
5. Boundary of subdivided area in heavy line with accurate distances, bearings or boundary angles.
6. Exact name, location, width, lot designation of all streets within the Subdivision.
7. Easements for public utilities showing width and use intended.
8. Building setback lines with dimensions.
9. Official legal description and acreage of the property being subdivided.
10. Lot numbers and dimensions.
11. Certification of registered Engineer and/or land surveyor.
12. Description and location of all permanent monuments set in the Subdivision, including ties to original government corners.

C. ACCOMPANYING MATERIAL
1. Plans and profiles of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles shall be drawn with North oriented to the top or left side of the drawing.
2. Any protective covenants or restrictions to be imposed upon the Plat shall be submitted for approval.
3. A deed to the Town properly executed for all streets intended as public streets and for any other property intended for public use.
4. The following certificates:
(a) By the owner and his spouse, if any, that the Subdivision is with the free consent and is in accordance with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.
(b) Performance bond, if any.

D. RECORDING PLAT
1. There shall be three (3) copies stamped as approved by the Town Council.
(a) One (1) copy shall be retained for file by the Town Clerk.
(b) One (1) copy shall be filed with the County Recorder.
(c) One (1) copy with accompanying resolution by the Town Council approving and accepting the Plat shall be filed with the County Auditor. This copy must be accompanied by a certificate by the owner and spouse, if any, that the Subdivision is with the free consent and is in accordance with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.

SECTION 8

FEES

Before a Preliminary Plat may be considered by the Commission, the subdivider or his agent shall deposit with the Town Treasurer a fee of ten dollars ($10.00) to be credited to the general fund of the Town.

SECTION 9

VARIATIONS AND EXCEPTIONS

Whenever the tract proposed to be subdivided is of such unusual topography, size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the Town Council upon recommendation of the Commission may vary or modify such requirements so that the Subdivider is allowed to develop his property in a reasonable manner; but so, at the same time, the public welfare and interest of the Town and surrounding area is protected and the general intent and spirit of these regulations is preserved.

SECTION 10

ENFORCEMENT

A. No plat or any subdivision shall be recorded in the County Recorder's Office or have any validity until it has been approved in the manner prescribed herein.

B. The Town Council shall not permit any public improvements over which it has control to be made from Town funds or any Town money expended for improvements or maintenance on any street in any area that has been subdivided after the date of adoption of these regulations unless such Subdivision and streets have been approved in accordance with the provisions contained herein and accepted by the Town Council as a public street.

SECTION 11

CHANGES AND AMENDMENTS

Any provisions of these regulations may be changed and amended from time to time by the Town Council; provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a Public Hearing has been held, public notice of which shall be given in a newspaper of general circulation at least fifteen (15) days prior to such hearing.

