

ARTICLE 1

GENERAL PROVISIONS

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1.010 Title

This Zoning Ordinance shall be known and may be cited as the Zoning Ordinance for the City of Osceola, Iowa.

1.020 Purpose

The regulations and restrictions contained herein are adopted and enacted for the purpose of promoting the health, safety, morals, convenience, and general welfare of the present and future inhabitants of the City of Osceola, and

- A. To encourage and facilitate the orderly growth and development of the City.
- B. To provide adequate open space for light and air, to prevent over-crowding of the land, and to lessen congestion on the streets.
- C. To secure economy in municipal expenditures; to facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public facilities and services.
- D. To increase the security of home life and preserve and create a more favorable environment for citizens and visitors of Osceola.

- E. To secure safety from fire, panic, and other dangers.
- F. To stabilize and improve property values.
- G. To enhance the economic and cultural well being of the inhabitants of Osceola.
- H. To promote the development of a more wholesome, serviceable and attractive City resulting from an orderly, planned use of resources.

1.030 Intent

The intent of the regulations set forth herein shall be to further the purpose of the title and promote the objectives and characteristics of the respective zones.

1.040 Conflicting Provisions

These regulations shall not nullify the more restrictive provisions of other private covenants and agreements, or other laws or general Ordinances of the City, but shall prevail and take precedence over such provisions which are less restrictive.

1.050 Licenses to Conform

All Departments, Officials, and Employees of Osceola which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of these regulations and shall issue no permit or license for a use, building, or purpose where the same would be in conflict with the provisions contained herein.

1.060 Not a Licensing Regulation

Nothing contained in these regulations shall be deemed to be a consent, license or permit to use any property or to locate, construct, or maintain any structure or facility or to carry on any trade, industry, occupation, or activity.

1.070 Building Permits Required

No building or structure shall be constructed, altered, or moved, nor shall the use of land be changed except after issuance of a permit for the same by the Zoning Administrator. It shall be the responsibility of the general contractor and/or builder to obtain and post the building permit. The City Police department shall have enforcement powers to include the issuance of citations.

1.080 Permits to Comply With the Zoning Regulations

Permits shall not be granted for the construction or alteration of any building or structure, or for the moving of a building onto a lot, or for the change of the use in any land, building, or structure, if such construction, alteration, moving, or change in use would be a violation of any of the provision of these regulations. No sewer service line, no water line, no electrical, gas, or telephone utilities shall be installed to serve such premises if such use will be in violation of the regulations contained herein.

1.090 Building Permits – Site Plan Required

All applications for building permits except one and two family dwellings shall be accompanied by a site plan to scale showing the actual dimensions of the lot to be built upon, the size and

location of existing buildings, building to be erected, and other information as outlined in accordance with the provision of Article 15 in this Ordinance.

1.100 Permitted Uses

No structure shall hereafter be built, moved, or remodeled and no structure or land shall hereafter be used, occupied, or designed for use or occupancy except for a use that is permitted within the zoning district in which the structure or land is located.

1.110 Conditional Uses

No use of a structure or land that is designed as a conditional use in any zoning district shall hereafter be established, and no existing conditional use shall hereafter be changed to another conditional use in such district unless a conditional use permit is secured in accordance with the provisions of Article 23 in this Zoning Regulation.

1.120 Determination of Uses Not Listed

Whenever there is doubt as to the classification of a use not specifically listed or mentioned in these regulations, the determination shall be made by the Planning and Zoning Commission within a reasonable time, but not exceed sixty (60) days. Such determination shall state the districts in which the proposed use will be permitted and whether it is a permitted use, a special use, or conditional use in keeping with the intent of these regulations. The determination of the proposed use shall be effective immediately and the Zoning administrator shall use such determination in issuing permits. Application for determination shall be made in writing. No specific form is required.

1.130 Lot Requirements

1. No structure, or part thereof, shall hereafter be built, moved, or enlarged and no structure or land shall hereafter be used, occupied or arranged, or designed for use of occupancy on a lot which is:
 - (A) Smaller in area than the minimum area, or minimum lot area per dwelling unit, required in the zoning district in which the structure or land is located;
 - (B) Narrower than the minimum lot width required in the zoning district in which the structure or land is located; or
 - (C) Shallower than the minimum lot depth required in zoning district in which the structure or land is located.

2. No existing structure shall hereafter be remodeled as to conflict or further conflict, with the lot area per dwelling unit requirements for the zoning district in which the structure is located.

1.140 Yard Requirements

No structure, or part thereof, shall hereafter be built, moved or remodeled and all structures or land shall be hereafter use, occupied or designed for use of occupancy:

- (A) So as to exceed the maximum lot coverage percentage, or the maximum structure height specified for the zoning district in which the structure is located; or
- (B) So as to provide any setback or front, side or rear yard that is less than that specified for the zoning district in which such district or use of land is located or maintained.

All yard requirements set forth herein are expressed in terms of maximum structure height, maximum lot coverage, and minimum set backs.

1.150 Use Limitations

No permitted or conditional use hereafter established, altered, modified, or enlarged shall be operated or designed so as to conflict with the use limitations for the zoning district in which such use is, or will be, located. No permitted or conditional use already established on the effective date of this Zoning Ordinance shall be altered, modified, or enlarged so as to conflict, or further conflict with, the use limitations for the zoning district in which such use is located.

1.160 Accessory and Temporary Structures or Uses

No accessory or temporary structures or uses as defined in Article 16 shall hereafter be built, established, moved, remodeled, altered, or enlarged unless such uses are permitted by Article 16 of this Zoning Ordinance.

1.170 Home Occupations

No home occupations as defined in Article 20 shall hereafter be established, altered, or enlarged in any residential district unless such home occupation is permitted, and complies with the conditions set forth in Article 20 of this Zoning Ordinance.

1.180 Signs and Outdoor Advertising

No signs shall hereafter be built, and no existing signs shall be moved or remodeled unless such sign complies, or will thereafter comply, with the conditions set forth in Article 17.

1.190 Off-Street Parking and Loading

No structure shall hereafter be built or moved and no structure or land shall hereafter be used, occupied or designed for use or occupancy unless the minimum off-street parking and off-street loading spaces are provided as required by Article 18. No structure or use already established on the effective date of these regulations shall be enlarged unless the minimum off-street parking and loading spaces which would be required by Article 18 are provided for the whole structure or use as enlarged.