

**TO:** Planning and Zoning Commission  
**FROM:** Pam Kalstrup  
**DATE:** January 14, 2021

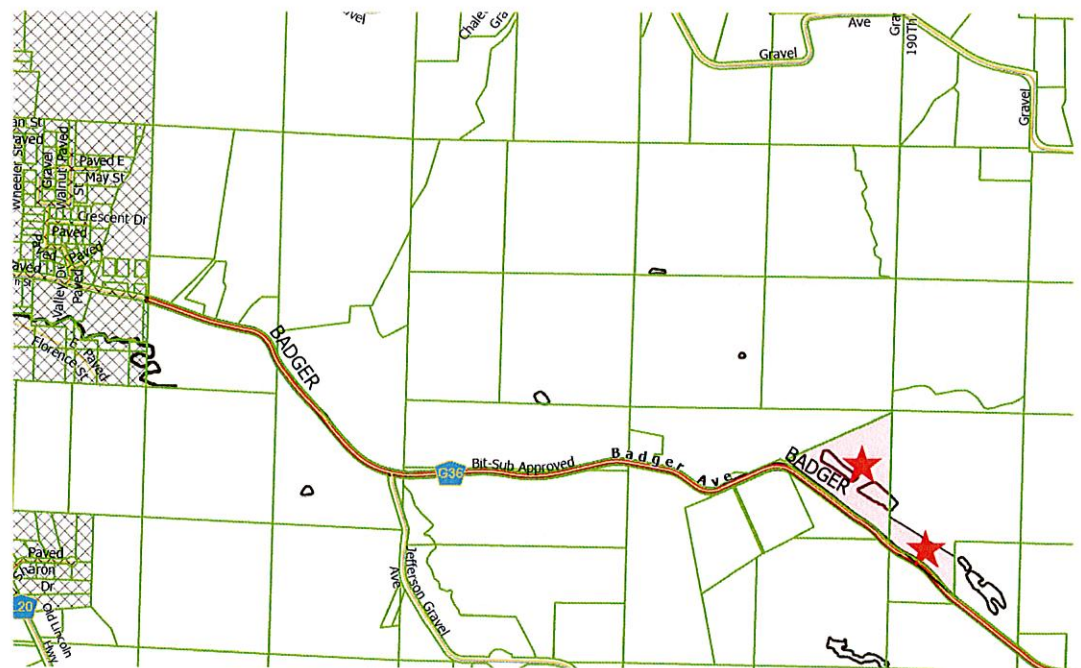
**RE:** Case #SUB-2021-04

**REQUEST:** Preliminary plat approval of Schmidt's Creek Phase 1 and Phase 2

**LOCATION:** Hazel Dell Township

**LEGAL DESCRIPTION:** Parcel 21267 NW SW NW N OF RD 29-76-43 and 30-76-43-NE NE N OF RD LT 2

The subject property is located approximately 1 ½ miles to the east of the city limits of Crescent on Badger Avenue.



**PROPERTY OWNER:** Blake – Rachael Schmidt

**SURVEYOR:** Husker Surveying LLC

**GENERAL INFORMATION:** The applicants have made this request in order to allow them to split their property into two minor subdivisions. Phase 1 will consist of 2 buildable lots - one that the property owners will build on and one that they will sell. Phase 2 will consist of 3 lots – all of which the property owners plan to sell as buildable lots. SEE ATTACHMENT 1.

**SITE REVIEW:** The parcels consist of 15.8 acres and 6.646 acres. There was an existing home on the property which has been demolished. The parcels are all currently undeveloped.



**AREA REVIEW:**

The subject property is located immediately adjacent to Badger Avenue, an Official Bituminous County Road. The current Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 710 vehicles per day.

The properties in the immediate area are a mixture of rural residential acreages, timber and agricultural ground.



**ZONING:**

The subject property is currently located in a Class A-4 (Loess Hills) District.

8.014.010 INTENT: The Class A-4 District is intended to preserve the unique natural and environment characteristics of the Loess Hills' rare soils and topographic region of western Pottawattamie County, Iowa and at the same time allow for appropriate types and scales of development. Primary uses of these lands has historically been grasslands with significant regions cultivated for farming, as well as many farm *dwelling*s and non-farm households adjacent or having access to hard surfaced street. (Ordinance #2015-05/12-18-2015)

Subsection 8.014.020.04 of the Pottawattamie County, Iowa, Code, lists "Platted minor subdivisions for single-family dwellings, when located on a hard surfaced street or an official bituminous road", as a permitted principal use in the Class A-4 District.

The minimum standards for the A-4 District with individual septic systems and municipal common water are as follows:

	<u>Minimum</u>
Lot Size	2.0 Acres
Lot Width	175'
Lot Depth	300'

It appears that the proposed lot sizes, lot widths and lot depths conform to the minimums.

**SUBDIVISION  
ORDINANCE:**

Subsection 9.01.065 states:

.01 A minor subdivision plat may be prepared for an existing parcel being divided into two lots where the tract of record has previously been divided into more than four (4) parcels if all of the following are met:

- A. Zoning requirements for minimum size and access can be met.
- B. Adjoins buildable platted property (not outlots) on rear and sides or property has double frontage.
- C. Existing parcel is more than four times the minimum parcel size in respective zoning district.
- D. Does not cause conflict with future access or development to subject parcel and/or adjacent parcels.

.03 *A minor subdivision plat may also be prepared for an existing parcel that lies within a Quarter - Quarter section that is divided by a public road. There shall be a maximum of four (4) parcels on both sides of said road.*

**SEWAGE  
DISPOSAL:**

Where an adequate public or common sanitary sewer system is not reasonably accessible or not required, onsite wastewater treatment and disposal systems may be used for the purpose of providing a private means of sewage disposal for each lot in the subdivision.

- A. The developer shall submit, with the preliminary plat, acceptable evidence of the suitability of the soil for onsite wastewater treatment and disposal systems on the site. The developer may be required to make one (1) or more soil boring tests and/or preliminary percolation tests within the boundaries of the subdivision if the evidence is deemed unacceptable by the County Board. Each test hole shall be numbered and its location and results shown on the final construction plans. All tests shall be

performed in accordance with the Pottawattamie County, Iowa, Onsite Wastewater Treatment and Disposal System Ordinance.

- B. Lots where onsite wastewater treatment and disposal systems are proposed shall provide adequate space for two (2) such systems. The area dedicated for the second system is provided as a back up when the first system fails.
- C. Onsite wastewater treatment and disposal systems, if approved, may be installed at the expense of the developer, or at the expense of a subsequent lot owner at the time development of the lot takes place.

It is the applicant's intent to serve the lots with onsite wastewater treatment and disposal systems.



November 24, 2021

Pottawattamie County Planning & Development  
223 S 6th St #4  
Council Bluffs, IA 51501

RE: Schmidt Property-Mini Subdivision Development

To Whom It May Concern:

Larson Backhoe Service is a licensed septic system installer within the State of Iowa. We have reviewed and studied the proposed lots on the Schmidt Property located at or near 19012 Badger Avenue, Crescent, Iowa. It has been determined that all proposed lots are suitable to meet the State of Iowa requirements regarding septic system placements.

Thank You,

*Larry Larson*  
*Glen Vanderpool*

Larry Larson and Glen Vanderpool  
Larson Backhoe Service

**WATER SUPPLY:** It is the applicants' intent that the new building lots will be serviced by wells.

Weilage Well Drilling  
50756 Brehard Avenue  
Council Bluffs, Iowa 51503  
(712) 398-1379 -shop  
(712) 360-3537 -cell

Water well evaluation for a subdivision

The property in the area of 19012 Badger Ave. west of Crescent Ia, has been evaluated for the purpose of future development requiring residential water wells installed by an Iowa licensed contractor. To the best of my knowledge after looking at aerial photos of the area I believe there to be an adequate water supply available for the proposed subdivision.

Daryl Weilage  
Weilage Well Drilling  
50756 Brehard Ave  
Council Bluffs Ia 51503  
Ia certified well contractor # 5747

*Daryl Weilage*

**COVENANTS:** The applicant's proposed covenants are shown in Attachment #2.

**OTHER AGENICES COMMENTS:** A copy of the preliminary plat has been forwarded to the following agencies.

Pottawattamie County Engineer (no comment received)  
Crescent School District (no comment received)  
Crescent Fire Department (no comment received)  
Pottawattamie County Sheriff (no comment)

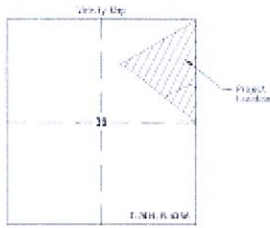
**EXTERIOR ROAD:** The proposed building lots will have direct shared access onto Badger Ave. Entrance permits have been secured with the Secondary Roads Department. The County Subdivision regulations require that all subdivisions be in areas in which the property lies immediately adjacent to and has access to a hardsurfaced street. This proposed subdivision, as previously noted, meets this requirement. The Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 710 vehicles per day.

