

## CHAPTER 165

# ZONING REGULATIONS

|  |  |
|--|--|
| 165.01 Definitions                               | 165.10 PUD Planned Unit Development District   |
| 165.02 General Regulations                       | 165.11 C-1 Central Business District           |
| 165.03 Establishment of Districts                | 165.12 C-2 General Commercial District         |
| 165.04 Nonconforming Uses, Buildings, Structures | 165.13 C-3 Central Business Implement District |
| 165.05 A-1 Agricultural District                 | 165.14 I-1 General Industrial District         |
| 165.06 R-1 Single-Family Residential District    | 165.15 I-2 Heavy Industrial District           |
| 165.07 R-2 Two-Family Residential District       | 165.16 Administration and Enforcement          |
| 165.08 R-3 Multiple-Family Residential District  | 165.17 Board of Adjustment                     |
| 165.09 M-1 Mobile Home Residential District      | 165.18 Amendments                              |

**165.01 DEFINITIONS.** For the purpose of this chapter, certain words, terms and expressions are herein defined.

1. “Accessory building” means a subordinate building, the use of which is incidental to that of the principal building or to the principal use of the premises. An accessory use is one which is incidental to the main use of the premises.
2. “Alley” means a public thoroughfare which affords only a secondary means of access to abutting property.
3. “Alteration, structural” means any change in the load bearing members of a building, such as bearing walls, partitions, columns, beams, or girders. The enlargement of the size or height of a building shall be construed to be a structural alteration.
4. “Apartment” means a room or suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence by a family, located in a building containing two (2) or more such rooms or suites or in a building devoted primarily to nonresidential use.

5. "Apothecary shop" means a shop operated as a retail use which sells only drugs, prescription medicines, medical supplies and appliances and pharmaceutical products.
6. "Attic" means a space under a gable, hip or gambrel, or other roof, the finished floor of which is, or would be, at or entirely above the level of the wall plates of at least two (2) exterior walls, and the height of which from the floor level to the highest point of the roof, does not exceed ten (10) feet.
7. "Basement" means an area partly underground but having at least one half ( $\frac{1}{2}$ ) of the height of one or more walls above the highest level of the adjoining ground. A basement shall be counted as a story under the provisions of this chapter. (See "cellar.")
8. "Billboard" means any flat surface twenty (20) square feet or more in area, erected on a framework, or attached to posts, buildings or other structures, and used for the display of bills, posters or other advertising matter, pasted, painted, tacked or fastened thereto.
9. "Boarding house" means a building, other than a hotel, fraternity house or sorority house, where meals are regularly served for compensation to more than three (3) persons not members of the family there residing.
10. "Building" means a structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building.
11. "Building, height of" means the vertical distance from the average grade at the front building line to the highest point of the coping 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.
12. "Building line" means a line as established under the provisions of the State Code.
13. "Building wall" means the wall of the principal building forming a part of the main structure. The foundation walls of unenclosed porches or piazzas, steps and retaining walls or similar structures shall not be considered as building walls under the provisions of this chapter.

14. "Cellar" means a story having more than one half ( $\frac{1}{2}$ ) of the height of all walls below the highest level of the adjoining ground. A cellar is not considered as a story for the purpose of this chapter.

15. "Clinic, dental or medical" means a building in which a group of physicians, dentists or physicians and dentists and allied professional assistants are associated for the purpose of carrying on their profession. The clinic may include a dental or medical laboratory. It shall not include inpatient care or operating rooms for major surgery.

16. "Club" or "lodge" (private) means an association of persons for the promotion of some nonprofit object, who are bona fide members paying annual dues.

17. "Convalescent home" means a building or premises in or on which care is provided for two (2) or more invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane or other mental cases, inebriate, or contagious cases. Nursing homes are convalescent homes.

18. "Day care" refers to any agency, institution, establishment or place which provides for compensation, supplemental parental care and/or educational work, other than overnight lodging, for three (3) or more unrelated children of any age. Day care service shall be an allowable use in residential and commercial zoning districts. The following regulations shall apply:

A. A sign shall be allowed to be placed on the exterior of the residences which acknowledges the activity conducted within, but which does not exceed one square foot in size.

B. The only equipment, mechanical or other, used is customary and incidental to the services being offered; this includes outdoor play equipment.

C. The activity is restricted to the structure and property.

D. Provisions shall be made to lessen the impact of outside play areas on surrounding property owners.

E. Off-street loading and unloading for a minimum of two vehicles shall be provided.

- F. The registration is non-transferable.

Home day care services are permissible upon registration at the City Clerk's office. This chapter shall not be interpreted to preclude or alter any regulations for the licensing of such facilities with the State, or requirements imposed by the State. Facilities operating within the City must comply with all Federal, State and local statutes. Day care service provided in commercial zoning districts must comply with that districts restrictions as well.

19. "Dwelling, single-family" means a building designed and occupied exclusively by one family.

20. "Dwelling, two-family" means a building designed for and occupied exclusively by two (2) families.

21. "Dwelling, multiple-family" means a building designed for or occupied exclusively by more than two (2) families.

22. "Exterior alterations" means any change, construction or modification which alters the outside dimensions of the structure including changes which alter permanent living space of dwelling house.

23. "Factory-built housing" means a factory-built structure designed for long-term residential use. For the purposes of these regulations, factory-built housing consists of three types: modular homes, mobile homes and manufactured homes.

24. "Factory-built structure" means any structure which is, wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on a building site.

25. "Garage, private" means an accessory building or portion of a building used only for the shelter and/or storage of vehicles by the occupants of the dwelling, or the leasing of space as provided herein, including covered parking space or carport.

26. "Garage, public" means a building or portion of a building in which motor vehicles are equipped for operation, repaired, stored, or kept for remuneration, hire, or sale.

27. "Home occupation" refers to the permissible use of a private residence for the conducting of an occupation or profession by an immediate member of the

residing family, which does not require the sale of any commodity on the premises, and which does not require the business public to come onto the premises to accomplish the activity, and which meets the following restrictions:

- A. A name plate shall be allowed to be placed on the exterior of the residence which acknowledges the activity conducted within, but which does not exceed one square foot in size.
- B. No commodity is sold upon the premises.
- C. No person is employed other than those members of the immediate family residing at the premises.
- D. The only equipment, mechanical or other, used is customary and incidental to the household.
- E. The activity is solely restricted to the existing structure and does not occupy more than twenty-five percent (25%) of the total square footage of livable space, excluding attics, crawl spaces and unfinished basements.
- F. The activity does not require the business public to come directly onto the premises to accomplish such activity.
- G. The permit is non-transferable.

Home occupations are permissible upon permit only, which may be applied for at the City Clerk's office. The proposed premises must first be inspected to confirm compliance, and approved by the Zoning Administrator, prior to the issuance of such permit.

28. "Hospital" means an institution providing health services, primarily for in-patients, and medical and surgical care of the sick and injured, including as an integral part of the institution such related facilities as laboratories, central service facilities, and staff offices.

29. "Hotel" means a building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than twenty-five (25) sleeping rooms usually occupied independently.

30. "Junk yard" or "salvage yard" means an open area on any lot or parcel of land which is used for the storage, abandonment or keeping of junk, including scrap metals or scrap materials, or for the abandonment or dismantling of machinery, motor vehicles, or other vehicles, or parts thereof.

