

ZONING AND SUBDIVISION

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CHAPTER 165

ZONING REGULATIONS

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165.01 TITLE. This chapter, including the Official Zoning Map, shall be known as, and may be cited and referred to as, the City of Hedrick Zoning Code.

165.02 PURPOSE. The purpose of this Zoning Code is to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, morals, safety, and general welfare in the City.

165.03 DEFINITIONS. For purposes of this chapter the following terms are defined:

1. Words beginning with “A.”
 - A. “Abandonment” means to cease or discontinue a use or activity without intent to resume, as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.
 - B. “Accessory use” or “Structure” means a use or a structure subordinate to the principal building on the same lot and serving a purpose customarily incidental there to.
 - C. “Addition” means any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
 - D. “Alley” means a public way, other than a street, affording secondary means of access to abutting property.
 - E. “Alteration” means any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearances of a building or structure.
 - F. “Attached” means having one or more walls in common with a principal building or connected to a principal building by an integral

architectural element, such as a covered passageway, façade wall extension, or archway.

G. “Automobile repair, major” means general repair, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

H. “Automobile repair, minor” means minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks not exceeding one- and one-half tons capacity, but not including any operation specified under automobile repair, major.

2. Words beginning with “B.”

A. “Basement” means a story having part but not more than 50 percent of its height below the average grade of the adjoining ground (as distinguished from a “cellar”). A basement shall be counted as a story for the purpose of height measurement.

B. “Bed and breakfast inn” means a house, or portion thereof, where short-term lodging rooms and meals are provided for compensation. The operator of the inn shall live on the premises or in adjacent premises.

C. “Billboard” means a large outdoor board for displaying advertisements.

D. “Block, front” means a portion of a street on a particular side of the street without a separation by a cross- street or alley.

E. “Board” means the Board of Adjustment, established by the City pursuant to Chapter 414 of the *Code of Iowa*, expressly for the purpose of granting relief from situations of hardship, to hear appeals, and to provide for approval of variances and conditional, uses as provided within this Code.

F. “Boarding house” means an establishment with lodging for three or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family-style, without service or ordering of individual portions from a menu.

G. “Building” means any structure for the shelter or enclosure of persons, animals, or chattels.

3. Words beginning with “C.”

A. “Cellar” means a story having 50 percent or more of its height below the average grade of the adjoining ground. A cellar shall be counted as a story, for purposes of height measurement, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.

B. “Change of use” means the replacement of an existing use by a new use.

C. “Comprehensive Plan” means the duly adopted Comprehensive Plan of the City.

D. “Conditional use” means a use that may be permitted in a zoning district subject to special conditions and with the approval of the Board of Adjustment. Conditional uses are considered identical to special exception uses as authorized by the *Code of Iowa*.

- E. "Corner lot" means a lot located at the junction of at least two streets, private ways, or courts or at least two segments of a curved street, private way, or court, at which the angle of intersection is no greater than 135 degrees.
4. Words beginning with "D."
- A. "Detached" means fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.
- B. "District" means any section of the City within which the zoning regulations are uniform.
- C. "Drive-in facility" means an establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.
- D. "Dwelling" means a building or portion thereof occupied or intended to be occupied exclusively for residence purposes but not including a tent, cabin, trailer, or a room in a hotel or motel.
- E. "Dwelling group" means two or more detached dwellings located on a parcel of land in one ownership.
- F. "Dwelling, single-family, attached" means one of two or more residential buildings having a common party wall separating dwelling units.
- G. "Dwelling, single-family, detached" means a residential building containing not more than one dwelling entirely surrounded by open space on the same lot.
- H. "Dwelling, two-family" means a building or portion thereof used for occupancy by two families living independently of each other and containing two dwelling units.
- I. "Dwelling, multi-family" means a building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.
5. Words beginning with "E."
- A. "Easement" means a privilege or right of use granted on, above, under, or across a particular tract of land for a specific purpose by one owner to another, public or private agency or utility.
- B. "Enclosed" means a roofed or covered space fully surrounded by walls.
- C. "Essential services" means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

6. Words beginning with “F.”
 - A. “Family” means one or more persons related by blood, marriage, or adoption, together or with their domestic servants, maintaining a common household in a dwelling.
7. Words beginning with “G.”
 - A. “Garage, private” means a detached accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles or trailers of the occupants of the premises or not more than one truck of a rated capacity not exceeding one and one-half tons.
 - B. “Garage, public” means any building where automotive vehicles are painted, repaired, rebuilt, reconstructed, and or stored for compensation.
 - C. “Garage, storage” means any building or premises used for housing only of motor driven vehicles pursuant to previous arrangements and not to transients, and, at which, automobile fuels and oils are not sold, and motor driven vehicles are not being equipped, repaired, hired, or sold.
8. Words beginning with “H.”
 - A. “Height” means in the case of a wall, or part of a building, the vertical distance from the average established curb grade in front of the lot or from the average finished grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.
 - B. “Highway” or “Primary thoroughfare” means an officially designated federal or State numbered highway or other road designated as a highway or primary thoroughfare on the Transportation Plan as officially adopted and amended from time to time by the Planning and Zoning Commission and Council.
 - C. “Home occupation” means an occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit which does not alter the exterior of the property or affect the residential character of the neighborhood.
 - D. “Hotel” means a facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.
9. Words beginning with “I.”
10. Words beginning with “J.”
11. Words beginning with “K.”
12. Words beginning with “L.”
 - A. “Land use plan” means the comprehensive long-range plan for the desirable use of land in the community, as officially adopted and as amended from time to time by the Planning and Zoning Commission and Council; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in the zoning of land to meet changing community needs, in the subdividing and use of undeveloped land, and in the acquisition

of land for such public purposes as streets, parks, schools, and other public buildings or public uses.

B. “Lodging house” means a building where, for compensation, lodging is provided for three or more persons.

C. “Lot area” means the horizontal area within the lot lines of the lot.

D. “Lot corner” means a lot of which at least two adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

E. “Lot depth” means the mean horizontal distance between the front and rear lot lines.

F. “Lot lines” means lines bounding a lot, as defined herein.

G. “Lot of record” means a lot which is a part of a subdivision, the map of which has been recorded in the office of the County Recorder; or a parcel of land, the deed to which has been recorded in the office of the County Recorder prior to the adoption of these regulations.

H. “Lot width” means the mean horizontal distance across the lot between side lot lines at the building line measured at right angles to the depth.

I. “Lot” means a parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building and its accessory buildings, is sufficient to provide the yards and courts required by the ordinance.

13. Words beginning with “M.”

A. “Manufactured home” means a factory-built structure built under the authority of 42 United States Code Section 5403 is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976, to be used as a place for human habitation. If a manufactured home is placed in a mobile home park, the home must be titled and is subject to the mobile home square foot tax. If a manufactured home is placed outside a mobile home park, the home is to be assessed and taxed as real estate, a mobile home is not a modular or manufactured home.