**LAND USE PLAN:** In 2015 the County Comprehensive Plan 2030 was adopted. That Plan designates the Future Land Use of the subject property as Loess Hills.

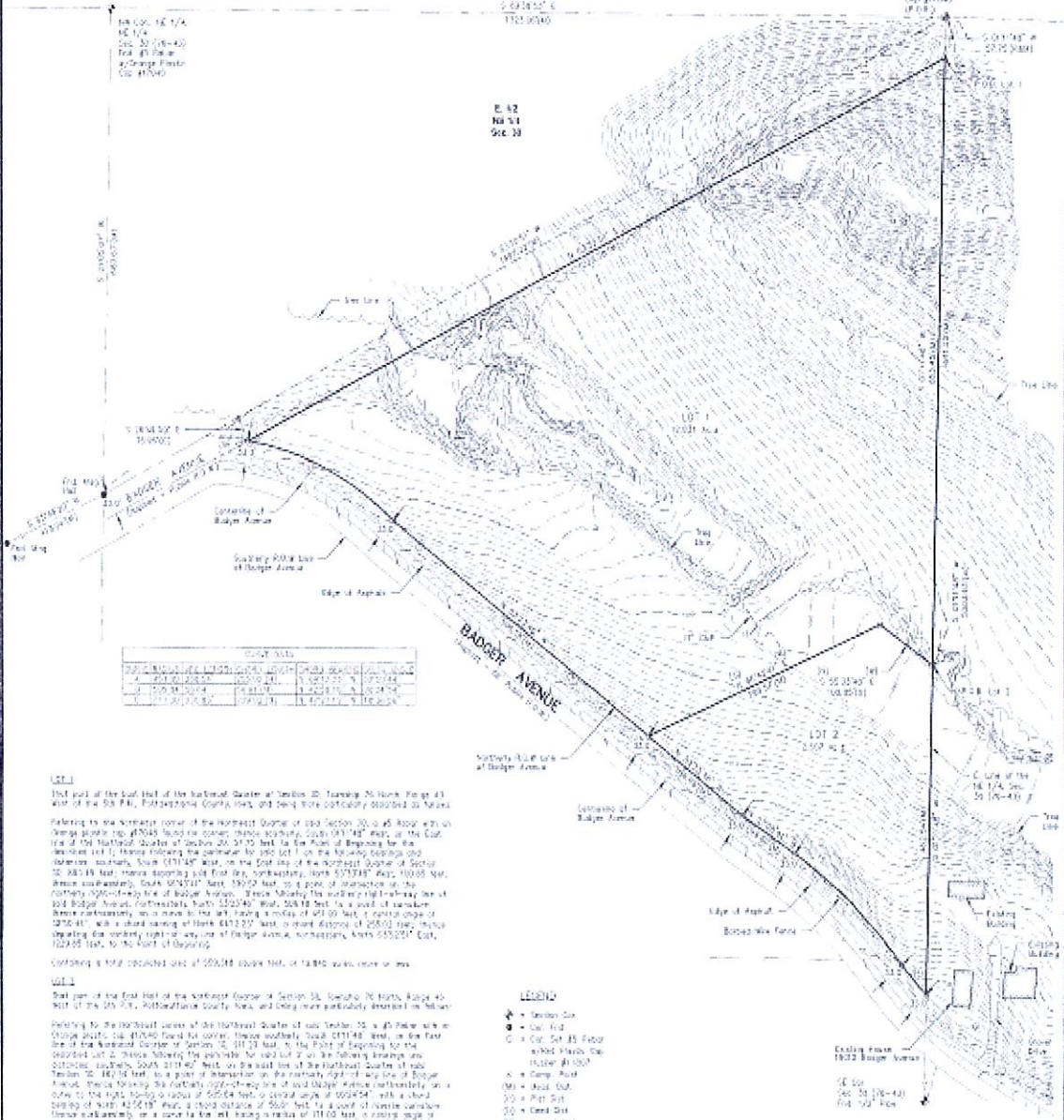
**FLOOD HAZARD:** The Flood Insurance Study prepared by the Federal Emergency Management Agency for the County designates in the Flood Insurance Rate Maps that the majority of the property as being in a Zone X-Areas of minimum flooding.

# # SUB-2021-04 Attachment 1

## PRELIMINARY PLAT OF SCHMIDT'S CREEK PHASE 1



INDEX LEGEND	
Date of Survey	January 4, 2021
Surveyor	Jason M. Moore
County	Montgomery
Section	30 Twp 10N, Rng 12E
Approx. Acreage	Plan of the NE 1/4, NE 1/4, Section 30, T10N, R12E
Project Description	
Tax #	433416
Proprietor(s)	
Requested By	



COURT DATA			
SECTION	TOWNSHIP	RANGE	COUNTY
30	10N	12E	MONTEGOMERY
4	10N	12E	MONTEGOMERY
5	10N	12E	MONTEGOMERY
6	10N	12E	MONTEGOMERY

**LOT 1**  
East part of the East half of the Northeast Quarter of Section 30, Township 10 North, Range 12 East of the 5th P.M., Montgomery County, Ohio, and being more particularly described as follows:  
Referring to the northeast corner of the Northeast Quarter of said Section 30, said corner with an orange pipe cap #7045 found in corner three corners, South 01°14'48" West, at the East line of the Northeast Quarter of Section 30, 347.70 feet to the Point of Beginning for this boundary and thence following the perimeter by 100 feet to the North-south boundary line between sections, South 01°14'48" West, on the East line of the Northeast Quarter of Section 30, 283.18 feet, thence following said East line, Northwesterly, North 57°33'48" West, 100.00 feet, thence southeasterly, South 88°01'45" West, 190.00 feet to a point of intersection on the northerly right-of-way line of Budget Avenue, thence following the southerly right-of-way line of said Budget Avenue, Northwesterly, North 55°23'40" West, 208.12 feet to a point of intersection. Thence northeasterly, on a course in a line with the east line of said lot 1, on the bearing and distance of 2°16'41", with a chord bearing of North 68°12'27" West, a chord distance of 255.02 feet, thence following the southerly right-of-way line of Budget Avenue, Northwesterly, North 55°23'41" East, 122.85 feet, to the Point of Beginning.  
Containing a total enclosed area of 222,218 square feet, or 5.0845 acres, more or less.

**LOT 2**  
East part of the East half of the Northeast Quarter of Section 30, Township 10 North, Range 12 East of the 5th P.M., Montgomery County, Ohio, and being more particularly described as follows:  
Referring to the northeast corner of the Northeast Quarter of said Section 30, said corner with an orange pipe cap #7045 found in corner three corners, South 01°14'48" West, at the East line of the Northeast Quarter of Section 30, 347.70 feet, to the Point of Beginning for this boundary and thence following the perimeter for said lot 2 on the following bearings and distances: North 01°14'48" West, on the East line of the Northeast Quarter of said Section 30, 142.54 feet to a point of intersection on the northerly right-of-way line of Budget Avenue, thence following the northerly right-of-way line of said Budget Avenue, Northwesterly, on a course to the right, bearing a radius of 620.64 feet, to central angle of 00°04'41", with a chord bearing of North 42°52'18" West, a chord distance of 560.00 feet to a point of intersection between boundaries, or a course to the left, bearing a radius of 111.00 feet, a central angle of 00°00'00", with a chord bearing of North 42°52'18" West, a chord distance of 560.00 feet, thence following the southerly right-of-way line of Budget Avenue, Northwesterly, North 57°33'48" West, 166.66 feet, thence following the southerly right-of-way line of Budget Avenue, Northwesterly, North 55°23'41" East, 100.00 feet, to the Point of Beginning.  
Containing a total enclosed area of 112,272 square feet, or 2.5423 acres, more or less.