31. "Lodging house" means 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.

32. "Lot" means a parcel of land under one ownership on which a principal building and its accessories are or may be placed, together with the required open spaces, having its frontage upon one or more streets or public place.

33. "Manufactured home" means a factory-built, single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, *Federal Manufactured Home Construction and Safety Standards*, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purpose of these regulations, a manufactured home shall be considered the same as any site-built, single-family detached dwelling.

34. "Mini-storage unit" is defined as a building which is used primarily for the temporary or permanent enclosed storage of vehicles, boats, trailers, household items and other items generally associated with residential or commercial activity. This specifically does not include warehousing of a manufacturing, light industrial, or heavy industrial use.

35. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is factory-built housing built on a chassis. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the

foundation provided. However, certain mobile homes may be classified as “manufactured homes.” Nothing in this chapter shall be construed as permitting the mobile home in other than an approved mobile home park, unless such mobile home is classified as a manufactured home. In addition to the foregoing conditions, the differentiation between a mobile home and manufactured housing is further defined in that any prefabricated structure coming under the scrutiny of this section which has less than a minimum habitable width of twenty-four (24) feet and has less than a minimum habitable floor space of one thousand (1,000) square feet shall be considered a mobile home for purposes of this Code of Ordinances.

36. “Mobile home park” means any site, lot, field, or tract of land upon which two (2) or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of such mobile home park.

37. “Modular home” means factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.

38. “Nonconforming use” means the lawful use of a building or land on the effective date of the Zoning Ordinance codified by this chapter or amendment thereto, which use does not conform to the provisions of this chapter for the district in which it is located.

39. “Office” means a place where businesses or services for others is transacted and not a place where chattels or goods, wares or merchandise are commonly created, exchanged or sold.

40. “Parking space” means a surfaced area, enclosed or unenclosed, on a lot, sufficient in size to store one standard automobile, together with a driveway connecting the parking space with a public place, street or alley.

41. “Preschool nursery” means the facilities of any dwelling, institution or organization which, for profit or nonprofit, are used in the temporary care of six (6) children or more at any one time.

42. “Public place” means an open or unoccupied public space more than twenty (20) feet in width which is permanently reserved for the purpose of primary access to abutting property.

43. “Retail store” means a place where goods are for sale to the ultimate consumer for direct consumption and not for resale.
44. “Setback” means the required distance between a lot line and the closest wall of a conforming structure on the lot.
45. “Shop” means a use devoted primarily to the sale of a service or products, but the service is performed or the product to be sold is prepared in its finished form on the premises. Packaging is not considered to be preparation.
46. “Sign, advertising or poster board” means a structure, regardless of the material used in the construction of the same, that is erected, maintained or used to advertise a business or attraction.
47. “Story” means that part of a building comprised between any floor and the floor or attic next above; the first story of a building is the lowest story having at least one-half ( $\frac{1}{2}$ ) of its height of one or more walls above the highest level of adjoining ground.
48. “Surfaced area” means any area covered by concrete, asphalt, gravel, rock, stone, brick or related material not including vegetation or building.
49. “Yard” means an open space extending across the full width or length of the lot lying between the lot line and the nearest line of the main building other than unenclosed porches, steps or unenclosed balconies.
50. “Yard, front” means the area between the street and front building line of main building excluding steps, porches or unenclosed balconies and extending the entire width of the lot.
51. “Yard, rear” means that area between the rear of the main building line excluding porches, steps or unenclosed balconies between the rear of the main building and the rear lot line.
52. “Yard, side” means the area from the front line of the main building and extending to the rear line of the main building at ninety degrees (90°) to the front building line of the main building.

**165.02 GENERAL REGULATIONS.** The following regulations apply to all districts and all other provisions of this chapter:

1. Restrictions on Use. Unless otherwise specified, no use shall be permitted in any district which is prohibited in any less restricted district.
2. Residences to the Rear of Principal Building Prohibited. No building to the rear of the principal building on the same interior lot shall be used for residential purposes.
3. Required Areas May Not Be Reduced. No lot shall be so reduced in area that any required yard, court, or other open space will be smaller than is prescribed in this chapter for the district in which it is located.
4. Subdivision Required. Not more than two (2) dwellings are permitted on any lot, tract or parcel of land until it has been subdivided in accordance with the provisions of Chapter 354 of the Code of Iowa.
5. Yard and Area Requirements. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located.
6. Method of Yard Measurement. The setback for front, rear and side yards shall be in all cases measured at right angles from the lot line.
7. Building Classifications. Any portion of a building which is covered by a roof shall be considered as part of the building.
8. Frontage on Corner Lots. The owner of a corner lot may elect to front the principal building on such lot on either of the two (2) streets upon which the corner lot abuts, and shall maintain building setback the side abutting any street of thirty (30) feet or in line with the majority of existing main buildings (excluding accessory buildings) on the same block.
9. Visibility at Intersections. Nothing shall be erected, placed, planted or allowed to grow which will impede vision between a height of 2½ feet and 10 feet above the street in the area bounded by the street right-of-way line and a line joining points 30 feet from the right-of-way line intersection.
10. Fences, Walls and Hedges. No fence, wall or hedge over 4 feet in height will be permitted along the front of any residential lot or sides of front yards.

11. Signs. The only signs that may be erected or placed on a residential lot or building shall be one sign not exceeding 25 square feet in area advertising only the sale or lease of the premises or one unlighted sign not exceeding one square foot in area, attached flat to the building, pertaining to a home occupation. Also, outdoor bulletin boards for churches and schools are permitted.

12. Accessory Buildings. No accessory building or portion thereof or other structure shall be permitted in front yards as herein defined.

**165.03 ESTABLISHMENT OF DISTRICTS.** The various districts as set forth in this chapter and their boundaries are shown on the "Official Zoning District Map" of the City, which is on file in the office of the Clerk, and which, with all amendments, changes and extensions thereof and all legends, symbols, notations, dimensions, references and all other matters shown thereon, is a part of this chapter. There is only one "Official Zoning District Map." It is attested by the original signatures of the Mayor and Clerk. All copies or reproductions thereof are junior thereto. The boundaries of the various districts established by this chapter are street lines, alley lines, property lines, lot lines, or other lines shown on the Official Zoning District Map. Where boundaries are approximately indicated as property or lot lines, the true locations of such lines shall be taken as boundary lines. Where the distance to any boundary line from a street line, property line or lot line is indicated by a dimension on the Official Zoning Map, such measurement shall control. The City is divided into districts known as:

- A-1 .....Agricultural
- R-1 .....Single-Family Residential
- R-2 .....Two-Family Residential
- R-3 .....Multiple-Family Residential
- M-1 .....Mobile Home Residential
- PUD.....Planned Unit Development
- C-1.....Central Business District
- C-2.....General Commercial District
- C-3.....Central Business Implement District
- I-1.....General Industrial District

## 1-2 ..... Heavy Industrial District

All territory hereafter annexed to the City shall be classified R-1 until such classification is subsequently changed by an action of the Planning and Zoning Commission and the Council.