B. “Mobile home park” means any site, lot, field, or tract of land under common ownership upon which two or more occupied mobile homes, manufactured homes, modular homes, or a combination of the homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park. The term mobile home park shall not be construed to include mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students. A mobile home park must be classified as to whether it is a residential mobile home park or a recreational mobile home park or both. The Mobile Home Park Residential Landlord Tenant Act only applies to residential mobile home parks.

C. “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 shall also include any such vehicle with motive power not registered as a motor vehicle in the State. A mobile home is not built to a mandatory Building Code, contains no State or federal seals, and was built before June 15, 1976. If mobile home is place outside a mobile home park, the home is to be assessed and taxed as real estate. A mobile home is not a manufactured or modular home as that term is defined in this Code.

D. “Modular home” means a factory-built structure built on a permanent chassis which is manufactured to be used as a place of human habitation, is constructed to comply with the *State Building Code* for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner. If a modular home is placed in a mobile home park, the home is subject to the annual tax as required by Section 435.22 of the *Code of Iowa*. If a modular home is placed outside a mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate.

E. “Motel” means a building or group of buildings containing apartments or rooming units, each of which maintains a separate entrance. Such building or group of buildings is designed, intended, or used primarily for the accommodation of automobile travelers and provides automobile parking conveniently located on the premises.

F. “Motor fuel station” means a place where minor automobile repair is conducted and where gasoline, diesel oil, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling and the sale of automobile accessories on the premises.

14. Words beginning with “N.”

A. “Non-conforming use” means a building, structure, or premises lawfully occupied at the time of the enactment of the ordinance by a use that does not conform with the provisions of the ordinance for the district in which it is located; also such use resulting from changes in zoning districts or in textual provisions made hereafter.

15. Words beginning with “O.”

16. Words beginning with “P.”

A. “Parking area, accessory” means an area of one or more parking spaces located on the same property as the building, structure, or premises it is intended to serve, or on adjoining or nearby property other than the public right-of-way, and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.

B. “Permanent foundation” means a foundation that consists of load-bearing support walls, constructed of concrete, that are buried at least 42 inches deep. This permanent foundation shall be in the form of a solid wall located under the exterior walls of the structure, or a pier that supports the alternative structure construction of manufactured homes, as to support and secure the structure. In all installations, the mobile home, manufactured home, or modular home shall be attached to the permanent foundation in such a manner as to prevent lateral movement, settling, or heaving. The permanent foundation system must be visually compatible with the aesthetics of surrounding residential structures.

C. "Planning and Zoning Commission" means The Planning And Zoning Commission of the City, as authorized by Chapter 23 of this Code of Ordinances.

D. "Principal use" means the main use of land or structures as distinguished from secondary or accessory use. For example, a house is a principal use in a residential area; a garage or pool is an accessory use.

17. Words beginning with "Q."

18. Words beginning with "R."

A. "Recreational vehicle" means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks; boats and boat trailers.

19. Words beginning with "S."

A. "Sign" means any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency.

B. "Sign, gross surface area of story" means the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements lying outside the limits of such signs and not forming an integral part of the display.

(1) That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or the ceiling or roof next above such floor; provided that, for the purpose of determining the required dimensions of yards and courts, then the average story height of a building exceeds 12 feet, each 12 feet or fraction thereof of the total building height shall be considered a separate full story or fractional story respectively, except the first story which may be 15 feet high.

C. "Story, half" means a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and their family, shall be deemed a full story.

D. "Street" means any public way set aside as a permanent right-of-way for vehicular or pedestrian access 21 feet or more in width if it existed at the time of the enactment of the ordinance; and any such public way created after enactment of the ordinance, provided it is 60 feet or more in width.

E. "Structural alteration" means any change in the supporting members of a building including, but not limited to, bearing walls, load-bearing partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

F. "Structure" means anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground.

20. Words beginning with "T."
21. Words beginning with "U."
22. Words beginning with "V."
23. Words beginning with "W."
24. Words beginning with "X."
25. Words beginning with "Y."

A. "Yard, front" means an open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. A corner lot shall have two front yards.

(1) "Front yard, least depth" means the shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the front lot line.

B. "Yard, rear" means an open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

(1) "Rear yard, least depth" means the shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the rear lot line. In the case of an irregular, triangular, or gore-shaped lot, a line 10 feet in length entirely within the lot, parallel to and maximum distance from the front lot line, shall be considered the rear lot line.

C. "Yard, side" means an open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

(1) "Side yard, least width" means the shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the nearest side lot line.

26. Words beginning with "Z."

165.04 ESTABLISHMENT OF DISTRICTS. For the purpose of this chapter, the following districts are designated:

1. Agricultural Districts A-1
2. Residence District R-1
3. Business Districts B-1
4. Industrial Districts I-1
5. Mobile Home Park Districts

165.05 OFFICIAL ZONING MAP. As shown by the Official Zoning Map, the City is divided into five classes of districts. The boundaries of these districts are hereby established as shown on the Official Zoning Map of the City, and said map and all notations, references and other information shown thereon shall be and are hereby made a part of this chapter by reference. The Official Zoning Map, signed by the Mayor and properly attested by signature of the Clerk and date of adoption, shall be and remain on file in the office of the Clerk.

1. **Boundaries.** The boundaries of these districts are hereby established as shown on a map entitled "Zoning Map," which accompanies and is hereby made a part of this chapter. The district boundary lines on said map are intended to follow lot lines, and centerlines of streets or alleys, the centerlines of streets or alleys projected, railroad right-of-ways, or the corporate limit lines, all as they existed at the time of enactment of the chapter; but where a district boundary line does not clearly coincide with lot lines, it shall be determined by scaling.
2. **Divided Lots.** Where a district boundary line divides a lot which was in single ownership and of record at the time of enactment of the chapter, the rules applying to the less restricted portion of such lot shall be considered as extending to the entire lot. If the more restricted portion of such lot is more than 50 feet beyond said dividing district boundary line, such less restricted use shall be limited to the portion of the lot lying within 50 feet of said boundary line.
3. **Interpretations.** Questions concerning the exact location of district boundary lines shall be determined by the Board of Adjustment according to rules and regulations which it may adopt, as hereinafter provided under Section 165.35.
4. **Official Zoning Map.**

EDITOR'S NOTE			
<p>The City's current zoning Map is located at City Hall. Since the adoption of the Official Zoning Map, as noted above, each ordinance listed below with the date of adoption by the City, following a recommendation by the Planning and Zoning Commission, has modified the Official Zoning Map. Each of these ordinances modifying the Official Zoning Map is now saved from repeal and is in full force and effect.</p>			
ORDINANCE	ADOPTED	ORDINANCE	ADOPTED
6-5-2006			
30-4-307			
3-2006	June 5, 2006		
1-2015	January 28, 2015		

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6-5-2006			
30-4-307			
3-2006	June 5, 2006		
1-2015	January 28, 2015		

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165.06 ANNEXED AREAS. All territory which may hereafter be annexed to the community shall be classed automatically as being in Agricultural District A-1 until such classification shall have been changed by amendment of the chapter as provided hereinafter.