- LEGEND**
- ▲ Station Core
  - Core Post
  - Core 5th 85 Foot and 100 Foot Core (Under #1100)
  - ✕ Camp Post
  - M) Metal Out
  - ) Post Out
  - ) Level Out
  - ) Level Out
  - ) Camp Post
  - ) Power Pole
  - ) Log Pole
  - ) Concrete Federal
  - ) Well
  - ) Banked Wire Fence

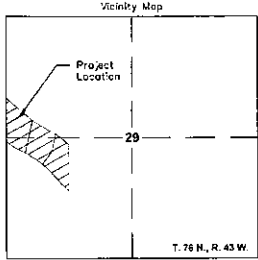


I, the undersigned, being a duly licensed and sworn Surveyor of the State of Ohio, do hereby certify that the foregoing is a true and correct copy of the original filed with me on this date.  
*Jason M. Moore* 1-5-2021  
Surveyor  
10322  
My commission expires on 12-31-2024  
Notary Public for the State of Ohio

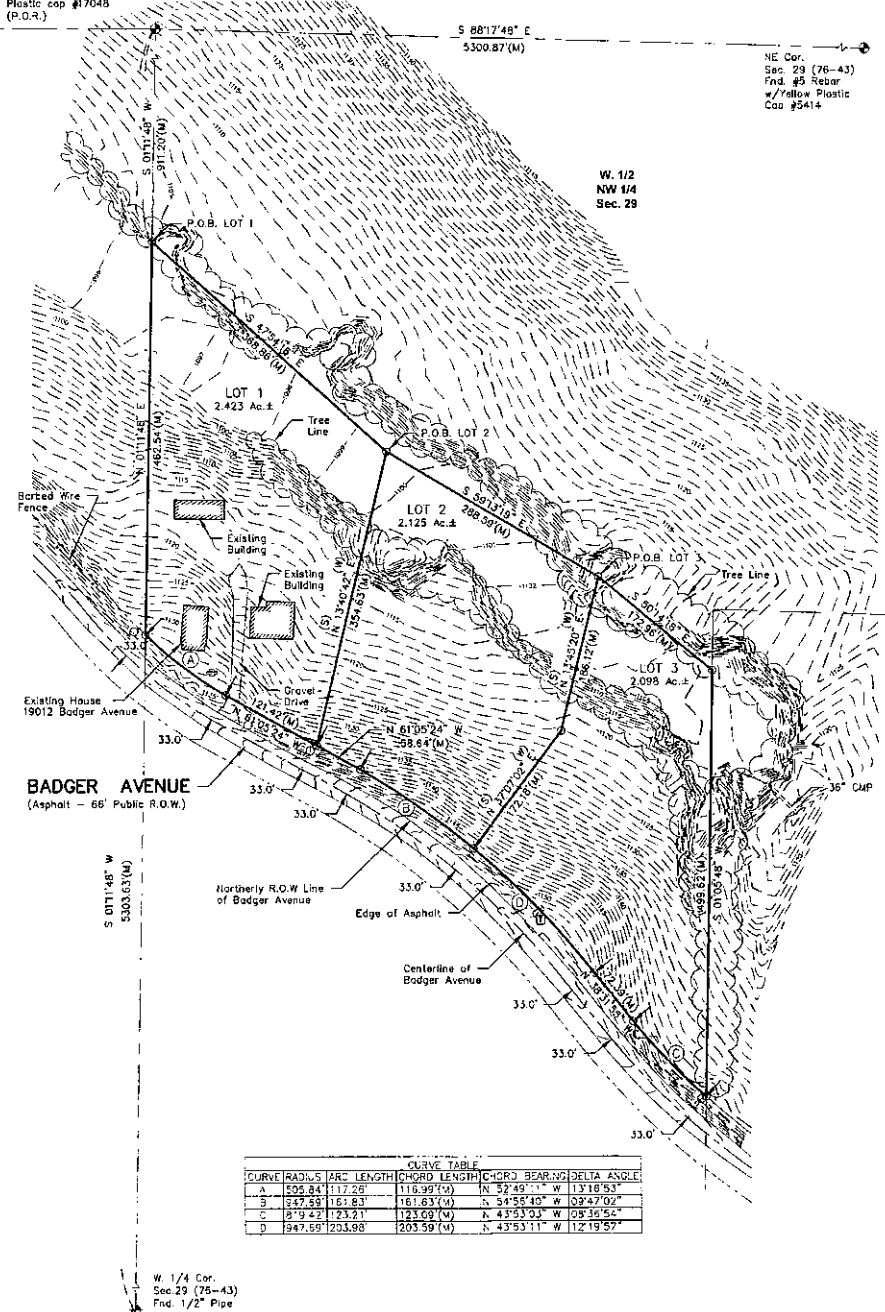


PRELIMINARY PLAT OF  
SCHMIDT'S CREEK PHASE 2

INDEX LEGEND	
Date of Survey:	January 4, 2021
Surveyor:	Jayne M. Malone
County:	Pottawattamie
Section:	29 Township: 76N Range: 43W
Aliquot Parts:	Parcel 21267 being a Part of the NW 1/4, NW 1/4, Section 29, T76N, R43W
Parcel Designations:	
Tax Address:	
Proprietor(s):	
Requested By:	



NW Cor. NW 1/4  
Sec. 29 (76-43)  
Fnd. #5 Rebar w/Orange  
Plastic cap #17048  
(P.O.R.)



**LOT 1**  
That part of the West Half of the Northwest Quarter of Section 29, Township 76 North, Range 43 West of the 5th P.M., Pottawattamie County, Iowa, and being more particularly described as follows:

Referring to the Northwest corner of the Northwest Quarter of said Section 29, a #5 Rebar with an Orange plastic cap #17048 found for corner; thence southerly, South 01°11'48" West, on the West line of the Northwest Quarter of Section 29, 911.20 feet, to the Point of Beginning for the described Lot 1; thence following the perimeter for said Lot 1 on the following bearings and distances: southeasterly, South 47°54'16" East, 368.86 feet; thence southerly, South 13°40'42" West, 354.63 feet, to a point of intersection on the northerly right-of-way line of Badger Avenue; thence following the northerly right-of-way line of said Badger Avenue, northwesterly, North 61°05'24" West, 121.42 feet, to a point of curvature; thence on a curve to the right, having a radius of 505.84 feet, a central angle of 131°53', with a chord bearing of North 52°49'11" West, a chord distance of 116.99 feet, to a point of intersection on the West line of the Northwest Quarter of Section 29; thence departing the northerly right-of-way line of Badger Avenue, northerly, North 01°11'48" East, on the West line of the Northwest Quarter of said Section 29, 462.54 feet, to the Point of Beginning.

Containing a total calculated area of 105,565 square feet, or 2.423 acres, more or less.

**LOT 2**  
That part of the West Half of the Northwest Quarter of Section 29, Township 76 North, Range 43 West of the 5th P.M., Pottawattamie County, Iowa, and being more particularly described as follows:

Referring to the Northwest corner of the Northwest Quarter of said Section 29, a #5 Rebar with an Orange plastic cap #17048 found for corner; thence southerly, South 01°11'48" West, on the West line of the Northwest Quarter of Section 29, 911.20 feet, thence departing said West line, southeasterly, South 47°54'16" East, 368.86 feet, to the Point of Beginning for the described Lot 2; thence following the perimeter for said Lot 2 on the following bearings and distances: southeasterly, South 59°13'19" East, 288.59 feet; thence southerly, South 13°45'20" West, 188.12 feet; thence southeasterly, South 37°07'02" West, 172.18 feet, to a point of intersection on the northerly right-of-way line of Badger Avenue; thence following the northerly right-of-way line of said Badger Avenue, northwesterly, on a curve to the left, having a radius of 947.69 feet, a central angle of 09°47'02", with a chord bearing of North 04°56'10" West, a chord distance of 161.63 feet; thence, northwesterly, North 61°05'24" West, 68.64 feet; thence departing the northerly right-of-way line of Badger Avenue, northerly, North 13°40'42" East, 354.63 feet, to the Point of Beginning.

Containing a total calculated area of 92,568 square feet, or 2.125 acres, more or less.