**165.04 NONCONFORMING USES, BUILDINGS, STRUCTURES.** The following provisions apply to nonconforming uses, buildings and structures in the City:

1. A nonconforming use, although such does not conform to the provisions of this chapter, may be continued, but if such nonconforming use is discontinued for a period of one year, any future use of said premises shall be in conformity with the provisions of this chapter.
2. Nonconforming buildings or structures may not be extended or enlarged.
3. Nothing in this chapter prevents the reconstruction of a building or structure used for a nonconforming use if 50% or less is destroyed by fire or other calamity or prevents the continuance of the use of such building or structure or part thereof as such use existed at the time of such destruction, provided that any reconstruction shall be begun within six (6) months after such destruction and shall be diligently pursued thereafter.
4. A single-family dwelling may be built on a nonconforming lot that was legally platted prior to the date of enactment of Ordinance No. 269. Such lot must be in a separate ownership and not of continuous frontage with other lots of the same ownership. Two or more continuous frontage lots under one ownership at the time of the adoption of the ordinance codified by this chapter shall be considered an undivided parcel. No portion may be used or sold nor shall any portion remain after such sale or use that does not conform to area and width requirements of this chapter.
5. Uses which were in violation of Ordinance No. 269 shall also be in violation of the ordinance codified herein and shall not become nonconforming uses by virtue of repeal of Ordinance No. 269 and enactment of this Zoning Ordinance.

**165.05 A-1 AGRICULTURAL DISTRICT.**

1. Uses. This district is established to accommodate areas predominately agricultural in character or undeveloped for urban use. As urban development expands, areas suitable for such use will be rezoned according to the comprehensive plan. A building or premises shall be used only for the following purposes:

- One-family dwellings
- Home occupations
- Railroad right-of-way and trackage
- Private garage or accessory building
- Utility substation
- Granary
- Farm or apiary, not to include storage of livestock or commercial poultry farm
- Forest
- Plant nursery
- Stable, at least 1000 feet from nearest residential district
- Golf course, except miniature courses and driving tees operated for commercial purposes
- Country clubs
- Parks
- Off-street parking lot in conjunction with a use permitted in this district

2. Lot Sizes.

- Minimum Lot Size..... 20,000 square feet
- Minimum Frontage..... 120 feet
- Maximum Building Height..... 2½ stories or 35 feet

|  |  |
|--|--|
| Maximum Lot Coverage by Buildings..... | 30 percent   |
| Minimum Front Yard.....                | 30 feet  |
| Minimum Side Yard.....                 | 20 feet each side                                    |
| Minimum Rear Yard .....                | 30 feet or 25% of lot depth,<br>whichever is smaller |

o o o o o o o o o o

**165.06 R-I SINGLE-FAMILY RESIDENTIAL DISTRICT.**

1. Uses. This district is established to accommodate single-family dwellings and uses customarily found in low density residential areas such as churches, public and parochial schools, golf courses and parks. A building or premises shall be used only for the following purposes:

- Single-family dwellings
- Accessory buildings constructed on the same premises as the principal building
- Home occupation
- Railroad right-of-way and trackage
- Utility substation or other essential public services
- Church or Sunday School
- Public School
- Private school having curriculum similar to that offered by public schools
- Golf course, except miniature courses and driving tees operated for commercial purposes
- Country clubs
- Publicly owned libraries, museums, parks and playgrounds
- Off-street parking lot in conjunction with a use permitted in this district

Property owners may construct accessory buildings on a lot sharing a boundary with the principal building’s lot. No accessory buildings may be placed upon any lot before a principal structure is constructed.

2. Lot Sizes.

- Minimum Lot Size.....8,000 square feet
- Minimum Frontage .....80 feet
- Maximum Building Height.....2½ stories or 35 feet

|   |  |
|---|--|
| Maximum Lot Coverage by Buildings ..... | 30 percent   |
| Minimum Front Yard .....                | 30 feet  |
| Minimum Side Yard .....                 | 10 feet each side                                    |
| Minimum Rear Yard .....                 | 30 feet or 25% of lot depth,<br>whichever is smaller |

For all new single-family detached dwellings for which building permits have been issued on or after November 19, 1984, the minimum dimension of the main body of the dwelling unit shall not be less than twenty (20) feet.

A. The minimum front yard shall be thirty (30) feet as described above, all to the rear of a line which line is an extension of the front building line of the majority of existing buildings in the same block.

B. The minimum side yard requirements within the area designated herein for side yards shall be ten (10) feet on either side of the main building. No accessory building or other structure shall be hereafter constructed within five (5) feet of any side or rear lot lines.

C. For purposes of this section, side lot lines shall not refer and shall specifically exclude the designation “side yard” but shall include only those boundary lines on either side of the property lying behind the rear line of the main building.

D. The maximum side wall height for any accessory building shall be nine (9) feet. For purposes of this section, the side wall height is measured from the average grade at the front building line to the highest point of the side wall.

3. Off-Street Parking:

At least one space for each family dwelling

Churches – one space for each 10 seats

Country Clubs – one space for each 2 members

Golf Courses – 50 spaces for each 9 holes

**165.07 R-2 TWO-FAMILY RESIDENTIAL DISTRICT.**

1. Uses. This district is established to accommodate single- and two-family dwellings and other uses customarily found in low density residential areas such as churches, public and parochial schools, golf courses and parks. A building or premises shall be used only for the following purposes:

Any use permitted in the "R-1" District

Two-family dwellings

Telephone exchange building

2. Lot Sizes.

Minimum Lot Size.....6,500 square feet

Minimum Frontage .....60 feet

Maximum Building Height.....2½ stories or 35 feet

Maximum Lot Coverage by Buildings.....40 percent

Minimum Front Yard.....30 feet

Minimum Side Yard.....10 feet each side

Minimum Rear Yard .....30 feet or 25% of lot depth,  
whichever is smaller

A. The minimum front yard shall be thirty (30) feet as described above, all to the rear of a line which line is an extension of the front building line of the majority of existing buildings in the same block.

B. The minimum side yard requirements within the area designated herein for side yards shall be ten (10) feet on either side of the main building. No accessory building or other structure shall be hereafter constructed within five (5) feet of any side or rear lot lines.

C. For purposes of this section, side lot lines shall not refer and shall specifically exclude the designation "side yard" but shall include only those

boundary lines on either side of the property lying behind the rear line of the main building.

D. The maximum side wall height for any accessory building shall be nine (9) feet. For purposes of this section, the side wall height is measured from the average grade at the front building line to the highest point of the side wall.

3. Off-Street Parking:

At least one space for each family dwelling

Churches - one space for each 10 seats

Country clubs - one space for each 2 members

Golf courses - 50 spaces for each 9 holes

o o o o o o o o o o

**165.08 R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT.**

1. Uses. This district is established to permit medium density family developments in the suburban areas, and to serve as a transition from high density developments to single-family residential areas. A building or premises in the "R-3" District shall be used only for the following purposes:

Any use permitted in the "R-2" District

Multiple-family dwellings

Apothecary shop

Clinic

Hospital

Boarding house

Lodging house

Nursing home

Convalescent home

Retirement homes

Home for the elderly

Club or lodge

Institution of educational, religious, charitable or philanthropic nature

2. Lot Sizes.

Minimum Lot Size ..... 6,500 square feet

(In no case shall there be less than 2,000 sq. ft. of lot for each family occupancy in multiple-family dwellings.)