165.07 ZONING AFFECTS EVERY STRUCTURE AND USE. Except as hereinafter provided, no building, structure, or land shall hereafter be used and no building or part thereof or structure shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulation herein specified for the class of district in which it is located.

165.08 CONTINUING EXISTING USES. Any building, structure, or use lawfully existing at the time of enactment of the Zoning Code may be continued, except certain non-conforming uses as provided under non-conforming uses in Section 165.09. Nothing in the zoning code shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by any competent authority.

165.09 NON-CONFORMING USES. Except as hereinafter provided under the designated exceptions below.

1. **Damaged Structures.** Any non-conforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, or an act of God, may be reconstructed and used as before if it be done within 12 months of such calamity, unless damaged more than 50 percent of its fair market value, as determined by the Board of Adjustment, at the time of such damage, in which case reconstruction shall be in accordance with the provision of the Zoning Code.
2. **Discontinued Use or Changed Use.** The following shall not be devoted again to non-conforming use: buildings, structures, or premises where a non-conforming use has been or may be discontinued for more than one year; buildings, structures, or premises that have been changed or may be changed to a use permitted in the district in which they are located.
3. **Conformity Period.** Any building or structure devoted to a non-conforming use of with a fair market value of less than \$500.00, as determined by the Board of Adjustment, may be continued for a period not to exceed three years after enactment of the Zoning Code, whereupon such non-conforming use shall cease and thereafter such building or structure shall be removed or changed to a conforming use.
4. **Exceptions.** The foregoing provision under the non-conforming uses Subsections 1, 2, 3, and 4 under Section 165.09, insofar as these limit reconstructions or require certain uses to cease or buildings or structures to be removed or changed, shall not be applicable where any such building, structure, or use would be conforming under the Comprehensive or Land Use Plan as defined herein.

165.10 STREET FRONTAGE, MINIMUM REQUIREMENTS. No lot created after the adoption of the Zoning Code shall contain any building used as a dwelling unless it abuts at least 37.5 feet on a street or has a permanent exclusive non-obstructed easement of access not less than 37.5 feet wide to a street.

165.11 LOT AREA REQUIREMENTS.

1. **Existing Lots of Record.** In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any size lot officially recorded at the time of enactment of the zoning code, provided that:

- A. The owner does not own any adjoining property; and
- B. The proposed yard spaces satisfy requirements stipulated for the district in which said lot is located.

Requirements may be modified by the Board of Adjustment as set forth hereinafter.

2. **Lots Unserved by Sewer or Water.** In any district where neither water supply nor public sanitary sewer is accessible, the otherwise specified lot area shall be a minimum 20,000 square feet with width requirements of 100 feet. If, however, public water and sewer supply systems are accessible and will be installed, these requirements shall be 10,000 square feet and 75 feet, respectively. The City Engineer or their equivalent shall certify that said areas will be large enough to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

165.12 NUMBERS OF USES ON ONE LOT. No lot shall contain more than one principal use.

165.13 ACCESSORY BUILDINGS IN RESIDENCE DISTRICTS.

- 1. **Size of Structure.** No accessory building shall be erected in any yard other than a rear yard and it shall occupy less than 30 percent of a required rear yard. Accessory buildings shall be limited to 15 feet in height and shall be distant at least four feet from all lot lines adjoining lots which are in any R District, and at least six feet from alley lines and four feet from any other buildings or structures on the same lot.
- 2. **Topography.** Where the natural grade of a lot at the front wall of the principal building is more than eight feet above the average established curb grade in front of the lot, a private garage may be erected within any yard or court, but not within 10 feet of any property line, provided that at least one-half of the height of such private garage shall be below the level of the yard or court.
- 3. **Attached Garage or Carport.** A garage or carport attached directly to the dwelling or connected by a breezeway or similar structure shall become a part of the principal building and shall comply with all yard requirements of the dwelling.

165.14 ADJOINING LOTS UNDER ONE OWNERSHIP. Where two adjoining lots are under one ownership, an accessory building may be constructed on one lot if the adjacent lot contains the principal structure. If the lot containing the accessory structure is sold independently of the lot containing the principal structure, there is a designated conformity period of one year for that lot to have a principal structure built or the accessory structure removed from the non-conforming lot. The accessory structure must comply with the regulations contained in this Zoning Code regarding size and location on the lot.

165.15 REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING.

- 1. **Area.** No lot, yard, court, parking area, or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by the Zoning Code. If already less than the minimum required, it shall not be further reduced. Each building or structure shall have its own open space as required in this Zoning Code and such open space shall not be included as part of the open space to any other building or structure.
- 2. **Garages and Parking.** The space used for a private garage and parking area shall be considered as part of the open space required about a principal building and the

same rules shall apply as to size. Such space shall not be reduced or included as part of any required open space for another building or structure.

165.16 CONVERSION OF DWELLING. The conversion of any building or dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the Zoning Code. Such conversion will be permitted only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to: lot size, lot area per dwelling unit, dimensions of yards, and other open spaces, and off-street parking. Each conversion shall be subject also to further requirements as may be specified hereinafter within the section applying to each district.

165.17 TRANSITIONAL USES IN R DISTRICTS. In any R-1 District a transitional use shall be permitted on a lot the side lot line of which adjoins, either directly or across an alley, any B or I Districts. The permitted transitional uses for any such lot in an R-1 District shall be any use permitted in the B-1 District. In the case of any such lot in an R-1 District, the requirements governing lot area per dwelling unit, off-street parking, yards, and other open spaces shall be the same as for the district respectively next listed in Section 165.04. Any transitional use authorized under this section shall not extend more than 100 feet from the side lot line of the lot abutting on the zoning district boundary line.

165.18 MINIMUM GROUND FLOOR AREA FOR DWELLINGS.

1. One-Story Dwellings. A one-story dwelling shall contain not less than 720 square feet of usable ground floor area, exclusive of open porches, garages, or steps.
2. Multi-Story Dwellings. A one and one-half or two-story dwelling shall contain not less than 600 square feet of ground floor area, exclusive of open porches, garages, or steps.