**LOT 3**  
That part of the West Half of the Northwest Quarter of Section 29, Township 76 North, Range 43 West of the 5th P.M., Pottawattamie County, Iowa, and being more particularly described as follows:

Referring to the Northwest corner of the Northwest Quarter of said Section 29, a #5 Rebar with an Orange plastic cap #17048 found for corner; thence southerly, South 01°11'48" West, on the West line of the Northwest Quarter of Section 29, 911.20 feet; thence departing said West line, southeasterly, South 47°54'16" East, 368.86 feet; thence southeasterly, South 59°13'19" East, 288.59 feet, to the Point of Beginning for the described Lot 3; thence following the perimeter for said Lot 3 on the following bearings and distances: southeasterly, South 50°47'18" East, 172.98 feet; thence southerly, South 01°02'48" West, 499.82 feet, to a point of intersection on the northerly right-of-way line of Badger Avenue; thence following the northerly right-of-way line of said Badger Avenue, northwesterly, on a curve to the right, having a radius of 819.42 feet, a central angle of 08°35'54", with a chord bearing of North 43°53'03" West, a chord distance of 123.09 feet; thence northwesterly, North 38°31'55" West, 72.39 feet, to a point of curvature; thence on a curve to the left, having a radius of 947.69 feet, a central angle of 12°19'57", with a chord bearing of North 43°53'11" West, a chord distance of 203.59 feet; thence departing the northerly right-of-way line of Badger Avenue, northeasterly, North 37°07'02" East, 172.18 feet; thence northerly, North 13°45'20" East, 186.12 feet, to the Point of Beginning.

Containing a total calculated area of 91,382 square feet, or 2.098 acres, more or less.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
A	505.84	117.26'	116.99'	N 52°49'11" W	131°53'
B	947.69	161.83'	161.63'	N 54°56'10" W	09°47'02"
C	819.42	123.21'	123.09'	N 43°53'03" W	08°35'54"
D	947.69	203.58'	203.59'	N 43°53'11" W	12°19'57"

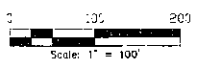
- LEGEND**
- ◆ = Section Cor.
  - = Cor. End
  - = Cor. Set #5 Rebar w/Red Plastic Cap Husker #11807
  - (M) = Meas. Dist.
  - (P) = Plat. Dist.
  - (D) = Deed Dist.
  - (R) = Record Dist.
  - = Power Pole
  - = City Wire
  - = Telephone Pedestal
  - ⊗ = Well
  - = Barbed Wire Fence



I hereby certify that the land surveying information was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

*Jayne M. Malone* (Signature) 1-5-2022 (Date)

Jayne M. Malone  
License Number 11807  
My license renewal date is December 31, 2023  
Pages or sheets covered by this final "Sheet" of 4



Case # SUB-2021-04  
Attachment 2

Preparer: Rachael Schmidt, 4421 North 174th Ave, Omaha, NE 68116, Phone: (402) 750-2128  
Return to: Rachael Schmidt, 4421 North 174th Ave, Omaha, NE 68116

**DECLARATION OF RESTRICTIONS AND COVENANTS  
SCHMIDT'S CREEK SUBDIVISION**

WHEREAS, Blake Schmidt and Rachael Schmidt, husband and wife (hereinafter referred to as the "Developer"), is the owner of Lot 2, Phase 1, Schmidt's Creek Subdivision to the Town of Crescent, Pottawattamie County, Iowa, and Lots 1, 2, and 3, Phase 2, Schmidt's Creek Subdivision to the Town of Crescent, Pottawattamie County, Iowa (hereinafter collectively referred to as the "Property"); and

WHEREAS, the Developer desires to establish a uniform plan for the residential development of the Property.

NOW, THEREFORE, the Developer does hereby create, establish, and adopt the following covenants and restrictions against and upon the Property, which shall run with the Property and shall be binding upon all parties having or acquiring any right, title, or interest in the Property or any part thereof:

1. DEFINITIONS:

- (A) The term "City" shall be deemed to mean the City of Crescent, Pottawattamie County, Iowa.
- (B) The term "Lot" or "Lots" shall be deemed to mean all single-family Lots now or hereafter located on the Property, which are shown on any Final Plat of all or any portion of the Property; provided that said Final Plat has been filed in the office of the Recorder of Pottawattamie County, Iowa.
- (C) The term "Lot Owner" shall be deemed to mean the owner or owners of record of any Lot.
- (D) The term "Developer" shall be deemed to mean Blake and Rachael Schmidt.
- (E) The term "Property" shall be deemed to mean Lot 2, Phase 1, Schmidt's Creek Subdivision to the Town of Crescent, Pottawattamie County, Iowa, and Lots 1, 2, and 3, Phase 2, Schmidt's Creek Subdivision to the Town of Crescent, Pottawattamie County, Iowa. Lot 1, Phase 1, Schmidt's Creek Subdivision to the Town of Crescent, Pottawattamie County, Iowa is intentionally excluded from the restrictions and covenants provided for herein.



**2. PROPERTY AND ROADS:**

- (A) The Property which is, and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in the Town of Crescent, Pottawattamie County, Iowa and is more particularly described in Paragraph 1(E) above.
  - (B) No additional driveways can be created in order to comply with Pottawattamie County regulations.
3. No Lot or any dwelling hereafter placed or constructed on any Lot shall be used other than for single-family residential purposes. No more than one outbuilding may be constructed on any single Lot, excluding the residence, and shall be constructed of compatible and similar materials and design as the residence. The design and size of all buildings constructed upon a Lot must be approved by the Developer in accordance with below for the construction of the initial dwelling on the Lot. In addition, any dwelling or outbuilding must be constructed in conformance with the City's Municipal Code including, but not limited to, its zoning, subdivision, and building regulations.

All buildings or structures erected upon the Lot shall be of new construction, built upon a slab and constructed to equivalent standards and of a like method to the residence on said Lot. No buildings of any type, accessory structures or structures of any type shall be moved from other locations onto the Lot. No structures of a temporary character, house trailer, trailer, mobile home, modular home, tent, shack, garage, barn, or other outbuildings shall at any time be used as a residence, temporarily or permanently.

4. No Lot, nor any building erected thereon shall at any time be used for the purpose of any trade, business, manufacturing, or for public amusements, excluding home based businesses approved by the Town of Crescent. No noxious or offensive activity shall be carried on upon any Lot nor shall anything be done thereon which may be or become an annoyance or a nuisance to the subdivision.
5. The Lot Owner shall commence construction of a residence on its Lot within twenty-four (24) months from closing on the purchase of the Lot by the original Lot Owner from the Developer. The residence constructed on the Lot shall be completed within twelve (12) months after the commencement of construction. The period of twenty-four (24) months within which construction must be commenced shall be binding upon subsequent purchasers of any Lot and shall run from the initial conveyance from the Developer to a Lot Owner and shall not be extended without the written consent of Developer, which Developer may choose to extend at its complete and absolute discretion. In the event the Lot Owner does not commence construction of a residence on a Lot within twenty-four (24) months from the closing on the purchase of the Lot by the original Lot Owner from the Developer, then Developer shall have the right, at its option, to repurchase the Lot from the Lot Owner (including any subsequent Lot Owner acquiring the Lot from the original Lot Owner) for the price the original Lot Owner paid to Developer for the original purchase, less ten percent (10%) of the total original purchase price. Developer may exercise this option at any time after the expiration of twenty-four (24) months from the date of the initial conveyance of title from the Developer, so long as construction has

not been commenced. Additionally, Developer shall have the first right of refusal to purchase any Lot if the Lot Owner desires to sell such Lot within twenty-four (24) months following the initial conveyance from Developer to a Lot Owner. During this period, Lot Owner shall give Developer immediate written notice of any accepted offer to purchase the Lot, and Developer shall have thirty (30) days after the date of the notice to exercise its first right of refusal hereunder, by tendering its offer to purchase to Lot Owner on substantially the same terms and conditions of the prior accepted offer. If Developer does not exercise this first right of refusal to purchase within the thirty (30) day period, this right shall terminate, and Lot Owner may proceed to sell the Lot pursuant to the prior accepted offer. All options and first rights of refusal hereunder shall terminate upon completion of construction of the residence on the Lot.

6. The Developer reserves to itself and its assigns, the exclusive right to establish all grades and slopes upon all Lots and to fix the grade at which any dwelling shall be placed or constructed upon any Lot in conformity with the general plan for the development of the Property, and the City's Municipal Code including, but not limited to, its zoning, subdivision, and building regulations. Once such grades, slopes, and/or contours have been established by the Developer, they shall not be changed in connection with the construction of any building or other improvement on a Lot without written permission from the Developer, but in no event will any such lot be graded or sloped so as to change the flow of surface waters to or from adjoining Lots. Notwithstanding the foregoing, any dwelling placed or constructed upon a Lot by a Lot Owner shall comply with the "Lowest Allowable Building Opening Elevation" set forth on the Final Plat approving such Lot and shall be constructed in conformance with the City's Municipal Code including, but not limited to, its zoning, subdivision, and building regulations. All rights under this paragraph shall be binding upon subsequent purchasers of the Lot and shall run from the initial conveyance from the Developer.