Minimum Frontage..... 60 feet

Maximum Building Height..... 4½ stories or 55 feet

Maximum Lot Coverage by Buildings ..... 50 percent

- Minimum Front Yard.....30 feet
- Minimum Side Yard.....10 feet each side
- Minimum Rear Yard .....30 feet or 25% of lot depth,  
whichever is smaller

A. The minimum front yard shall be thirty (30) feet as described above, all to the rear of a line which line is an extension of the front building line of the majority of existing buildings in the same block.

B. The minimum side yard requirements within the area designated herein for side yards shall be ten (10) feet on either side of the main building. No accessory building or other structure shall be hereafter constructed within five (5) feet of any side or rear lot lines.

C. For purposes of this section, side lot lines shall not refer and shall specifically exclude the designation "side yard" but shall include only those boundary lines on either side of the property lying behind the rear line of the main building.

D. The maximum side wall height for any accessory building shall be nine (9) feet. For purposes of this section, the side wall height is measured from the average grade at the front building line to the highest point of the side wall.

3. Off-Street Parking:

At least one space for each family dwelling

Churches - one space for each 10 seats

Country clubs - one space for each 2 members

Golf courses - 50 spaces for each 9 holes

Boarding house, lodging house, nursing home, convalescent home, retirement home, home for the elderly - at least one space for each 2-guest sleeping room

**165.09 M-1 MOBILE HOME RESIDENTIAL DISTRICT.**

1. Uses. This district is established specifically to provide area for mobile home residential uses and those uses normally considered an integral part of the mobile home residential area.

Any use permitted in the "R-1" District

Mobile home park, in accordance with the regulations of the Iowa State Department of Health and the following regulations

Mobile home park service building, including laundromat and equipment storage

2. Size of Tract. Four (4) acres minimum.

3. Signs. One indirectly lighted sign facing each public street. Maximum sign size shall be 100 square feet each.

4. Lot Sizes.

Minimum Lot Size ..... 3,500 square feet

Minimum Frontage..... 35 feet

Maximum Building Height..... 35 feet

Maximum Lot Coverage by Buildings ..... none

Minimum Front Yard ..... 15 feet

Minimum Side Yard ..... 5 feet each side

Minimum Rear Yard ..... 15 feet

Minimum Clearance Between Trailers..... 20 feet

Each yard abutting on a public street shall have a minimum building setback distance of 30 feet. There shall be a buffer zone of at least 20 feet around the periphery of the court where it abuts other private property. The buffer zone is in addition to the foregoing front, rear and side yard requirements.

5. Plan Required. Mobile home park planning and development shall comply with the requirements of Chapter 166, Subdivision Regulations. Each petition for a change to the M-1 zoning classification submitted to the Council shall be accompanied by a mobile home park preliminary plan. Said plan shall show each mobile home park space, the water, electrical and sewer lines, serving each trailer space, the location of garbage cans, water hydrants, service buildings, driveways, walkways, recreation areas, required yards, the parking facilities, lighting and landscaping. Upon approval by the Planning and Zoning Commission and Council, detailed plans shall be submitted to the Iowa State Department of Health and to the Council for approval.

6. Off-Street Parking.

At least one space for each family dwelling

Churches – one space for each 10 seats

County clubs – one space for each 2 members

Golf courses – 50 spaces for each 9 holes

**165.10 PUD PLANNED UNIT DEVELOPMENT DISTRICT.**

1. Purpose. The purpose of the Planned Unit Development (PUD) regulations is to encourage flexibility to the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets, utilities and public spaces; and to preserve the natural and scenic qualities of open areas. The procedure is intended to permit diversification in the location of structures and improved circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety and welfare plus convenience, both in the use and occupancy of buildings and facilities in planned groups. A Planned Unit Development, to be eligible under this chapter, must be:

A. In accordance with the Comprehensive Plan of the City and with the regulations of this chapter.

B. An effective and unified means of treating possible development providing for preservation of scenic features and amenities of the site and the surrounding area.

C. So designed in its space allocation, orientation, landscaping, circulation system, materials and other features as to produce an environment of stable and desirable character, complementing the design and values of the neighborhood.

2. Minimum Area. A Planned Unit Development shall include no less than five (5) acres of contiguous land.

3. Open Space. A minimum of twenty-five percent (25%) of planned unit site area shall be developed as common open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.

4. Land Use. At least ninety percent (90%) of the PUD site exclusive of open space shall be devoted to those uses permitted in the zoning district in which the PUD is located. Proposed land uses shall not adversely affect surrounding development, and shall be in accordance with the objectives and policies of the Comprehensive Plan.

5. Unity of Control. In order that the purpose of these regulations may be realized, the land and buildings and appurtenant facilities shall be in single ownership, or under management or supervision of a central authority, or otherwise

subject to such supervisory lease or ownership control as may be necessary to carry out the provisions herein.

6. Autos. The minimum ratio of parking spaces to residential units within a given tract development shall be no less than one and five tenths (1.5) autos per unit.

7. Application Procedures. Planned Unit Developments shall be subject to the approval of the Council based upon review and recommendations by the Zoning Commission.

A. General Development Plan. The applicant shall file a General Development Plan which shall include the following information:

(1) A statement describing the general character of the intended development;

(2) An accurate map of the project area including its relationship to surrounding properties, existing topography and key features;

(3) A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval, as follows:

a. The pattern of proposed land use including shape, size and arrangement of proposed use areas, density and environmental character;

b. The pattern of public and private streets;

c. The location, size and character of recreational and open space areas reserved or dedicated for public uses such as parks, greenways, etc;

d. A utility feasibility study.

(4) Appropriate statistical data on the size of the development, ratio of various land uses, percentage of multi-family units by number of bedrooms, economic analysis of the development,

expected staging, and any other plans or data pertinent to evaluation by the City.

(5) General outline of intended organizational structure related to property owners association, deed restrictions and private provisions of common services.

B. Specific Implementation Plan. A specific and detailed plan for implementation of all or a part of a proposed PUD after approval of the General Development Plan must be submitted within a reasonable period of time as determined by the Zoning Commission. The specific implementation plan shall be submitted for review by the Zoning Commission and approval or disapproval by the Council and shall include the following detailed construction and engineering plans and related detailed documents and schedules:

(1) An accurate map of the area covered by the plan including the relationship to the total general development plan;

(2) The pattern of public and private roads, driveways, walkways and parking facilities;

(3) Detailed lot layout and subdivision plat where required;

(4) The arrangement of building groups, and their architectural character;

(5) Sanitary sewer and water mains;

(6) Grading plan and storm drainage;

(7) The location and treatment of open space areas and recreational or other special amenities;

(8) The location and description of any areas to be dedicated to the public;

(9) General landscape treatment;

(10) Proof of financing capability;

- (11) Analysis of economic impact upon the community;
- (12) A development schedule indicating:
  - a. The approximate date when construction of the project can be expected to begin;
  - b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
  - c. The anticipated rate of development;
  - d. The approximate date when the development of each of the stages will be completed; and
  - e. The area and location of common open space that will be provided at each stage.
- (13) Agreements, by-laws, provisions, or covenants, which govern the organizational structure, use, maintenance and continued protection of the PUD and any of its common services, common open areas or other facilities;
- (14) Any other plans, documents, or schedules requested by the City;
- (15) Proof of compliance with State and local fire regulations.