SECTION 12

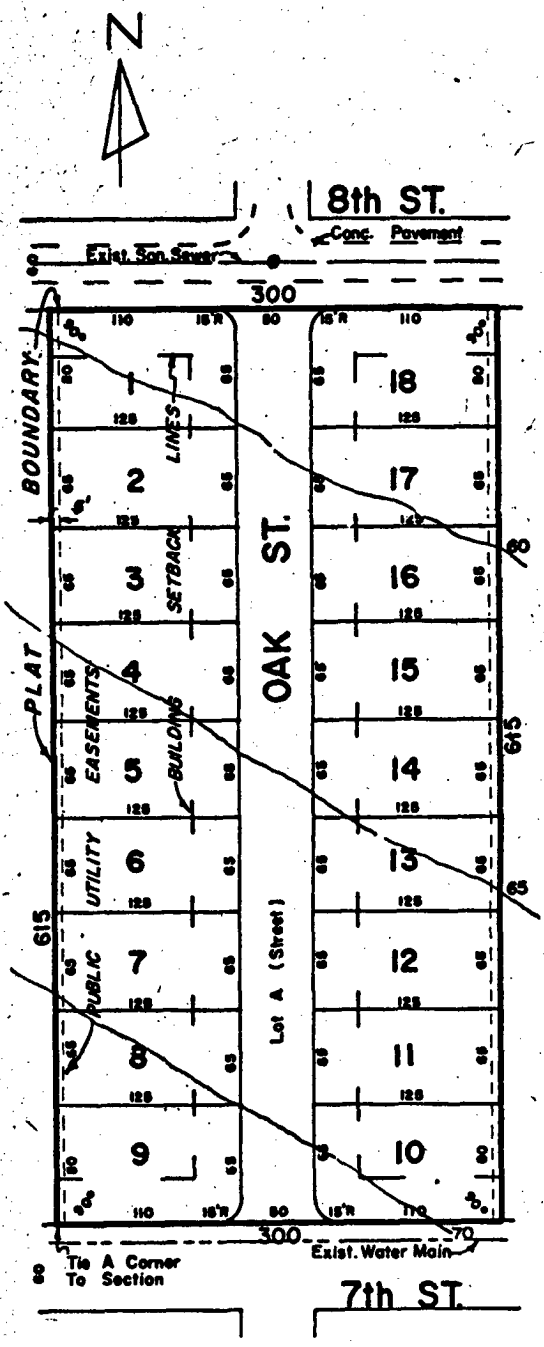
VALIDITY

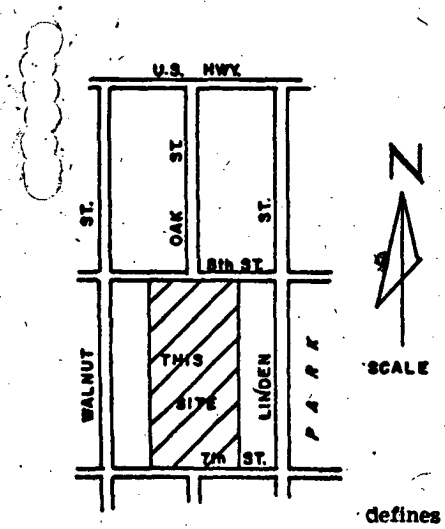
If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations.

SECTION 13

EFFECTIVE DATE

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





Plat Illustration

defines some of the requirements set forth in the text and on the Check List for both the Preliminary and Final Plats.

INFORMATION TO BE SHOWN ON PLATS

PRELIMINARY PLATS

Name and address of owner and/or developer
Name and address of engineer or surveyor
Existing buildings, paving, utilities
Adjoining acreage parcels—names of owners
Contour lines at proper interval
Zoning classification
Source of water supply
Sewage disposal provision
Vicinity sketch

PRELIMINARY AND FINAL PLATS

Plat boundary in heavy line
Adjoining subdivision(s) name(s)
Description of property and acreage
Names and widths of new streets
Lot lines with dimensions
Public dedications designated—streets, schools, etc.
Building setback lines
Name of plat, date, compass point, scale
Lot numbers
Easements for public utilities identified

FINAL PLATS

Curve data
Boundary distances, bearings, angles
Certification of engineer or surveyor
All dimensions
Location and ties of all monuments set

Checked by:_____ Date:_____

INFORMATION SHOWN ON PLAT	PRELIMINARY		FINAL	
	O.K.	Not O.K.	O.K.	Not O.K.
Name & address of owner and/or developer				
Name & address of engineer or surveyor				
Existing buildings, streets, utilities				
Adjoining acreage parcels—names of owners				
Contour lines at proper interval				
Zoning classification				
Proposed uitility service noted				
Source of water supply				
Sewage disposal provision				
Vicinity sketch				
Plat boundary in heavy line				
Adjoining subdivision(s) name(s)				
Description of property and acreage				
Names and widths of new streets				
Lot lines with dimensions				
Public dedications designated—streets, schools, etc.				
Building setback lines				
Name of plat, date, compass point, scale				
Lot numbers				
Easements for public utilities identified				
Curve data-angle, arc, tangent, degree of curve, radius				
Boundary distances, bearings, angles				
Certification and seal of engineer or surveyor				
All dimensions				
Location and ties of all monuments set				
Number of copies received				
ACCOMPANYING INFORMATION				
Attorney's opinion in duplicate submitted				
Filing fee paid				
Plan and profile drawings of new streets				
Protective covenants if applicable				
Deed to streets				
The following certificates:				
From County Treasurer on taxes				
From Clerk of District Court				
From County Recorder on title				