## 7. MAINTENANCE AND REPAIR RESPONSIBILITIES

- (A) Each Lot Owner shall be responsible for implementing and maintaining adequate erosion control measures on its Lot. The adequacy of erosion control measures on a Lot shall be subject to continual review during constructions and until all sod has been established on the Lot. Each Lot Owner shall be responsible for the enforcement and monitoring of these obligations for all contractors and suppliers performing work upon its Lot. Developer shall have the right to require any Lot Owner to maintain silt fences, straw bales, or other additional measures if soil is observed to be eroding onto abutting Lots, sidewalk, or into any street or storm sewer swale. In the event any Lot Owner fails or refuses to perform any required implementation or maintenance of erosion control measures, the Developer after twenty-four (24) hours' notice to the Lot Owner in default, may perform the required work or maintenance. The actual cost of performing the work or maintenance, together with a ten percent (10%) administrative fee, shall be the personal obligation of the Lot Owner who is or was the Lot Owner failing to perform its obligations, shall bear interest at the rate of fourteen percent (14%) per annum, shall be a lien upon the Lot assessed, and the Developer incurring

such cost shall be entitled to file a lien with the office of the Recorder of Pottawattamie County, Iowa regarding the same until such costs are fully paid by the Lot Owner.

(B) Each Owner of a Lot shall be responsible for all interior and exterior maintenance, painting, repair and upkeep on such Owner's Lot and the improvements thereon. Each Owner shall also be responsible for the upkeep and maintenance of the individual yard, landscaping, driveways, and for maintaining all side and rear yard swales.

(C) No fence shall be allowed in the front yard of any Lot. If an approved fence is located on a property line between two Lots, it shall be maintained and repaired jointly by the Owners of both Lots. There shall be an access gate upon each of said approved fences for the purpose of allowing utility personnel and other public employee's access to the Lots in the performance of their respective public duties.

8. ARCHITECTURAL CONTROL - The following general standards of initial development shall guide the Developer in the review of any plans for dwelling structures submitted for approval. These standards shall not be relied upon, interpreted, or applied as absolute requirements for plan approvals.

Plans for the initial dwelling to be placed or constructed upon any Lot shall show the size, exterior material and exterior color, design, and plot plan for the building. One set of such plans shall be left on permanent file with the Developer. The construction of the initial dwelling or other structure on any Lot shall not be commenced unless and until written approval of the plans for the building has first been obtained from the Developer. Written approval or disapproval of such plans shall be given by the Developer within thirty (30) days from and after the receipt thereof. Approval of such plans shall not be unreasonably withheld. In the event of the disapproval of such plans, a written statement of the grounds for such disapproval shall be given. The Developer, however, reserves to itself and its assigns the exclusive right to approve or disapprove any such plans, if in its sole opinion either the size, material, or exterior plan do not conform to the general design standard, and overall development characteristics of the Property.

However, notwithstanding the foregoing, the Developer's ability to allow for the reduction to the "Minimum Floor Area" set forth below shall not exceed ten percent (10%) of the "Minimum Floor Area" set forth below.

- (A) Minimum Floor Area. The minimum floor area for any dwelling exclusive of basements, garages, porches, patios, decks, or enclosed decks shall be as follows:
- a. Single Story Ranch Style: 1,500 sq. ft.
  - b. Two Story or Story and 1/2: 2,000 sq. ft.

- (B) Exterior Finish.

- a. Approval. The exterior finish materials and colors shall be approved by the Developer.
- b. Front Elevation. The front elevation shall be covered with at least 20% brick, stone, stucco or board and batten siding. There shall be no exposed foundation on the front elevation of any dwelling.
- c. Exposed Foundation. Exposed foundation walls other than the front elevation shall not exceed 24 inches and shall be painted or sided to match the exterior color scheme of the dwelling.
- d. Roof and Roofing Materials. All dwellings shall be roofed in a gable or hip style and shall include an overhang of at least twelve inches (12"). Roofing materials shall be metal or equal to or better than an architectural grade shingle which provide as an appearance of depth and has a thirty (30) year life expectancy or more.

(C) Attached Garage. All dwellings shall have at least a full size, two stall attached garage which shall not exceed the height of the dwelling.

(D) Solar Panels. Any active solar panels shall be flush with the roof or side wall of a dwelling and shall not be located in any required yard or upon any accessory structure.

All dwellings and outbuildings located on any Lot shall be constructed in conformity with the requirements of the City's Municipal Code including, but not limited to, its zoning, subdivision, and building regulations.

9. No partially completed dwelling or temporary building and no tent or shack on any Lot located on the Property shall be used as either a temporary or permanent residence; except that the Developer or any builder constructing homes on the Property may use temporary buildings for storage of any tools and materials used in constructing homes and the general development of the subdivision.
10. No wires, antennas, or other equipment for electric power or electronic shall be permitted on any Lot, except underground or within a building; provided a satellite dish up to eighteen inches (18") in circumference shall be permitted.
11. No noxious or offensive activity shall be carried on or permitted upon any Lot; nor shall anything be done thereon which is or may become an annoyance or nuisance to the adjoining Lots or endanger the health or unreasonably disturb the quiet of the owners or occupants of adjoining Lots. Lot Owners shall not be allowed to discharge firearms on the Lots; however, a Lot Owner shall be allowed to bow hunt on his or her Lot so long as bow hunting does not otherwise violate any local law. This Paragraph does not grant an easement for any Lot Owner to bow hunt on another Lot without the other Lot Owner's permission.
12. No advertising signs, billboards, or other advertising device shall be erected, placed, or permitted on any Lot, provided however, that the Developer may place signs advertising

Lots for sale, and provided further, that a sign advertising a Lot for sale may be placed upon such Lot by the Lot Owner.

13. No reptiles, horses, livestock, or swine of any kind shall be raised, bred or kept on any of the Lots, except a Lot Owner may maintain chickens on a Lot through the use of a chicken coop. Dogs, cats or other household pets (exclusive of any reptiles or animals mentioned in the immediately preceding sentence) may be kept on the Lots provided they are not kept, bred or maintained for any commercial purpose as regulated by Town ordinance. All household pets shall be confined within homes or fenced areas or restrained by leash at all times. The Pottawattamie County Code and the City's Municipal Code shall be used in determining the number of animals that are allowed per Lot.
14. No recreational vehicle shall be parked or stored on or in front yard of any Lot, except within an enclosed structure; provided, however, that recreational vehicles may be temporarily parked on or in front of a Lot for a period of time not to exceed twenty-one (21) days per year. For purposes of this paragraph, "recreational vehicle" shall mean a vehicular unit not exceeding forty feet (40') in overall length, eight feet (8') in depth, or twelve feet (12') in overall height, primarily designed as temporary living quarters for recreational camping or travel use having either its own motive power or designed to be mounted on or drawn by an automotive vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel. It shall also include a boat mounted on a trailer, together not exceeding forty feet (40') in body length, eight feet (8') in width, or twelve feet (12') in overall height. Lawn tractors may be kept and used for property maintenance but must be stored out of view of other Lots.
15. All pools shall be in compliance with all applicable regulations, ordinances, safety codes and requirements. No aboveground or portable pools shall be allowed on the Lot.
16. Fencing and types of fencing shall require approval from the Developer prior to commencement of construction. No fences shall be allowed in the front yard of any Lot. All fences placed on a Lot shall be black chain-link or black wrought iron fencing and shall never exceed six feet (6') in height. No fences shall be constructed in any drainage way or easement noted on any Final Plat of the Property or any other relevant documents. All fencing must comply with and be constructed in conformance with the City's Municipal Code including, but not limited to, its zoning, subdivision, and building regulations.
17. In the event the Lot Owners determine it would be in the best interests of the Lot Owners to form an Iowa nonprofit corporation at a later date after the Developer has terminated its rights, the Lot Owners shall have the right to do so if two-thirds (2/3) or more of the Lot Owners vote in favor of creating an Iowa nonprofit corporation to serve as a homeowners' association (the "Future Association") for the Property. In the event a Future Association is created, each Lot Owner shall be a member of such Future Association; however, the foregoing does not include persons or entities who hold an interest in any Lot merely as security for the performance of an obligation, unless such person or entity has acquired title pursuant to foreclosure or upon another proceeding in

lieu of foreclosure. Membership shall be appurtenant to and may not be separated from ownership of each Lot. Each Lot shall have one (1) vote on all matters relating to the Future Association and no more than one (1) vote shall be cast with respect to any Lot even if such Lot has more than one (1) owner.