8. Criteria for Approval. As a basis for determining the acceptability of a PUD application, the following criteria shall be applied to the precise development plan for such district with specific consideration as to whether or not it is consistent with the spirit and intent of this chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design.

- A. Character and Intensity of Land Use. In a PUD, the uses proposed and their intensity and arrangement on the site, shall be of visual and operational character which:

(1) Is compatible to the physical nature of the site with particular concern for preservation of natural features, tree growth and open space;

(2) Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicability compatible with the general development plan for the area as established by the community;

(3) Would not adversely affect the anticipated provision for school or other municipal services;

(4) Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.

B. Economic Feasibility and Impact. The proponents of a PUD application shall provide evidence satisfactory to the Council of its economic feasibility of available adequate financing, and that it would not adversely affect the economic prosperity of the City or the values of surrounding properties.

C. Engineering Design Standards. The width of street right-of-ways, width and location of street or other paving, location of sewer and water lines, provision for storm sewer drainage or other similar environmental engineering considerations shall be based upon determination as to the appropriate standards necessary to implement the specific function of the specific situation; provided, however, that in no case shall standards be less than those necessary to ensure the public safety and welfare as determined by the City.

D. Preservation and Maintenance of Open Space. In a PUD, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication to the public.

(1) In the case of private reservation, the open area to be reserved may be protected against building development by conveying to the City as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of

providing landscaped open space for the aesthetic and recreational benefit of the development. Buildings or uses for noncommercial, recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or subsequently, with the express approval of building site and operational plans by the Zoning Commission. All easements are subject to acceptance by the Council.

(2) The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the City and shall be included in the title to each property.

(3) Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the City and made a part of the conditions of the plan approval.

E. Implementation Schedule. The proponents of a PUD shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Council including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

9. Approval of the Specific Implementation Plan.

A. Following a review of the specific implementation plan, the Zoning Commission shall recommend to the Council that it be approved as submitted, approved with modifications, or disapproved.

B. Upon receipt of the Zoning Commission recommendation, the Council may approve the plan and authorize the development to proceed accordingly, or disapprove the plan.

C. In the event of approval of the specific implementation plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the City

offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within ninety (90) days in the office of the County Recorder. This shall include posting a performance bond or certified check as directed by the Council for each individual project as submitted for Council consideration, with the City, guaranteeing that required improvements will be constructed according to the approved implementation schedule. This shall be accomplished prior to the issuance of any building permit.

D. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Council and Zoning Commission and if such change or addition constitutes a substantial alteration of the original plan, the procedures in the above shall be required.

E. If construction of the PUD does not commence and continue in reasonable accordance with the development schedule, then the PUD shall be voided.

10. Construction Requirements. In any plan submitted for consideration of a PUD all structures and fixtures to be permanently or semi-permanently attached to the proposed area to be developed shall have a minimum thirty-foot (30') setback from all City streets, public right-of-ways, City property and other public facilities.

11. Definitions.

A. A Planned Unit Development shall be any orderly development of a tract of five (5) acres or more of contiguous land within the City limits or within areas controlled by this chapter. A PUD may contain single-family residences, multi-family rental dwellings, condominium developments, townhouses, row houses, patio homes, tract development mobile home courts and any other residential structures which from time to time the Council may deem appropriate for inclusion in a particular submitted proposal for a PUD. PUDs also include business and commercial properties of a retail or semi-retail nature. Such properties may in a given PUD be intermingled with the afore-described residential uses subject to the above provisions of approval by the Council. The purpose of this definition is to differentiate the character of PUDs from that of the requirements appearing elsewhere in this chapter and within this Code of Ordinances regarding subdivision and platting and dedication requirements.

B. Exclusions. Specifically excluded from any consideration or any proposal for a PUD shall be industrial enterprises of any character, temporary dwellings, and all other uses inconsistent with the qualifying uses in this section.

o o o o o o o o o o

**165.11 C-1 CENTRAL BUSINESS DISTRICT.**

1. Uses. This district is composed of land and structures used primarily to provide retail trade, personal and business services of all kinds that contribute to the construction of a concentrated regional shopping and business center. The regulations are designed to permit a highly concentrated development of the permitted uses within the district. Residential uses are not permitted in the C-1 District, EXCEPT for the following:

- Apartment units above the first floor; and
- First floor apartments that do not exceed 50% of the square footage of the floor and which do not front on Sumner Avenue.

The following are the uses permitted in this district:

Advertising sign pertaining only to a use conducted within the building, which sign shall not exceed 100 square feet in area unless attached flat against the wall of a principal structure

Bakeries whose products are sold primarily at retail in the premises;

Banks and other financial institutions

Barber shops or beauty parlors

Bowling alleys

Business or commercial schools

Dancing or music studio for private instruction

Electrical and shoe repair shops with retail sales

Grocery stores

Hotels or motels

Interior decorating shops

- Laundry, dry cleaning, and dyeing shops or Laundromats
- Messenger or telegraph service stations
- Mini-storage units
- Offices or office buildings
- Petroleum automobile service stations and convenience stores
- Photographer studios
- Printing shop and newspaper printing shop
- Private clubs and lodges
- Restaurants
- Retail stores
- Sales show rooms
- Shops for retail sales
- Taverns
- Theaters (except open-air drive-in theaters)
- Public parks

***(Ord. 2013-03– Oct. 13 Supp.)***

2. Lot Sizes.

- Minimum Lot Size.....No restriction
- Minimum Frontage .....No restriction
- Maximum Building Height.....No restriction
- Maximum Lot Coverage by Buildings.....No restriction
- Minimum Front Yard .....No restriction
- Minimum Side Yard.....No restriction
- Minimum Rear Yard .....No restriction

3. Off-Street Loading Space. Every principal building or part thereof hereinafter erected, enlarged or converted, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, light industry, storage warehouse, laundry, truck terminal, or other uses, involving the frequent receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building not less than one off-street loading space for each ten thousand (10,000) square feet, or fraction thereof, of gross floor space of the building. Minimum loading space dimensions shall be 10 feet by 25 feet.

4. Architectural Standards. The following architectural requirements and standards shall apply in the Central Business District.

A. Building Placement. Buildings shall be sited parallel to the street frontage and shall have a well-defined front façade with primary entrances addressing the primary street frontage and secondary entrances located at additional convenient locations. At intersections, buildings shall have front façades on both streets.