165.19 OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS PROHIBITED. On a corner lot, there shall be provided an unobstructed view across a triangle formed by joining points measured 20 feet along the property line from the intersection of two streets or 15 feet along both the street and alley line from the intersection of street and alley. Within the triangle there shall be no sight-obstructing or partly obscuring wall, fence, or foliage higher than 30 inches above grade or in the case of trees, foliage lower than five feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.

165.20 ESSENTIAL SERVICES. Essential services shall be permitted as authorized and regulated by law and other ordinances of the community, it being the intention hereof to exempt such essential services from the application of the Zoning Code.

165.21 VALIDITY OF EXISTING BUILDING PERMITS. Nothing herein contained shall require any change in the over-all layout, plans, construction, size, or designated use of any development, building, structure, or part thereof, for which official approvals and required building permits have been granted before the enactment of the Zoning Code. Such construction, conforming with approved plans, shall have been started prior to the effective date of the Zoning Code and completion thereof carried on in a normal manner within the subsequent six-month period and not discontinued until completion, except for reasons beyond the builder's control.

165.22 AGRICULTURAL DISTRICTS A-1. The following are provisions of the A-1 Agricultural District:

1. Permitted Principal Uses.
 - A. Agricultural activities such as crop farming and truck gardening, but not including livestock farming, general grazing and pasturing, confinement feeding, or other concentrated feed lot activities.
 - B. Public parks, playgrounds, and recreational areas.
 - C. Essential services and municipal administrative or public service buildings or properties, except such uses as storage yards, warehouses, public garages, or other uses customarily conducted as gainful business, provided any building is located not less than 20 feet from any lot in any R District.
 - D. Cemeteries of 10 acres or more in size.
 - E. Churches, chapels, or parish houses located not less than 20 feet from any side lot line in any R District.
 - F. Any building or structure occupied or used for preschool, elementary, junior high, or high schools, public libraries, and similar public cultural uses located not less than 20 feet from any side lot line.
 - G. Sale of nursery and greenhouse products.
 - H. Railroad right-of-way and tracks, not including switching, storage terminal facilities, or freight yards.
 - I. Non-farm, single-family detached dwellings on lots of two acres or more.
 - J. Transformer stations and booster or pressure regulating stations without service yard or storage.
 - K. A mobile home, manufactured home, or modular home only if it is installed upon a permanent foundation as defined herein.
2. Conditional Uses.
 - A. Privately operated country clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any principal accessory building in connection therewith shall be located not less than 200 feet from any lot in an R District.
 - B. Agricultural activities including livestock farming, general grazing and pasturing, confinement feeding or other concentrated feedlot activities when at least 1,320 feet from an R or B District.
3. Permitted Accessory Uses.
 - A. Buildings, structures, and uses accessory to agricultural uses including roadside stands, selling produce grown on the premises, provided such roadside stands are located not less than 20 feet from a street or highway right-of-way line.
 - B. Private garages or parking areas.
 - C. Living quarters of persons employed on the premises.

D. Customary incidental home occupations such as handicraft, dressmaking, millinery, and preserving, or similar activity carried on solely by resident occupants within their residence subject to the following provisions:

- (1) No more than one room shall be used for such purposes by any resident family;
- (2) No such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customarily in dwellings;
- (3) Nothing is sold or offered for sale that has not been produced on the premises;
- (4) No display of goods or services pertaining to such shall be visible from the street or road.

E. Signs as regulated by Section 165.27.

4. Height Regulations. No principal structure shall exceed two and one-half stories or 35 feet in height from the average established curb grade in front of the lot or average finished grade at the building line; if higher, and no accessory structure shall exceed 15 feet in height, except as provided in Section 165.33.

5. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed subject to the additional requirements, exceptions, and modifications in Section 165.33. Each lot shall contain a minimum area of two acres.

1. Maximum Height of Principal Structure	1. Minimum Lot Width	1. Minimum Front Yard Depth	1. Minimum Side Yard Width	1. Minimum Rear Yard Depth
2. 1 to 2 ½ Stories	2. 200 feet	2. Along State and federal roads 80 feet 3. Other public roads 60 feet	2. 30 feet	2. 100 feet

Accessory buildings must be at least four feet from the lot lines.

[The next page is 1373]

165.23 RESIDENCE DISTRICTS R-1. The following are provisions of the Residence Districts R-1:

1. Permitted Principal Uses.
 - A. One-family detached dwellings.
 - B. Public parks, playgrounds, and recreational areas.
 - C. Essential services as defined herein and municipal administrative or public buildings or properties, except such uses as storage yards, warehouses, garages, or other uses customarily conducted as gainful business, provided any building is located not less than 20 feet from any lot in any R District.
 - D. Cemeteries of 10 acres or more in size.
 - E. Churches, chapels, or parish houses located not less than 20 feet from any side lot line in any R District.
 - F. Any building or structure occupied or used for preschool, elementary, junior high or high schools, and public libraries located not less than 20 feet from any side lot line.
 - G. Transformer stations and booster or pressure regulating stations, without service yard or storage.
 - H. A mobile home, manufactured home, or modular home only if it is installed upon a permanent foundation as defined herein.
2. Conditional Uses.
 - A. Privately operated, country clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any principal or accessory building in connection therewith shall be located not less than 200 feet from any lot in an R District.
 - B. Dwelling Groups.
 - C. Parking areas accessory to a use in an adjoining less restricted district, when abutting or directly across an alley, subject to the applicable conditions stipulated in Section 165.35, and such further conditions as may be stipulated by the Board of Adjustment.
 - D. Hospitals, sanitariums, and nursing homes provided that any such buildings shall be at least 50 feet from any lot in any R District. Hospitals shall be located on lots of five acres or more, sanitariums on lots of 10 acres or more and nursing homes on lots of 20,000 square feet or more.
 - E. Residence development project exempt from district height regulations see Section 165.33(2).
 - F. Office of civic, religious, or charitable organizations and financial or insurance institutions conducting their activities primarily by mail and not handling merchandise or rendering services on the premises.
 - G. Physicians' and dentists' offices and private clinics for human care, professional offices of architects, engineers, lawyers, and the like; offices devoted to real estate, insurance, management, and similar enterprises when conducting their activities primarily by mail or telephone and not displaying or handling merchandise on the premises.