18. In the event a Future Association is created, such Future Association shall have all powers conferred upon nonprofit corporations by the Iowa Nonprofit Corporation Act, and all powers necessary and appropriate to enforce these covenants and restrictions. Such powers shall specifically include the power to fix, levy, collect, abate, and enforce charges, dues, and assessments against the Lot Owners as deemed necessary by the Future Association to properly manage such Future Association. All charges, dues, and assessments shall be levied equally against all Lot Owners. Any charge, due, and/or assessment shall be payable in full by the Lot Owner within thirty (30) days of the Future Association providing written notice of such charge, due, and/or assessment to the Lot Owner. Any charge, due, and/or assessment not paid within such time frame by the Lot Owner shall accrue interest at a rate of fourteen percent (14%) per annum against the Lot Owner. All collection costs (including reasonable attorney fees) incurred by the Future Association to collect such charges, dues, and assessments, shall be a charge against the Lot Owner. Any unpaid charge, due, assessment, interest, and/or collection cost (including reasonable attorney fees) shall be a lien against the Lot and a personal obligation of the Lot Owner (with joint and several liability if there are more than one owner of a Lot). The Future Association shall have the right to file a lien against such Lot if the Lot Owner fails to pay the charge, due, assessment, interest, and/or collection cost (including reasonable attorney fees). The lien of any such charge, due, and/or assessment by a Lot Owner shall be subordinate to the first mortgage lien and also to any other mortgage placed of record prior to the filing of the lien for the unpaid charge, due, assessment, interest, or collection cost.
19. All Lot Owners agree to abide by all rules and regulations, if any, promulgated by a Future Association and to any other mortgage placed of record prior to the filing of the lien for the unpaid charge, due, assessment, interest, or collection cost.
20. The Developer may, at any time prior to the termination of its rights hereof, add contiguous similarly developed real estate to the Property without the consent or approval of the Lot Owners, subject to all zoning and subdivision requirements of the City. Such additions shall be made by the Developer's recordation of an addendum adding the legal description of such additional real estate to the definition of "Property" contained in these covenants and restrictions at the office of the Recorder of Pottawattamie County, Iowa, thereby subjecting the additional real estate to the covenants and restrictions set forth herein or as amended or restated.
21. Developer's rights and obligations hereunder shall terminate by Developer filing a notice of termination of rights hereunder with the office of the Recorder of Pottawattamie County, Iowa. Upon such termination, the Developer shall be deemed to assign all its rights and obligations hereunder to a Future Association, if a Future Association is ever created.

22. These covenants and restrictions shall run with the Property and shall be binding upon and enforceable against the Developer, Future Association, all members of a potential Future Association, Lot Owners, and all their respective heirs, executors, administrators, successors and assigns.
23. These covenants and restrictions can be amended, restated, and/or terminated after the Developer's rights hereunder are terminated by the affirmative vote of at least two-thirds (2/3) of the Lots. Until the Developer's rights hereunder are terminated, the Developer reserves the right to amend these covenants unilaterally without the consent or permission of any Lot Owners. Any amendment, restatement, or termination shall be in writing and filed with the office of the Recorder of Pottawattamie County, Iowa.
24. Pursuant to Iowa Code §614.24, these covenants and restrictions are valid and binding for a period of twenty-one (21) years from the date they are recorded with the office of the Recorder of Pottawattamie County, Iowa. These covenants and restrictions do not automatically renew. These covenants and restrictions may be extended pursuant to Iowa Code §614.24 by filing a verified claim with the office of the Recorder of Pottawattamie County, Iowa prior to their expiration.
25. The enforcement of these restrictions and covenants shall be by proceedings at law or in equity against any Lot Owner violating or attempting to violate any provisions hereof. Such proceedings may be to restrain such violation or to recover damages. Additionally, such proceeding may be commenced by the Future Association to enforce the payment of any charges, dues, assessments, interest, and/or collection costs. If any action is brought in any court to enforce the terms or provisions of any of these covenants and restrictions, or to collect any unpaid charge, due, assessment, interest, or collection costs, against any Lot Owner, then the Developer, Lot Owner, or Future Association instituting such proceeding shall be entitled to an award of all costs and fees (including reasonable attorney fees) incurred in connection with such proceeding against the Lot Owner violating these covenants and restrictions, if the party instituting the proceeding is successful.
26. Failure of the of Developer, Future Association, or any Lot Owner to enforce any covenant or restriction contained herein shall in no event be deemed a waiver of the right to do so thereafter.
27. The invalidation of any one of the covenants or restrictions shall not affect the validity of the remaining provisions hereof which shall remain in full force and effect.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Blake Schmidt

Dated: \_\_\_\_\_

\_\_\_\_\_  
Rachael Schmidt

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021 by Blake Schmidt.

\_\_\_\_\_  
Notary Public

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021 by Rachael Schmidt.

\_\_\_\_\_  
Notary Public



**TO:** Planning and Zoning Commission  
**FROM:** Pam Kalstrup  
**DATE:** January 14, 2022

**RE:** #ZMA-2022-01

**REQUEST:** Zoning Map Amendment to reclassify approximately 35.84 acres from a Class A-3 (Riverfront & Ag Production) to a Class I-1 (Limited Industrial).

**LOCATION:** Lewis Township

192<sup>nd</sup> St

17-74-43 SE SW EXC RR

The subject property is located adjacent to the city limits of Council Bluffs on 192<sup>nd</sup> St.

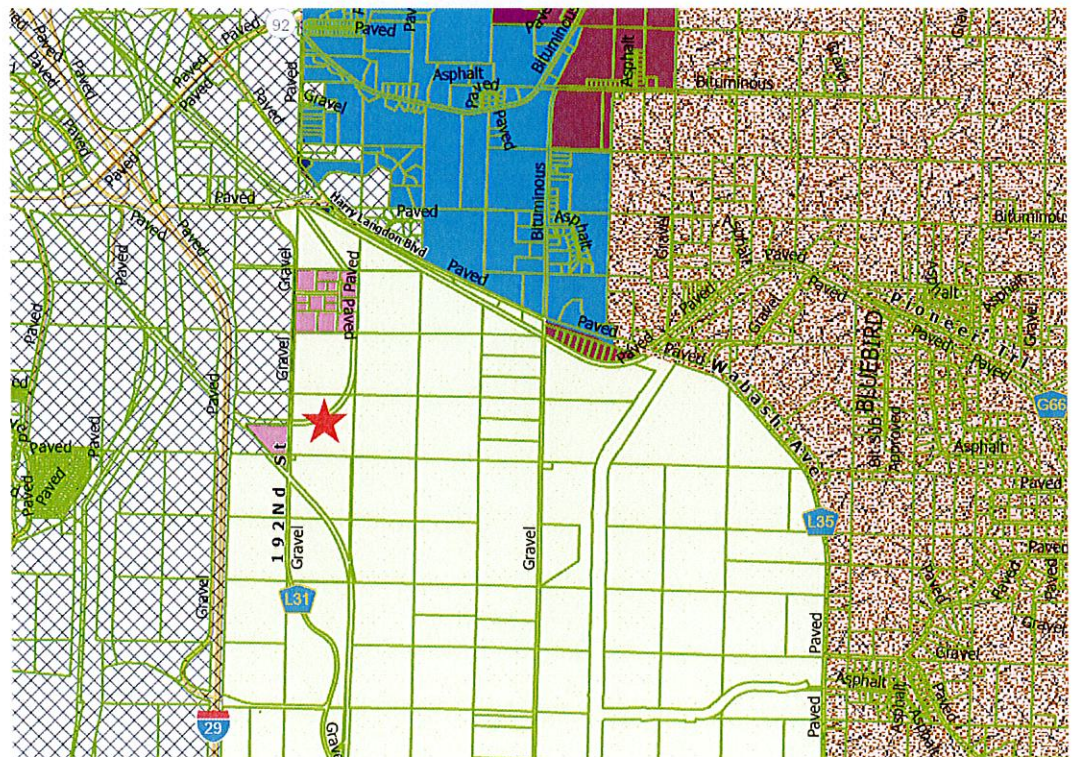


**PROPERTY OWNER:** John – Katy Cox

**GENERAL INFORMATION:**

The applicant has requested that approximately 35.84 acres, which are currently zoned A-3 (River Front & Agricultural Production) District, be rezoned to I-1 (Limited Industrial).

**SITE & AREA REVIEW:** The properties in the immediate area are a mixture of agricultural ground and industrial properties I-29 and the railroad are in close proximity.