B. Building Materials. The following materials are NOT acceptable for front façades, except as a secondary or trim material:

- (1) Masonite
- (2) Visible asphaltic exterior wall
- (3) Aluminum/steel siding or panels
- (4) Non-architectural sheet metal
- (5) Non-textured concrete block
- (6) Non-finished/non-painted plywood or particle board siding

C. Design Elements. All buildings shall have at least three design elements that contribute to the appearance and character of the building such as:

- (1) Display windows
- (2) Peaked roof forms
- (3) Arches/recessed archways
- (4) Overhangs
- (5) Integrated tile/molding
- (6) Awnings/canopies
- (7) Window and door framing/shutters/sills
- (8) Change in material/massing/texture
- (9) Change in color

***(Ord. 2011-17– July 12 Supp.)***

**165.12 C-2 GENERAL COMMERCIAL DISTRICT.**

1. Uses. This district is composed of land and structures used primarily as commercial and limited fabricating, wholesaling and warehousing. The main purpose of this district is to contain commercial uses that require larger pieces of land than generally needed in a built-up downtown area. They also require more space for the maneuvering of vehicles either within the business or in carrying out the transactions within the business. These regulations are designed to permit lightly concentrated development of the permitted uses within the district. All fabricating, wholesaling, and warehousing uses shall be conducted within an enclosed building with no open storage of raw, in process or finished material and supplies or waste material. Any use which is noxious or offensive due to the emission of odor, gas, smoke, dust, or noise, or which is a menace to public health or safety is excluded. Residences are not permitted within the district at all. This district may be more commonly referred to as an outlying commercial district and the following are the uses permitted in this district:

Private clubs and lodges

Farm supply sales

Automobile sales room and/or garages

Bowling alleys, dance halls or skating rinks

Drive-in restaurants and theaters

Farm implement sales and service and outdoor storage

Petroleum automobile service stations

Frozen food lockers

Milk distribution stations

Undertaking establishments or funeral homes

Used car sales or storage lots when located at least 50 feet away from any residential district

Veterinarian or animal hospitals or clinics, provided that any treatment rooms, cages, pens or kennels are located within a completely enclosed, sound-proof building and so operated as not to produce any objectionable odors outside of its walls

Motels

Fabricating, wholesaling and warehousing

Grocery stores

Accessory buildings and uses

Any other business or commercial use similar to the above involving primarily sales or service

Taverns and cocktail lounges

Public parks

2. Yard Requirements. There are no setback or yard requirements for principal or accessory buildings in this district except as otherwise may be required along State, Federal or County roads.

3. Off-Street Parking. Two (2) off-street parking spaces shall be provided on the site or within 200 feet thereof for each three (3) employees regularly employed at the same time in the business hereafter erected in this district.

4. Off-Street Loading. Every principal building or part thereof hereafter erected, enlarged or converted, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, light industry, storage warehouse, laundry, truck terminal or other uses, involving the frequent receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building, not less than one (1) off-street loading space for the first ten thousand (10,000) square feet or fraction thereof, of gross floor space of the building plus one (1) additional off-street loading space for each thirty thousand (30,000) square feet or major fraction thereof, of gross floor area in excess of ten thousand (10,000) square feet. Each such space shall be not less than ten (10) feet in width and sixty-five (65) feet in length and shall be a surfaced area.

**165.13 C-3 CENTRAL BUSINESS IMPLEMENT DISTRICT.**

1. Uses. This district is composed of land and structures used primarily to provide retail trade, personal and business services of all kinds and to specifically permit in addition to general retail trade the maintenance and operation of farm implement sales and service and outdoor storage facilities. The regulations are designed to permit a highly concentrated development of the permitted uses within the district.

Existing residences within the district are permitted but future residences within the district are not permitted.

Private clubs and lodges

Bakeries whose products are sold at retail in the premises

Banks and other financial institutions

Barber shops or beauty parlors

Business or commercial schools

Dancing or music studio for private instruction

Electrical and shoe repair shops with retail sales

Farm implement sales and service and outdoor storage

Interior decorating shops

Messenger or telegraph service stations

Photographic studios

Offices or office buildings

Grocery stores

Restaurants

Retail stores

Sales show rooms

Shops for retail sales

Laundry, dry cleaning, and dyeing shops or Laundromats

Theaters (except open-air drive-in theaters)

Taverns

Advertising sign pertaining only to a use conducted within the building, which sign shall not exceed 100 square feet in area unless attached flat against the wall of a principal structure

Hotels or motels

Printing shop and newspaper printing shop

Public parks

2. Lot Sizes.

Minimum Lot Size.....No restriction

Minimum Frontage .....No restriction

Maximum Building Height.....No restriction

Maximum Lot Coverage by Buildings.....No restriction

Minimum Front Yard.....No restriction

Minimum Side Yard.....No restriction

Minimum Rear Yard .....No restriction

3. Off-Street Loading Space. Every principal building or part thereof hereinafter erected, enlarged or converted, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, light industry, storage warehouse, laundry, truck terminal, or other uses, involving the frequent receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building not less than one off-street loading space for each ten thousand (10,000) square feet, or fraction thereof, of gross floor space of the building. Minimum loading space dimensions shall be 10 feet by 20 feet.

**165.14 I-1 GENERAL INDUSTRIAL DISTRICT.**

1. Uses. This district is composed of land now occupied by light industry or other lands not well suited for residential developments, where the modes of operation of industry would not likely affect nearby residential and business use. The purpose of this district is to permit the normal operation of industries, other than those whose operations may affect the health, safety or welfare or nearby residential and commercial property. This district is meant as an environmental buffer between residential and heavy industrial zones. Residential or apartment use in this district is not permitted. In this district, a building or premises shall be used only for the following purposes and shall be subject to the provisions enumerated hereinafter:

Laboratories, research, experimental or testing

Offices and office buildings

Wholesale merchandising or storage warehouses

Compounding of cosmetics, toiletries, drugs and pharmaceutical products

Manufacture or assembly of medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus

Manufacture or assembly of boats, bolts, nuts, screws, and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products, sheet metal products, and vitreous enameled metal products

Manufacture or storage of food products, including beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals

Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing, and fabrics and printing and finishing of textiles and fibers into fabric goods

Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature

Generally, those light manufacturing uses similar to those listed in the previous 6 items which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat or glare than that which is generally associated with light industries of the type specifically permitted

Accessory buildings and uses including accessory signs and advertising structures related to the activity conducted on the premises

Railroad siding

Sale at wholesale; warehousing and/or storage of any commodity, except commercial explosives

Sale at retail of any commodity manufactured, processed, fabricated or wholesaled only on the premises; equipment, supplies and materials (except commercial explosives) for agriculture, industry, business

Repair, rental and servicing of any commodity, the manufacture, process, fabrication, warehousing or sale of which commodity is permitted in this district

Garages and accessory building may occupy any portion of the lot with a principal building when necessary for any permitted use

Farms, nurseries, truck gardening, raising of livestock and fowls and similar agricultural operations including greenhouses

Any use permitted in the C-2 General Commercial District except apartments above places of business

Utility services not including exterior storage

Contractors plants and storage yards

Radio and television stations but not transmission towers

Poster boards and advertising signs

The uses enumerated above shall be subject to the following provisions:

A. All uses shall be conducted within an enclosed building with no open storage of raw, in process, or finished material and supplies or waste material.

B. All main plant buildings shall be of wood frame, concrete, structural steel or masonry construction and limited to 30 feet in height unless otherwise recommended by the Planning and Zoning Commission and approved by the Council. The following are prohibited on the façade:

- (1) Wood siding
- (2) Asphalt shingles

***(Ord. 2013-04– Oct. 13 Supp.)***

C. Adequate parking and loading space shall be provided off the street for all employees and traffic to the plant.

D. Loading operations shall be conducted at the side or rear of the buildings.

Any use which is noxious or offensive due to the emission of odor, gas, smoke, dust or noise, or which is a menace to public health or safety is excluded.

2. Yard Requirements. There are no setback or yard requirements for principal or accessory buildings in the district.

3. Off-Street Parking. Two (2) off-street parking spaces shall be provided on the lot for each three (3) employees regularly employed at the same time in factories, offices, businesses and shops hereafter erected in this district, but in no event less than an area equal to one-fourth ( $\frac{1}{4}$ ) the gross floor area occupied by the use in the principal building or buildings.

