

ARTICLE 19

SUPPLEMENTAL DEVELOPMENT STANDARDS

SECTIONS:

19.010	Purpose
19.020	Establishment of Uses Not Specified
19.030	Clarification of Ambiguity
19.040	Location of Boats, Boat Trailers, Campers, and Travel Trailers
19.050	Abandoned, Wrecked, or Junked Vehicles- Residential Districts
19.060	Storage of Commercial Vehicles- Residential Districts
19.070	Swimming Pools
19.080	Sub-Standard Lots

19.010 Purpose

The purpose of this Article is to provide for the several miscellaneous development standards which will qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Zoning Ordinance. The requirements of this Article shall be in addition to the development standards contained within the provisions of the district regulations. The provision of this Article shall prevail over conflicting provisions of any other Articles.

19.020 Establishment of Uses Not Specified

When a use is not specifically contained in the list of permitted uses in any commercial or industrial district, but is of the same character as other uses listed in these districts, the Planning and Zoning Commission may allow the establishment of that use, upon request, if said Planning and Zoning Commission makes the following findings:

1. That the establishment of the use will be in accordance with the purposes of the district in which that use is proposed.
2. That the use will be an appropriate addition to the zone because it has the same basic characteristics as the other uses permitted in the district.
3. That the use will not adversely affect the character of that district in which it is proposed to be established.
4. That the use shall not adversely affect the character of that district in which it is proposed to be established.

5. That the use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount normally created by any of the uses listed as permitted uses in that district.
6. That the use will not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as permitted uses in that district.

The Planning and Zoning Commission shall, at the same regular meeting in which they have allowed the establishment of a use in accordance with the above provisions, set a public hearing at which the Planning and Zoning Commission shall determine whether the use should be recommended to the City Council as an amendment to this Zoning Ordinance which is to be added to the list of permitted uses in the respective district said use was allowed.

19.030 Clarification of Ambiguity

If ambiguity or uncertainty arises concerning the appropriate classification of a particular use within the meaning and intent of this Zoning Regulation, or with respect to matters of height, yard requirements, area requirements, or district boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes and processing of materials, it shall be the duty of the Planning and Zoning Commission to ascertain all pertinent facts and set forth its findings and its interpretations, and thereafter such findings and interpretations shall govern.

19.040 Location of Personal Use Vehicles, Boats, Boat Trailers, Campers, and Travel Trailers

This section permits the parking of personal vehicles on a single lot in a residential district subject to specific conditions. Personal vehicles are defined as: passenger cars; vans; pick-up trucks; campers; toppers; boats; and other similar appurtenances intended for attachment to a personal vehicle. Provisions for storage of Personal Vehicles are as follows:

- (1) Recreational vehicles and boats must be maintained in a clean, well-kept state.
- (2) Recreational vehicles may be used as temporary parking by non-paying guests for a maximum of seven consecutive days or fourteen days total during any calendar year. Cooking in the recreational vehicle is prohibited at all times. Any person violating this provision shall upon conviction be fined up to (\$750.00) seven hundred fifty dollars or imprisoned not to exceed thirty (30) days or the penalty shall reflect the current maximum limits of a municipal infraction as defined by the State of Iowa Code.
- (3) Recreational vehicles and boats may not be permanently connected to utility lines.

(4) Recreational vehicles and boats may not be used for the storage of goods, materials, or equipment other than those items which pertain to the use of the vehicle.

(5) Storage location for Recreational Vehicles and Boats. No recreational vehicle or boat shall be stored in the front yard of a residential lot except for the following:

- a. Where the maximum height is 10' and the maximum length of the vehicle is 25'.
- b. Where there is the opportunity to store the vehicle in the rear yard then that shall be required, where one exists. Where a rear yard does not exist or where the Zoning Administrator determines that an existing rear yard is not reasonably accessible, then not more than one vehicle shall be stored in a side yard, provided that no part of the vehicle may be stored closer than (3) three feet to any side or rear property line.
- c. Where the Recreational vehicle is stored in the front yard or side yard it is not allowed to be stored in the vision triangle as defined by the Zoning Ordinance.
- d. Where the vehicle is allowed to be stored in the front yard it shall be on a paved surface either asphalt or concrete.

(6) In no case, however, shall the storage in the front yard encroach on any public right-of-way.

(7) It shall be lawful and permissible for owners of personal vehicles other than those defined as recreational vehicles to park or allow such vehicles as above defined only in driveways or garages of their respective residential homes. The driveways shall be, at the minimum, constructed of concrete or asphalt, in accordance with the city's current subdivision ordinance. The construction of the driveway or parking areas on existing homes will be grandfathered that have gravel or tar base, if the original and primary driveway was gravel.

(c)The authority to enforce the provisions of this section shall be vested in the code compliance officer of the city or such other person as may be designated by the city manager.

(d)Proof that said vehicle was, at the date of the offense alleged, owned by the person charged with the offense, shall constitute prima facie evidence that said vehicle was parked or left standing at the place charged by said owner, but the owner shall have the right to rebut such presumption by introducing evidence to show that said vehicle was not parked by him as charged in the complaint.

(e)Any person violating the provisions of this section shall, upon conviction, be punished by a fine of not more than \$50.00 first offense, \$100.00 second offense and continues to double every day the offense continues to exist.

19.050 Abandoned, Wrecked, or Junked Vehicles

It shall be unlawful, to park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is inoperable, upon any private property within the city limits of Osceola unless the same is completely enclosed within a building, or behind screening of sufficient size, strength, and density to screen such vehicles from the view of the public using the streets and sidewalks and to prohibit ready access to such vehicles by children; or unless it is in connection with a business enterprise properly operated in the appropriate business zone.

19.060 Storage of Commercial Vehicles – Residential Districts

No trucks, motor vehicles, or commercial trailers which exceed the rated capacity of two (2) tons shall be stored or parked on any lot or parcel within any residential zone; nor shall any contracting and/ or earth moving equipment be stored or parked on any lot or parcel in a residential zone.

19.070 Swimming Pools

Swimming pools of permanent construction which are not enclosed within a building shall be set back at least five (5) feet from all property lines and shall be completely surrounded by a fence or wall having a height of at least six (6) feet. There shall be no opening larger than thirty-six (36) square inches except for gates which shall be equipped with self-closing and self-latching devices.