- H. Dwellings for any number of families.
 - I. Boarding and lodging houses.
 - J. Mobile home parks or trailer courts subject to the conditions as outlined in Section 165.33(2).
3. Permitted Accessory Uses.
- A. Private garages or parking areas.
 - B. Living quarters of persons employed on the premises.
 - C. Customary incidental home occupations including home daycares, beauty shops, barbershops; or dancing or music schools with more than one pupil at a time. No more than one room within the dwelling shall be used for such purposes.
 - D. Customary incidental home occupations such as handicraft dressmaking, millinery and preserving or similar activity carried on solely by resident occupants within their residence subject to the following provisions:
 - (1) No more than one room shall be used for such purposes by any resident family;
 - (2) No such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customarily in dwellings;
 - (3) Nothing is sold or offered for sale that has not been produced on the premises;
 - (4) No display of goods or services pertaining to such shall be visible from the street or road.
 - E. Signs as regulated by Section 165.27.
4. Height Regulations. No principal structure shall exceed six stories or 75 feet in height, at the required front, side, and rear yard lines, other than as provided in Section 165.33, except that one foot may be added to the height permitted for each foot that the building is set back from the required yard lines and that one foot be added to the minimum lot width for each one foot that the building exceeds six stories or 75 feet in height.
5. Lot Area, Frontage, and Yard Requirements. The following minimum requirements shall be observed, subject to the additional requirements, exceptions, and modifications in Section 165.33 inclusive. Each structure shall be located on a lot containing at least 7,500 square feet. Each structure containing more than one family shall be located on a lot having an area of 2,000 square feet for each family.

1.	1. Minimum Lot Width	1. Minimum Front Yard Depth	1. Minimum Yard Least Width	1. Side Widths Sum Least Widths	1. Minimum Rear Yard Depth
2. Story	2. 70 feet	2. 30 feet	2. 7 feet	2. 16 feet	2. 35 feet
3. Stories	3. 70 feet	3. 32 feet	3. 9 feet	3. 20 feet	3. 35 feet
4. Stories	4. 80 feet	4. 35 feet	4. 10 feet	4. 22 feet	4. 37 feet
5. Stories	5. 90 feet	5. 40 feet	5. 12 feet	5. 27 feet	5. 40 feet
6. Stories	6. 95 feet	6. 45 feet	6. 14 feet	6. 33 feet	6. 45 feet
7. Stories	7. 100 feet	7. 50 feet	7. 16 feet	7. 40 feet	7. 50 feet

Accessory buildings must be at least four feet from the lot lines.

[The next page is 1381]

165.24 GENERAL BUSINESS DISTRICTS B-1. The following are provisions of the Business Districts B-1:

1. Permitted Principal Uses.
 - A. Any use or structure permitted and as regulated in Section 165.23, except hereinafter modified.
 - B. Any retail business establishment, such as appliance store, auto accessory store, bakery with baking limited to goods for retail sales on the premises, book or stationery store, cafe or restaurant, camera or photographic supply shop, candy or ice cream store, delicatessen, drug store, fabric shop, floor-covering store, florist shop, furniture store including incidental upholstery, gift shop, grocery store, haberdashery or women's ready-to-wear shop, hardware or paint store, hobby shop, jewelry store, meat market, shoe store and variety store.
 - C. Any service establishment, such as a bank or other financial enterprise, barber or beauty shop, business or professional office, clothes cleaning or laundry pick-up station, funeral home, theater, and self-service laundry.
 - D. Animal hospitals, veterinary clinics, or kennels, provided that buildings or enclosures in which animals are kept shall be at least 100 feet from any lot in any R District.
 - E. Bus terminal.
 - F. Business or trade school.
 - G. Commercial parking lot.
 - H. Department store.
 - I. Hotel.
 - J. Meeting hall, club, or fraternal organization, where alcohol is not served.
 - K. Messenger or telegraph service stations.
 - L. Music and dancing studio.
 - M. Public parking lot, customer, and other accessory parking area, subject to the applicable provisions of Section 165.28.
 - N. Storage garages.
 - O. Auto dealership sales showrooms.
 - P. Libraries.
 - Q. The following uses when occupying a completely enclosed building located at least 100 feet from any R District;
 - (1) Dance hall, bar, or cocktail lounge, night club, and similar enterprise.
 - (2) Furniture upholstery.
 - (3) Printing, publishing, engraving, or lithographing shop.
 - (4) Laundry and dry-cleaning shop.

- (5) Plumbing shops
- R. Tourist homes.
- S. Building material sales yards, if enclosed on all sides by an eight-foot high solid fence.
- T. Wholesale businesses and warehouses.
- U. Hotels or motels, subject to the provisions of Section 165.33(2).
- V. Drive-in facility establishments .
- W. Farm implement sales and service.
- X. Frozen food lockers.
- Y. Motor fuel stations subject to the conditions stipulated in Section 165.33(2).
- Z. Greenhouses.
- AA. Commercial baseball field, boat house, golf driving range, skating rink, swimming pool, or similar open air recreational uses and facilities, but not within 200 feet of any R District.
- BB. The following uses provided no part of a building where any activity is conducted shall have any openings other than stationary windows or required fire exits within 100 feet of any R District.
- (1) Automobile, truck, trailer, and farm implement establishments for display, hire, sales, including sales lots.
 - (2) Bottling of soft drinks or milk, or distribution stations.
 - (3) Bowling alley, pool hall or billiard parlor, dance hall, bar or cocktail lounge, nightclub, and similar enterprises.
 - (4) Carpenter shop; electrical, heating, ventilating or plumbing shop; furniture upholstering shop; printing, publishing, engraving or lithographing plant; laundry and dry-cleaning shop; sign painting shop, and similar establishments.
- CC. Any other use that is determined by the Board of Adjustment to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in a B-1 District.
2. Permitted Accessory Uses.
- A. Accessory uses customarily incidental to a permitted use, including signs as regulated by Section 165.27.
 - B. Residential District R-1 accessory uses.
3. Height Regulations. No structure shall exceed three stories or 45 feet in height, except as provided in Section 165.33.
4. Lot Area, Frontage, and Yard Requirements. The following minimum requirements shall be observed, subject to the additional requirements, exceptions, and modifications in Sections 165.33, inclusive.

1.	1. Minimum Lot Area	1. Minimum Lot Area	1. Minimum Lot Width	1. Minimum Front	1. Minimum	1. Minimum Rear
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		Per Family		Yard Depth	Side Yard Width	Yard Depth
2. Dwellings Same As R-1 Districts						
3. Other Permitted Uses	1. None	2. None	2. None	2. None	2. None, except adjoining an R District then same as the least width required in that R District	2. 10 feet, except where adjoining an R District then same as R District

[The next page is 1389]

165.25 INDUSTRIAL DISTRICTS I-1. The following are provisions of the I-1 Industrial Districts:

1. Permitted Principal Uses.

A. Any use or structure permitted and as regulated in permitted principal uses of Section 165.24, except as hereinafter modified.

B. The following uses if located not less than 100 feet from any R District, provided any such operations are enclosed by a solid wall or fence not less than six feet in height:

- (1) Builder's or contractor's plant or storage yard.
- (2) Building material sales and storage yard, including concrete mixing.
- (3) Lumber yard, including millwork.
- (4) Open yard for storage and sale of feed, fertilizer, or fuel.