4. Off-Street Loading. The same requirements for off-street loading as specified for C-2 General Commercial District shall apply to uses in this district.

o o o o o o o o o o

**165.15 I-2 HEAVY INDUSTRIAL DISTRICT.**

1. Uses. This district is composed of land now occupied by industry or other lands not well suited for residential developments, where the modes of operation of industry would likely affect nearby residential and business use. The purpose of this district is to permit the normal operation of heavy industries, including those whose operations may affect the health, safety or welfare of nearby residential and commercial property. Residential or apartment use in this district is not permitted. The manufacture, processing and/or fabrication as enumerated of any commodity except those specifically excluded herein:

Any use permitted in "I-1" General Industrial District

Airports and landing fields

Junk yards

Drive-in or outdoor theaters

Circuses, carnivals, fairs, and shows operating for a profit

Sawmills

Radio and television stations and masts

Stockyards

Any use which is noxious or offensive due to the emission of odor, gas, smoke, dust or noise, or which is a menace to public health or safety, except by agreement to special control provisions recommended by the Planning and Zoning Commission, and approved by the Council, is excluded.

2. Yard Requirements. There are no setback or yard requirements for principal or accessory buildings in the district.

3. Off-Street Parking. Two (2) off-street parking spaces shall be provided on the lot for each three (3) employees regularly employed at the same time in factories, offices, businesses and shops hereafter erected in this district, but in no event less than an area equal to one-fourth ( $\frac{1}{4}$ ) the gross floor area occupied by the use in the principal building or buildings.

4. Off-Street Loading. The same requirements for off-street loading as specified for C-2 General Commercial District shall apply to uses in this district.

o o o o o o o o o o

**165.16 ADMINISTRATION AND ENFORCEMENT.**

1. Permit Required. No building or part thereof shall be erected, constructed, reconstructed, converted, altered, enlarged, extended, raised, moved or used and no land shall be used except in conformity with the regulations herein prescribed for the district in which such building or land may be situated and until a building permit has been issued by the Zoning Administrator as provided herein. This requirement as to residential and other non-fire zone structures shall apply to exterior alterations only. Cosmetic changes or changes deemed by the Zoning Administrator to be inconsequential shall be exempt, such changes as re-shingling, re-siding, window replacement, paved driveways and patios shall be deemed inconsequential.
2. Application for Building Permit. Each application for a building permit shall be in writing, on the standard forms of the City, and filed in the office of the Zoning Administrator. The application shall be accompanied by a plot plan of the lot upon which the building or structure is to be placed, reconstructed, enlarged or converted, showing the size of the lot, foundation dimensions, proposed front, side, and rear yard depths of the proposed building or structure and any other existing accessory building on the lot.
3. Issuance of Building Permit. If after reviewing the application, the Zoning Administrator finds the building or structure in the proposed location complies with all the provisions of this chapter, the Zoning Administrator shall, upon payment of the required fee as prescribed herein, issue a building permit therefor and retain a copy thereof as a part of the permanent records of the Zoning Administrator's office.
4. Refusal of Building Permit. If after reviewing the application the Zoning Administrator finds the building or structure in the proposed location does not comply with the provisions of this chapter, the Zoning Administrator shall furnish the applicant with a signed statement, refusing to issue such permit and setting forth the reason for such refusal. The refusal by the Zoning Administrator to issue a permit may be appealed by the applicant to the Board of Adjustment in the manner provided herein.
5. Expiration. Any zoning permit, under which no construction work has been commenced within six (6) months after date of issuance, or under which the proposed construction, reconstruction or alteration has not been completed within two (2) years of the date of issue, shall expire by limitation and no work or operation shall take place under such permit after its expiration. A building permit may be

extended once for a period not exceeding six (6) months by the Zoning Administrator.

6. Enforcement. A Zoning Administrator shall be appointed by the Mayor to hold office for such term as the Council shall determine, such appointment to be approved by the Council. Said Zoning Administrator shall issue all building permits and enforce all provisions of this chapter. Appeals from the decisions of the Zoning Administrator may be made to the Board of Adjustment as provided herein.

7. Records. The Zoning Administrator shall keep a record of all applications filed, permits issued or refused, and if refused the reason for such refusal and the final action thereon. The Zoning Administrator shall keep a record of all building permit fees collected and shall remit the amount of such fees to the office of the Clerk each day.

8. Fees. Building permits for buildings to be constructed shall be charged at the rate of:

A. Ten cents (10¢) per square foot to five thousand (5,000) square feet of floor space with over five thousand (5,000) square feet at three cents (3¢) per square foot with a minimum charge of thirty dollars (\$30.00).

B. If the proposed construction, reconstruction, conversion, alteration, enlargement, extension, or relocation is found to be located within the City's 100-year flood plain as determined by the City's Flood Boundary and Floodway Map, Community-Panel Number 190155 0005 B, effective May 19, 1981, or as amended hereafter, the fees shall be twelve cents (12¢) per square foot of floor space with space over five thousand (5,000) square feet at three cents (3¢) per square foot with a minimum charge of thirty dollars (\$30.00).

C. "Square footage" as herein computed means the area within the foundation upon and within the earth.

D. Of the fees herein computed, sixty-five percent (65%) thereof shall be paid to the Zoning Building Commissioner for inspection fees.

E. Any additional fees incurred by the City in determining an application's compliance with the regulations as set forth in this chapter or

any related chapter in this Code of Ordinances shall be borne by the person making the application.

9. Certificate of Occupancy.

A. No building or part thereof shall be erected, constructed, reconstructed, converted, altered, enlarged, extended, raised, moved, used or changed from an existing owner or occupant to a new owner or occupant without first obtaining from the City a Certificate of Occupancy.

B. The Certificate of Occupancy shall be distributed and collected by the Clerk and shall contain the following information:

- (1) Owner and occupant (if different from owner);
- (2) Contemplated uses;
- (3) Legal description of the property;
- (4) Any contemplated changes in use from present use, including changes in both use and physical characteristics of the property.

C. The certificate shall be completed by the owner or occupant and delivered to the City Zoning and Building Officer, who shall conduct an investigation of the proposed use and either approve or disapprove the certificate. If approved, the certificate shall be delivered to the Clerk for filing. If disapproved, the Zoning and Building Officer shall attach to the disapproved certificate a letter setting forth the reasons for disapproval. This shall be forwarded to the Clerk and a copy sent to the owner or occupant.

D. An appeal may be taken from a disapproved certificate by notifying the Clerk, who shall place the matter on the agenda for Council discussion and decision. The Council shall, at its discretion, retain the right to refer the matter for recommendation and investigation to the Zoning Commission, and shall have the right by majority vote to affirm the disapproved certificate, require corrective measures prior to correction, or override the Zoning and Building Officer and approve the certificate.

**165.17 BOARD OF ADJUSTMENT.**

1. Board Created. The Board of Adjustment consists of five (5) members all of whom are taxpayers and residents of the City. They shall be appointed by the Mayor, subject to confirmation by the Council. One (1) member of the Board may be a member of the City Planning Commission. Appointments to the Board shall be for a term of five (5) years. Any vacancy shall be filled by appointment for the unexpired term only. All members shall serve without compensation.