- ☑ Zoning (Pottawattamie County, IA)
  -  A1 Open Space and Conservation
  -  A2 Agricultural Production
  -  A3 River Front and Ag Production
  -  A4 Loess Hills Landform
  -  C1 Highway Commercial
  -  C2 General Commercial
  -  C3 Commercial Recreational
  -  I1 Limited Industrial
  -  I2 General Industrial
  -  R1 Agricultural-Urban Transitional
  -  R2 Urban Transitional
  -  R3 Urban Residential
  -  R5 Planned Residential

**SITE REVIEW:** The parcel is currently ag ground.

**LAND USE PLAN:** This proposed Zoning Map Amendment aligns with the Comprehensive and Land Use Plan.

**INDUSTRIAL AREAS**

Future industrial usage is encouraged to locate in close proximity to major transportation routes within the 2-mile limit of Council Bluffs and ½-mile of each of the other communities or in specific rural areas such as along railroad or highway corridors. The types of industries that should be encouraged in these areas should include "light manufacturing" and "general industrial" types, such as high tech or agriculture related industries. These types of industries are typically clean and efficient in operation and provide varied classifications of employment opportunities.

**ROADS & TRAFFIC:** Access to the subject property is gained from 192<sup>nd</sup> Street, a gravel county road. The 2016 Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 430 vehicles per day.

CHAPTER 8.055  
LIMITED INDUSTRIAL DISTRICT

8.055.010 INTENT: The Class I-1 District is intended primarily to provide for those activities and used of a limited industrial nature which are either free of objectionable influences in their operations and appearance or which can, through the use of appropriate abatement devices, readily prevent or control any such objectionable be influences. Land requirements for most limited industrial uses generally dictates its application along major streets and highways, railroad lines, and other major transportation corridors of the County which generally lie close to commercial and industrial districts. (*Ordinance #2015-05/12-18-2015*)

8.055.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class I-1 District: (*Ordinance #81-6/10-01-81*)

.01 A

- A. Auction halls, barns and yards. (*Ordinance #81-6/10-01-81*)
- B. Automobile and other vehicle parts and supply stores. (*Ordinance #81-6/10-01-81*)
- C. Automobile and other vehicle washing establishments, including the use of mechanical conveyors, blowers and steam cleaning, and including self-service facilities. (*Ordinance #81-6/10-01-81*)
- D. Automobile, boat, farm implement and equipment, motorcycle, mobile home, trailer and truck sales, rental and service. (*Ordinance #81-6/10-01-81*)

.02 B

- A. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for effective precipitation or recovery of dust. (*Ordinance #81-6/10-01-81*)
- B. Bakeries, other than those whose products are sold at retail only on the premises. (*Ordinance #81-6/10-01-81*)
- C. Bottling plants. (*Ordinance #81-6/10-01-81*)
- D. Business and professional offices. (*Ordinance #81-6/10-01-81*)

.03 C

- A. Carpenter and cabinet making shops. (*Ordinance #81-6/10-01-81*)
- B. Catering establishments. (*Ordinance #81-6/10-01-81*)
- C. Circus, carnivals or similar transient enterprises; provided such structures or buildings shall be at least two hundred (200) feet from any Class "R" District or platted residential subdivision. (*Ordinance #2004-14/07-01-04*)

- D. Clothes dry cleaning and/or dyeing establishments using flammable cleaning fluids with a flash point higher than one hundred (100) degrees Fahrenheit. (*Ordinance #81-6/10-01-81*)
  - .E. Coal, coke or wood yards. (*Ordinance #81-6/10-01-81*)
  - F. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges, miniature golf courses, trampoline centers and similar open recreational uses and facilities. (*Ordinance #81-6/10-01-81*)
  - G. Commercial parking lots and structures for passenger vehicles in accordance with the provisions of Chapter 8.080. (*Ordinance #81-6/10-01-81*)
  - H. Commercial storage warehouses and mini-warehouses. (*Ordinance #81-6/10-01-81*)
  - I. Concrete mixing plants, and concrete product manufacturing; provided no residential street shall be used for delivery trucks for ingress to or egress from the plant. (*Ordinance #81-6/10-01-81*)
  - J. Contractor's equipment storage yards, including storage yards for commercial vehicles. (*Ordinance #81-6/10-01-81*)
  - K. Convenience stores, including package foods and picnic supplies. (*Ordinance #81-6/10-01-81*)
  - L. Cooperage works. (*Ordinance #81-6/10-01-81*)
  - M. Creameries, including wholesale manufacturing of ice cream. (*Ordinance #81-6/10-01-81*)
- .04 D
- A. *Demolition rubble waste disposal sites*, provided that no such disposal site shall be located closer than two (2) miles to the corporate limits of any municipality having a population of greater than 25,000, according to the latest federal census. (*Ordinance #88-15/12-06-88*)
  - B. Drive-in theaters. (*Ordinance #81-6/10-01-81*)
- .05 E
- A. Egg and poultry stores, excluding any slaughtering eviscerating or plucking. (*Ordinance #81-6/10-01-81*)
  - B. Electrical repair shops. (*Ordinance #81-6/10-01-81*)
  - C. Enameling, lacquering or japanning. (*Ordinance #81-6/10-01-81*)

- D. Entertainment and recreational uses, including billiard and pool halls, bowling alleys, ballrooms and dance halls, gymnasiums and other indoor recreational uses and buildings. *(Ordinance #81-6/10-01-81)*
- E. Exterminator sales. *(Ordinance #81-6/10-01-81)*
- .06 F
  - A. Feed and seed sales and storage, including grain elevators. *(Ordinance #81-6/10-01-81)*
  - B. Frozen food lockers, excluding any slaughtering. *(Ordinance #81-6/10-01-81)*
  - C. Furniture warehouses and van services. *(Ordinance #81-6/10-01-81)*
- .07 G
  - A. Garages for general motor vehicle repair, including major body and fender work, and overall painting and upholstering, but not including motor vehicle wrecking or used parts yards or outside storage of component parts. *(Ordinance #81-6/10-01-81)*
  - B. Garden supply shops and nurseries. *(Ordinance #81-6/10-01-81)*
  - C. Governmental *structures* or uses including fire stations, libraries, police stations, post offices, substations and roadside rest areas; but excluding sanitary landfills or uses similar in their scope or effect. *(Ordinance #81-6/10-01-81)*
- .08 H
- .09 I
  - A. Ice manufacturing and cold storage plants. *(Ordinance #81-6/10-01-81)*
- .10 J
- .11 K
- .12 L
  - A. Laboratories, research, experimental, and control or testing; provided no operation shall be conducted, or equipment employed, which would create hazardous, noxious, or offensive conditions. *(Ordinance #81-6/10-01-81)*
  - B. Laundries, including linen and diaper supply services. *(Ordinance #81-6/10-01-81)*
  - C. Lawn mower repair shops. *(Ordinance #81-6/10-01-81)*

- D. Lumber yards and building material sales yards, including incidental mill work. (*Ordinance #81-6/10-01-81*)
- ,13 M
- A. Machinery sales, rental and repairs. (*Ordinance #81-6/10-01-81*)
- B. Machine shops, including the use of lathes, drill presses and similar equipment on pre-formed metals, but not involving the use of drop hammers and other noise producing machine-operated tools. (*Ordinance #81-6/10-01-81*)
- C. Manufacturing, assembling, packaging or other comparable treatment of electric, electronic or gas appliances, instruments and devices of any kind, including kitchen appliances; small industrial instruments and devices; radios, phonographs, and television sets; cameras and other photographic equipment; musical instruments, toys, novelties, and rubber and metal hand stamps; medical, dental and drafting instruments; small precision instruments, such as barometers, clocks, watches and compasses; and including the manufacturing of small accessory parts, such as coils, condensers, transformers, crystal holders and similar products. (*Ordinance #81-6/10-01-81*)
- D. Manufacturing, assembling, painting and repair of electric and neon signs, and outdoor advertising signs and structures. (*Ordinance #81-6/10-01-81*)
- E. Manufacturing, compounding, processing, assembling, packaging, or other comparable treatment of articles or merchandise derived from previously prepared materials, specifically listed as follows: bone, canvas, cardboard, cellophane, cloth, cord, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, natural or synthetic rubber, paper, plastic, precious or semi-precious metals or stones, shell, textiles, tobacco, wax, wood, yarns; and light metal mesh, pipe, rods, strips or wire. (*Ordinance #81-6/10-01-81*)
- F. Manufacturing, processing, packaging, or other comparable treatment of drugs, general pharmaceutical products, cosmetics, perfume, and toiletries. (*Ordinance #81-6/10-01-81*)
- G. Manufacturing, processing, packaging, or other comparable treatment of pottery, figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas. (*Ordinance #81-6/10-01-81*)
- H. Milk distributing station, other than a retail business conducted on the premises. (*Ordinance #81-6/10-01-81*)
- I. Monument sales yard. (*Ordinance #81-6/10-01-81*)
- J. Motion pictures, radio, and television production studios and broadcasting stations, but not including antennas or towers. (*Ordinance #81-6/10-01-81*)