C. The following uses, providing no part of a building occupied by such uses shall have openings other than stationary windows or required exits within 100 feet of any R District:

- (1) Automobile repair garage doing major repair, including tire retreading or recapping, battery service and repair.
- (2) The manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, milk, and food products.
- (3) The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastics, precious or semi-precious metals or stone, rubber, textiles, wood, and yam.
- (4) The manufacture or assembly of electrical appliances, electronic instruments and devices, phonographs, radio and television sets, electric and neon signs, refrigerators, and stoves.
- (5) Laboratory, experimental, film, or testing.

D. Railroad freight stations, trucking, or motor freight terminals, provided that service yards or docks are at least 100 feet from any lot in any R District.

E. Sanitary landfills, in accordance with County and State regulations, except that no sanitary landfill shall be operated within 1,320 feet of any R District.

F. Any other use not in conflict with enacted laws of the State or City regulating nuisances that is determined by the Board of Adjustment to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious in an I-1 District or offensive or emitting or likely to emit substantial amounts of dust, odor, gas, smoke, or noise. In determining the character of such use, the Board of Adjustment shall refer to the special exceptions and interpretation of the map in Section 165.35.

- G. Auto salvage and wrecking operations, industrial metal and waste salvage operations, and junk yards, but only when located inside a building or when wholly enclosed by a wooden fence not less than eight feet in height and in which the openings or cracks are less than 15 percent of the total area.
- 2. Permitted Accessory Uses.
 - A. B-1 Business District accessory uses.
 - B. Other accessory uses customarily incidental to a permitted principal use, including signs as regulated by Section 165.27.
- 3. Prohibited Uses.
 - A. Dwellings, except for watchman or caretaker on the premises.
 - B. Schools, hospitals, clinics, and other institutions for human care, except when incidental to a permitted principal use.
 - C. Generation, storage, or handling of nuclear or radioactive materials.
 - D. None of the following specific uses shall be permitted unless approved by the Council after a review and report from the Planning and Zoning Commission, subject to such requirements as it may deem necessary to protect adjacent property and prevent objectionable or offensive conditions:
 - (1) Chemicals, petroleum, coal, and allied products:
 - a. Acids and derivatives.
 - b. Acetylene.
 - c. Ammonia.
 - d. Carbide.
 - e. Caustic Soda.
 - f. Cellulose and cellulose storage.
 - g. Chlorine.
 - h. Coke oven products (including fuel gas) and coke oven products storage.
 - i. Creosote.
 - j. Distillation, manufacture, or refining of coal, tar, asphalt, wood, and bones.
 - k. Explosives (including ammunition and fireworks) and explosives storage.
 - l. Fertilizer (organic).
 - m. Fish oils and meal.
 - n. Glue, gelatin (animal).
 - o. Hydrogen and oxygen.
 - p. Lampblack, carbonblack, and boneblack.
 - q. Nitrating of cotton or other materials.

- r. Nitrates (manufacture and natural) of explosive nature and storage.
- s. Petroleum, gasoline, and lubricating oil refining and wholesale storage.
- t. Plastic materials and synthetic resins.
- u. Potash.
- v. Pyroxylin.
- w. Rendering and storage of dead animals, offal, garbage, or waste products.
- x. Turpentine and resin.
- y. Wells, gas, and oil.
- (2) Clay, stone, and glass products:
 - a. Brick, firebrick refractories, and clay products (coal fired).
 - b. Cement, lime, gypsum, or plaster of Paris.
 - c. Minerals and earth; quarrying, extracting, grinding crushing, and processing.
- (3) Food and beverage:
 - a. Fat rendering.
 - b. Fish curing, packing, and storage.
 - c. Slaughtering of animals.
 - d. Starch manufacture.
- (4) Metals and metal products:
 - a. Aluminum powder and paint manufacture.
 - b. Blast furnace, cupolas.
 - c. Blooming mill.
 - d. Metal and metal ores, reduction, refining, smelting and alloying.
 - e. Scrap metal reduction.
 - f. Steel works and rolling mill (ferrous).
- (5) Wood and paper products:
 - a. Match manufacture.
 - b. Wood pulp and fiber, reduction, and processing.
- (6) Unclassified industries and uses:
 - a. Hair, hides, and raw fur, curing, tanning, dressing dyeing, and storage.
 - b. Stockyard or commercial feed lot.

4. Yard Requirements. The following minimum requirements shall be observed, subject to the additional requirements, exceptions, and modifications in Section 165.33, inclusive.

1. Height Permitted Uses	1. Minimum Front Yard Depth	1. Minimum Side Yard Width	1. Minimum Rear Yard Depth
2. 4 Stories or 50 feet in height	2. 25 feet	2. Equal to building height	2. Height of building but not less than 20 feet

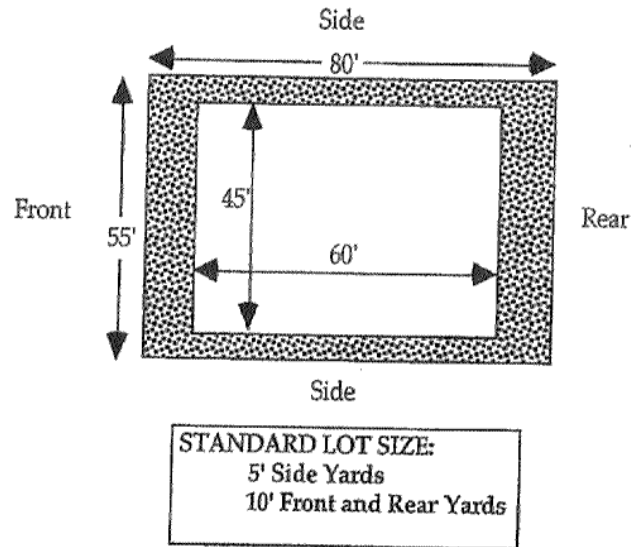
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165.26 MOBILE HOME PARKS. The following are provisions of Mobile Home Parks:

1. Purpose. It is the intent of this section to provide regulations for the establishment, maintenance, and operation of mobile home parks in the City.
2. Pre-Existing Mobile Home Parks. A pre-existing mobile home park shall not be deemed non-conforming by reason of failure to meet the minimum requirements prescribed by this section, provided that the regulations of this section shall apply to the enlargement or expansion of a mobile home park, and provided that a pre-existing mobile home park on a site less than 10 acres shall not be further reduced in area.
3. Mobile Home and Manufactured Home Occupancy. No mobile home or manufactured home shall be occupied or used for living or sleeping purposes unless it is affixed to a permanent foundation.
4. Criteria. Before granting a Conditional Use Permit for a mobile home park the Board of Adjustment shall make the following determination:
 - A. That the mobile home park will be located on a street or streets affording adequate access for the transportation of mobile homes and manufactured homes into and out of the mobile home park without undue inconvenience or interference with normal vehicular traffic and circulation in the neighborhood;
 - B. That the mobile home park will be located and developed in a manner that permits adequate circulation to and within the proposed development for emergency and protective services, including police and fire equipment.
5. Site Standards. The following regulations shall apply to the site of a mobile home park. Additional regulations may be specified as conditions of a use permit.
 - A. The minimum site area is 10 acres and each boundary line of the park shall be at least 200 feet from any residential structure located outside the park unless separated therefrom by a natural or artificial barrier.
 - B. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - C. The minimum frontage is 250 feet, continuous frontage on a dedicated public street.
 - D. The minimum site area per unit is seven units per net acre.
 - E. The minimum yard width is 25 feet adjoining a street; 15 feet adjoining an interior lot line.
 - F. The maximum height of any mobile home or manufactured home is 20 feet.
 - G. Perimeter roads shall be required subject to City staff approval. This requirement can be waived by the Council provided approved alternatives are offered.
 - H. All mobile home, manufactured home, or modular home spaces shall abut upon a driveway of not less than 20 feet in width which shall have unobstructed access to a public street.
 - I. All driveways and walkways in the park shall be hard surfaced and lighted at night with electric lamps of not less than 25 watts each, spaced at intervals of not more than 100 feet.

6. Interior Site Development. The following requirements shall apply to development of mobile home park lots and to facilities within a mobile home park. In addition, each park shall comply with the regulations set forth by the General Assembly of Iowa. Additional requirements may be specified as conditions of a use permit:

A. Mobile Home Park Lot. Each lot shall contain a minimum of 4,400 square feet for exclusive use by the occupants of the lot. Each lot shall be at least 40 feet wide abutting a private or public street. Each lot shall have minimum dimensions of 55 feet by 80 feet.



B. Mobile Home or Manufactured Home Placement. Every lot shall have a front and rear yard of not less than 10 feet in depth. All lots shall have a minimum of five-foot side yard on each side of the lot. A mobile home, manufactured home, and related structures shall not occupy more than 60 percent of the area of any mobile home park lot.

Tiedowns for each mobile home, manufactured home, or modular home as required of State law.

C. Access Drives. All mobile home park access drives within a mobile home park shall be privately owned, and shall be at least 30 feet wide exclusive of adjoining parking areas.

D. Sidewalks. Concrete sidewalks at least five feet in width shall be provided to serve all central or common facilities within the mobile home park.

E. Landscaping. Not less than 20 percent of each mobile home park lot shall be landscaped with live plant materials, including at least one tree on each lot.

F. Screening and Landscaping.

(1) Where a site adjoins a single-family dwelling zone, or a site that is generally planned for low density single-family use, a solid masonry wall six feet in height shall be located adjoining the property line, except adjoining a required front yard; and an area at least five feet in depth adjoining the property line shall be landscaped with live

plant materials including trees. Where a carport or garage is placed within three feet of a property line adjoining a single-family use, no landscaped buffer is required;

(2) All areas to be used for the outdoor handling and drying of laundry shall be screened from view;

(3) Required yards shall be landscaped in accord with a site development plan to be approved as a part of the use permit, and screening shall be provided around the entire site, except that where a required yard adjoins a street, screening shall be located at the rear of the required yard.

G. Electrical and Telephone Services. All electrical, telephone, CATV, and similar service wires or cables which provide direct service to the property being developed shall, within the exterior boundary lines of such property, be installed underground. An electrical outlet supplying at least 110 volts shall be provided for each mobile home, manufactured home, or modular home space. Risers on poles and buildings are permitted and shall be provided by the developer or owner onto the pole which provides service to said property. Utility service poles may be placed on the rear of the property to be developed, only for the purpose of terminating underground facilities. The developer or owner is responsible for complying with the requirements of this section and they shall make the necessary arrangements for the installation of such facilities. For the purpose of this subsection, appurtenances and associated equipment such as surface mounted transformers, pedestal-mounted terminal boxes, and meter cabinets may be placed above ground.

H. Water and Wastewater Services. Adequate sanitary facilities and supply of pure water shall be provided to each mobile home, manufactured home, or modular home space.

7. Community Recreation.

A. Open Space. A minimum of 270 square feet per mobile home park lot of recreation area, exclusive of any mobile home park lot, shall be provided within the mobile home park for recreational and leisure activities. Open space may include a recreation building, outdoor or indoor game courts, putting greens, golf courses, swimming pools and spas, tennis courts, maintained greenbelts, and other similar facilities.

B. Recreation Building. A recreation building shall be provided for the use and enjoyment by all residents. The building shall have a minimum gross floor area of 25 square feet per residential lot and shall contain facilities for the preparation and cooking of food, restrooms, and storage facilities.

C. Demonstration of Recreation Areas. The community recreation and service area, as aforesaid, together with the activities planned thereon, shall be shown on the plans for development from time to time. The location and size of all facilities indicated in this paragraph shall be subject to the approval of the Planning and Zoning Commission and Council.

D. Membership Fees. Nothing contained in this subsection shall be construed as limiting the ability of an owner or owners of community recreational facilities of imposing membership or maintenance fees for the use of such facilities.

E. **Accessory Buildings and Uses.** Each mobile home park shall provide service buildings to house such toilet, bathing, and other sanitary facilities and such laundry facilities as may be prescribed .

Accessory buildings and uses serving the entire mobile home park, including recreation facilities, laundry areas, mobile home park offices, maintenance, and storage areas shall be located at least 50 feet from the boundary of the mobile home park.

8. **Improvement Requirements.** On-site improvements shall be constructed and maintained in conformance with mobile home park improvement standards, approved by the Planning and Zoning Commission and Council. Such standards may include, but shall not be limited to, the design, construction, and maintenance of the following:

- A. Access drives, sidewalks, and parking spaces;
- B. Walls and fences;
- C. Lighting;
- D. Curb and gutter, drainage, and sanitary sewer facilities;
- E. Electrical and water services;
- F. Fire protection;
- G. Refuse collection facilities.