2. Meetings. The meetings of the Board shall be held at the call of the Chairperson, and at such other times as the Board may determine. Such Chairperson, or in the Chairperson's absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. The 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, the minutes shall indicate such fact. The Board shall keep records of its examinations and other official actions, which shall be immediately filed in the office of the Board as a public record. The presence of three (3) members shall be necessary to constitute a quorum.

3. Appeals. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, or board or bureau of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken within ten (10) days by filing with the Zoning Administrator and with the Board written notice of appeal specifying the grounds thereof. The Zoning Administrator 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 Zoning Administrator certifies to the Board after the notice of the appeal shall have been filed with the Zoning Administrator, that by reason of facts stated in the appeal a stay would in said official's 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 of notice to the Zoning Administrator and on due cause shown. Appeals to the Board from the decision of the Zoning Administrator shall not be considered by the Board until a fee of one hundred fifty dollars (\$150.00) for each such appeal is deposited by the appellant with the Clerk. Such fee shall be paid at the same time as the notice to the Board that is herein delineated is given. The City may, from time to time, apply such fees as it deems necessary to defray administration and expenses in processing the appeal. The appellant is required to set stakes showing the boundaries of the proposed construction at least one week prior to the hearing date.

*(Ord. 2006-07 – Mar. 07 Supp.)*

4. 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 attorney.

5. Powers; Administrative Review. The Board shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the provisions of this chapter.

6. Powers; Exceptions. The Board shall permit the following exceptions to the district regulations set forth in this chapter subject to the requirements of this section:

A. 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.

B. 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 plat is in more than one district.

7. Powers; Special Exceptions. The Board shall have the authority to hear and decide only such other special exceptions as the Board is specifically authorized to pass on by the terms of this chapter; 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 chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. 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 chapter under which the special exception is sought and stating the grounds on which it is requested.

B. Notice of public hearing shall be given at least ten (10) days in advance of public hearing. The owner of the property for which special

CODE OF ORDINANCES, HUMBOLDT, IOWA

exception is sought or such person's agent and any other affected property owners shall be notified by mail. Notice of hearing shall also be posted on the property for which special exception is sought. Any party may appear in person, or by agent, or attorney.

C. Requests for variances to permit a nonconforming use in addition to being made to the Board of Adjustment shall also be automatically forwarded by the Clerk to the Zoning Commission which shall thereafter have the right to make recommendations for or against the proposed special exception, and shall have the right to appear before the Board of Adjustment. No request for exception shall be passed upon by the Board of Adjustment without first being referred to and a report on recommendations received from the Zoning Commission.

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

A. A written application for a variance is submitted demonstrating that:

(1) 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.

(2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

(3) The special conditions and circumstances do not result from the actions of the applicant.

(4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

No nonconforming 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.

B. Notice of public hearing shall be given at least ten (10) days in advance of public hearing. The owner of the property for which special exception is sought or an agent of said owner and any other affected property owners shall be notified by mail. Notice of hearing shall also be posted on the property for which special exception is sought. Any party may appear in person, or by agent, or by attorney.

9. Decisions of the Board of Adjustment. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

10. Appeals From the Decision of the Board of Adjustment. Any taxpayer, or any officer, department, board or bureau of the City, or any person or persons jointly or severally aggrieved by a 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.

11. Duties on Matters of Appeal. It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by statute. It is further the intent of this chapter that the duties of the Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this chapter. Under this chapter, the Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of the ordinance codified by this chapter, as provided by law and of establishing a schedule of fees and charges.

12. Complaints Regarding Violations. Whenever a violation of this chapter 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 Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereof as provided by this chapter.

#### **165.18 AMENDMENTS.**

1. The Council may, from time to time, on its own initiative, on petition, or on recommendation by the Planning and Zoning Commission, after public notice and hearings provided by law, and after a report by the Commission or after thirty (30) days' written notice to the Commission, amend, supplement, or change the regulations or districts herein or subsequently established.

2. Whenever the owners of fifty percent (50%) or more of the area of the lots in any district or part thereof desire any amendment, supplement or change in any of the provisions of this chapter applicable to such area, they may file a petition with the Clerk requesting the Council to make such amendment, supplement or change. Such petition shall be accompanied by a map or diagram showing the area affected by the proposed amendment, supplement or change, together with the boundaries of the area and such petition shall immediately be transmitted to the Commission for an investigation and report. The Commission shall file its recommendations approving, disapproving or modifying the proposed amendment, supplement or change with the Council within thirty (30) days thereafter.

3. If a written protest against any proposed amendment, supplement or change shall have been presented to the Council, signed by the owners of twenty percent (20%) 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 lot or not to exceed two hundred (200) feet therefrom or of those directly opposite thereto, extending the depth of one lot or not to exceed 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 (3/4) of all the members of the Council.

4. Whenever a petition requesting an amendment, supplement, or change of any regulation prescribed by this chapter has been denied by the Council such petition cannot be renewed for one year thereafter unless it is signed by at least fifty percent (50%) of the property owners who previously objected to the change. This provision, however, shall not prevent the Council from acting on its own initiative in any case or at any time as otherwise provided in this section.

| <b>EDITOR'S NOTE</b>   |                   |               |                   |
|--|-------------------|---------------|-------------------|
| <p>The following ordinances which amended the Official Zoning Map referred to in this chapter have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.</p> |                   |               |                   |
| ORDINANCE NO.  | DATE ADOPTED      | ORDINANCE NO. | DATE ADOPTED      |
| 388  | June 19, 1972     | 2009-03       | February 17, 2009 |
| 391  | May 8, 1973       | 2013-05       | March 4, 2013     |
| Unnumbered   | May 5, 1975       | 2013-06       | March 4, 2013     |
| Unnumbered   | January 3, 1977   | 2013-07       | March 4, 2013     |
| 410  | March 7, 1977     |               |                   |
| 411  | March 7, 1977     |               |                   |
| 412  | April 4, 1977     |               |                   |
| 416  | May 16, 1977      |               |                   |
| 425  | April 17, 1978    |               |                   |
| 431  | June 26, 1978     |               |                   |
| 446  | December 20, 1979 |               |                   |
| 447  | December 20, 1979 |               |                   |
| 457  | November 3, 1980  |               |                   |
| 459  | November 17, 1980 |               |                   |
| 461  | June 15, 1981     |               |                   |

|         |                    |  |  |
|---------|--------------------|--|--|
| 462     | July 6, 1981       |  |  |
| 471     | October 18, 1982   |  |  |
| 475     | March 21, 1983     |  |  |
| 484     | May 7, 1984        |  |  |
| 515     | October 5, 1987    |  |  |
| 523     | May 16, 1988       |  |  |
| 526     | September 19, 1988 |  |  |
| 531     | October 2, 1989    |  |  |
| 96-09   | October 21, 1996   |  |  |
| 98-01   | January 5, 1998    |  |  |
| 99-04   | April 5, 1999      |  |  |
| 2000-02 | May 15, 2000       |  |  |
| 2000-11 | December 18, 2000  |  |  |
| 2001-03 | June 4, 2001       |  |  |
| 2002-03 | April 15, 2002     |  |  |
| 2002-05 | October 7, 2002    |  |  |
| 2003-10 | October 20, 2003   |  |  |
| 2004-03 | May 17, 2004       |  |  |
| 2005-08 | April 18, 2005     |  |  |

[The next page is 865]