- K. Motor vehicle dismantling or recycling provided all portions of the operation shall be conducted within an enclosed building; that no metal shredders shall be used in connection with the operation; and that no burning of any portion of a motor vehicle is done on the site. (*Ordinance #81-6/10-01-81*)
  
- .14 N
  
- .15 O
  
- .16 P
  - A. Packing and crating houses, excluding meat or fish products. (*Ordinance #81-6/10-01-81*)
  - B. Parcel delivery services. (*Ordinance #81-6/10-01-81*)
  - C. Photographic film printing or development establishments. (*Ordinance #81-6/10-01-81*)
  - D. Plumbing and heating, or electrical contractor shops. (*Ordinance #81-6/10-01-81*)
  - E. Photographic, lithographing and engraving shops, including blueprinting, photostating or other reproduction processes. (*Ordinance #81-6/10-01-81*)
  - F. Processing, packaging, or other comparable treatment of bakery goods, candy, canned foods, processed dairy products, and other food products, except fish and meat products, sauerkraut, vinegar, yeast, and the rendering of refining of fats and oils. (*Ordinance #81-6/10-01-81*)
  - G. Publishing and newspaper printing establishments, including bookbinding. (*Ordinance #81-6/10-01-81*)
  
- .17 Q
  
- .18 R
  - A. Refrigeration equipment sales and services. (*Ordinance #81-6/10-01-81*)
  - B. Rental yards for equipment customarily used by contractors. (*Ordinance #81-6/10-01-81*)
  - C. Restaurants, cafes, and drive-in eating and dining places. (*Ordinance #81-6/10-01-81*)
  
- .19 S
  - A. Safe and vault repair. (*Ordinance #81-6/10-01-81*)
  - B. Service stations, including dispensing of diesel fuels and complete truck service. (*Ordinance #81-6/10-01-81*)



- C. Sexually oriented businesses, subject to the terms of Chapter 3.55, Sexually Oriented Businesses Ordinance, Pottawattamie County, Iowa. (*Ordinance #2003-12/10-03-03*)
  - D. Sheet metal shops, including the forming of heating and ventilating ducts, eaves, cornices and metal products, not involving the use of drop hammers and other noise producing machine-operated tools. (*Ordinance #81-6/10-01-81*)
- .20 T
- A. Taxidermists. (*Ordinance #81-6/10-01-81*)
  - B. Telegraph exchanges and other communications equipment buildings. (*Ordinance #81-6/10-01-81*)
  - C. Tire shops, including vulcanizing, retreading or recapping. (*Ordinance #81-6/10-01-81*)
  - D. Tool or cutlery sharpening or grinding. (*Ordinance #81-6/10-01-81*)
  - E. Towers with a height not exceeding two hundred (200) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)
  - F. Transformer stations, booster stations, and utility stations; including utility yard and *garage* for service or storage. (*Ordinance #81-6/10-01-81*)
  - G. Transportation passenger terminals, including bus stations, railroad passenger stations, or other passenger terminals, and including vehicle storage and repair. (*Ordinance #81-6/10-01-81*)
  - H. Truck and motor freight stations or terminals, including cartage and express hauling and similar establishments, provided such uses are conducted either (a) within a completely enclosed building or buildings, except for storage of vehicles, or (b) within an area completely enclosed on sides by a sight obscuring fence not less than six (6) feet high. (*Ordinance #81-6/10-01-81*)
  - I. Temporary roadside fireworks stands and Christmas tree lots, when approved by the *Development Director* for a specified time period, after which they all shall be disassembled and removed at the end of the authorized period each year. (*Ordinance #2021-01/03-12-2021*)
- .21 U
- A. Upholstering shops. (*Ordinance #81-6/10-01-81*)
- .22 V

- A. Veterinary hospitals or clinics; provided an exercising runway shall be at least two hundred (200) feet from any Class "R" District or platted residential subdivision and one hundred (100) feet from any Class "C" District boundary. (*Ordinance #2004-14/07-01-04*)

.23 W

- A. Warehouses, retail and wholesale, except for the storage of fuel or flammable liquids and explosives. (*Ordinance #81-6/10-01-81*)
- B. Welding, blacksmithing, or other metal working shops, exclusive of drop hammers and other noise producing machine-operated tools. (*Ordinance #81-6/10-01-81*)

.24 X

.25 Y

.26 Z

8.055.030 **CONDITIONAL USES:** The following *conditional uses* shall be permitted in a Class I-1 District, when authorized in accordance with the requirements of Chapter 8.096: (*Ordinance #81-6/10-01-81*)

- .01 Agricultural grain and seed, stock feed and alfalfa drying, processing and storage. (*Ordinance #81-6/10-01-81*)
- .02 *Demolition rubble waste disposal sites*, which such disposal site may be located closer than two (2) miles to the corporate limits of any municipality having a population of greater than 25,000, according to the latest federal census. (*Ordinance #88-15/December 8, 1988*)
- .03 Flammable liquids, underground storage only, not to exceed fifty thousand (50,000) gallons per storage unit, provided such storage units shall be located not less than three hundred (300) feet from any Class "R" or "C" District. (*Ordinance #81-6/10-01-81*)
- .04 Foundry casting of light-weight non-ferrous metals produced in an electric foundry not causing noxious fumes or odors. (*Ordinance #81-6/10-01-81*)
- .05 Railroad and freight stations, including freight classification yards and repairs shops; provided no such station, yard or shop shall be closer than two hundred (200) feet from any Class "R" District or platted residential subdivision. (*Ordinance #2004-14/07-01-04*)
- .07 Transmitting stations and towers exceeding two hundred (200) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)

8.055.040 **ACCESSORY USES:** The following *accessory uses* shall be permitted in a Class I-1 District: (*Ordinance #81-6/10-01-81*)

- .01 *Accessory uses and structures* normally incidental and subordinate to one of the permitted *principal or conditional uses*, unless otherwise excluded. (Ordinance #81-6/10-01-81)
- .02 Display *signs*, subject to the provisions of Chapter 8.090. (Ordinance #81-6/10-01-81)
- .03 Outdoor advertising signs and billboards, subject to the provisions of Chapter 8.090. (Ordinance #2004-14/07-01-04)

8.055.050 OFF-STREET PARKING AND LOADING: *Off-street parking and loading spaces* shall be provided in accordance with Chapter 8.080 for permitted *principal and conditional uses* in a Class I-1 District. (Ordinance #81-6/10-01-81)

8.055.060 HEIGHT REQUIREMENTS: The maximum height of *buildings and structures* in a Class I-1 District shall be seventy-five (75) feet, provided that no building or structure within two hundred (200) feet of any Class "R" District or platted residential subdivision shall exceed forty-five (45) feet in height. (Ordinance #2004-14/07-01-04)

8.055.070 SETBACK REQUIREMENTS: The *setback* requirements for *buildings and structures* in a Class I-1 District shall be as follows: (Ordinance #81-6/10-01-81)

- .01 The *front yard setback* shall be a minimum of twenty-five (25) feet. (Ordinance #81-6/10-01-81)
- .02 The *side yard setback* shall be a minimum of fifty (50) feet when such *yard* abuts a Class "A" District and shall be a minimum of seventy-five (75) feet when such *yard* abuts a Class "R" District or platted residential subdivision. (Ordinance #2004-14/07-01-04)
- .03 The *rear yard setback* shall be a minimum of fifty (50) feet when such *yard* abuts a Class "A" District and shall be a minimum of seventy-five (75) feet when such *yard* abuts a Class "R" District or platted residential subdivision. (Ordinance #2004-14/07-01-04)
- .04 The minimum *setback* between *buildings* situated on the same site shall be ten (10) feet. (Ordinance #81-6/10-01-81)

8.055.080 LOT SIZE AND COVERAGE REQUIREMENTS: The minimum *lot* size and maximum *lot* coverage for uses in a Class I-1 District shall be as follows, except as provided in Section 8.004.030 for *lots* not having *common water and/or sewer facilities*: (Ordinance #81-6/10-01-81)

	USE	MINIMUM LOT			MAXIMUM LOT
		AREA	WIDTH	DEPTH	COVERAGE
.01	Any Permitted Use	1.0 Acres	80'	100'	70%

(Ordinance #81-6/10-01-81)