[The next page is 1405]

165.27 SIGNS. The following are provisions on signs in the City:

1. Standard of Measurement.
 - A. The total area of all signs permitted on a lot shall include:
 - (1) The total area of the faces visible from a public way of all permanent exterior signs, plus
 - (2) The area of permanent signs placed upon the surface of windows and doors, plus
 - (3) The area within the outline enclosing the lettering, modeling, or insignia of signs integral with the wall and not designed as a panel.
 - B. A building or use having frontage on a second street may include 20 percent of the length of the lot facing the second street.
2. Signs Permitted in the A-1 District.
 - A. Signs not exceeding four square feet in area indicating the type of plant being grown or the type of fertilizer being used.
 - B. Signs not exceeding 20 square feet in area pertaining to a permitted recreation use or areas of scenic beauty provided such signs shall be set back at least 10 feet from any right-of-way and there shall be a distance of 300 feet between any such signs.
 - C. Signs accessory to roadside stands shall be limited to two signs per lot with no sign being larger than 10 square feet in area and set back at least 10 feet from the right-of-way of a street, highway, or road.
 - D. Real estate signs of a temporary nature, not exceeding two in number per lot nor larger than 12 square feet, set back four feet from the right-of-way of any highway, street, or road.
 - E. Small announcement or professional signs, not over six square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area set back at least four feet from the right-of-way of any highway, street, or road, may be erected in connection with any of the permitted principal uses of non-residential nature.
 - F. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
3. Signs Permitted in All Residential Districts.
 - A. Real estate signs of a temporary nature, not exceeding two in number per lot nor larger than six square feet set back five feet from the right-of-way of any highway, street, or road.
 - B. A sign or signs flat against a building appertaining to a non-conforming use on the premises, not exceeding in the aggregate of 50 square feet in area except as may be authorized by the Board of Adjustment.
 - C. Small announcement sign or bulletin board not over 18 square feet in area, with a setback at least 20 feet from the right-of-way of any highway, street, or road, may be erected in connection with any of the permitted principal uses of non-residential nature.

- D. One nameplate not exceeding four square feet for each dwelling.
- 4. Signs Permitted in the B-1 District.
 - A. Signs as permitted and regulated for all residential districts in Section 165.27(3), except as hereinafter modified.
 - B. The total area of all signs permitted on any one lot shall not exceed two times the number of linear feet the lot abuts on the street.
 - C. Protecting signs at least eight feet above the sidewalk and extending no further than five feet from the building to which it is attached.
 - D. Billboard and signboards subject to the same height and location requirements as other structures in the B-1 District and also subject to the following conditions and restrictions:
 - (1) No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
 - (2) No billboard, signboard or similar advertising signs shall be located within 50 feet of any lot in an R-1 District.
 - (3) No billboard or signboard shall exceed 300 square feet in area.
 - (4) No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
 - E. Elevated signs at least five feet from any lot line.
 - F. Projecting signs at least eight feet above the sidewalk and extending no further than five feet from the building to which it is attached.
- 5. Signs Permitted in the I-1 District.
 - A. Signs as permitted and regulated in the B-1 District of Section 165.27(4).

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165.28 OFF-STREET PARKING AREAS AND LOADING SPACES.

1. Off-Street Loading. In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of 2,500 square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building at least one off-street loading space accessible from an alley, easement of access, or, when there is no such alley or easement of access, from a street plus one additional such loading space for each 10,000 square feet or major fraction thereof of gross floor area so used in excess of 15,000 square feet. Such space may occupy all, or any part of a required rear yard, or, with authorization of the Board of Adjustment, part of any other yard or court space on the same premises.

2. Off-Street Parking. In all districts except B-1 District, off-street accessory parking areas, in the open or in a garage, shall be provided in connection with the uses set forth hereinafter and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas, in the case of R Districts and for dwellings in other districts, shall be on the premises intended to be served; and in the case of B-1 or I-1 Districts, premises intended to be served or on adjoining or nearby property within 100 feet of any part of said premises and in the same or less restricted district.

1. Number of Parking Spaces Required	
2. Use	1. Parking Spaces Provided
3. Automobile or machinery sales and service garages	2. One for every 1,000 square feet of floor area plus one for each full-time employees
4. Banks, business, and professional offices	3. One for every 200 square feet of floor area
5. Bowling alleys	4. Six for each bowling lane
6. Churches and schools	5. One for every four seats in principal auditorium
7. Convenience stores, drug stores, grocery stores, hardware stores, and similar stores	6. One for every 300 square feet of floor area devoted to sales, plus one for each full-time employee
8. Dance halls and assembly halls without fixed seats	7. One for every 50 square feet of floor area used for assembly or dancing
9. Drive-in facilities	8. Not less than 1/3 of the total ground area should be devoted to parking and accessways
10. Dwellings	
11. Single-family detached	1. Two for each dwelling unit
12. All other	2. One and one-half for each dwelling unit
13. Food pick-up establishments	3. Minimum of one, plus one for every 100 square feet of floor area
14. Funeral homes, mortuaries	4. Six per chapel room or parlor, or one per every 50 square feet of rooms used for services, whichever is greater
15. Hospitals, nursing homes, and similar care centers	5. One for every five beds, plus one for every two doctors and employees

1. Number of Parking Spaces Required	
2. Use	1. Parking Spaces Provided
16. Manufacturing plants, research or testing laboratories, or bottling plants	6. One for every three employees on maximum working shift
17. Medical or dental clinics	7. One for every 200 square feet of floor area, plus one for each full-time employee and one for each doctor
18. Motels or hotels	8. One for each unit, plus one for every two employees on maximum shift
19. Motor fuel stations	9. One for each employee on duty, plus one for each service bay
20. Service Establishments	
21. Barber shops	1. Two for each chair, plus one for every two employees on maximum shift
22. Beauty shops	2. One for each dryer, plus one for every two employees on maximum shift
23. Coin operated laundries or dry-cleaning establishments	3. One for every three washers or cleaning machines, plus one for every two employees on maximum shift
24. Restaurants	4. One for every three seats, plus one for every two employees on maximum shift
25. Shopper's goods - appliance stores, household equipment stores, furniture stores, and similar stores	5. One for every 500 square feet of floor area, plus one for each full-time employee
26. Taverns or bars	6. One for every two seats plus one for every two employees on maximum shift
27. Theaters	7. One for every four seats
28. Wholesale establishments	8. One for every four employee on maximum work shift
29. In the case of any use which is not specifically mentioned herein, the provisions for a similar use which is mentioned shall apply.	

3. Units of Measurement. The following shall apply as the unit of measurement for parking spaces:

- A. Parking Space. Each parking space rectangular in shape shall not be less than eight and one-half feet wide and 20 feet long, or not less than 170 square feet in area exclusive of access drives or aisles.
- B. Loading Space. Each loading space shall not be less than 10 feet wide, 40 feet in length, and 14 feet in height, exclusive of access and turning area.
- C. Floor Area. In the case of merchandising or service types of uses, floor area shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, or clients, but shall not include areas used principally for non-public purposes, such as toilet or restrooms, utilities, or dressing rooms.
- D. Hospital Bassinets. In hospitals, bassinets shall not be counted as beds.
- E. Benches in Place of Public Assembly. In stadiums, sports arenas, churches, and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 20 inches of such

seating facilities shall be counted as one seat for the purposes of determining requirements for off-street parking facilities under this Zoning Code.

4. Development Standards. Off-street accessory parking areas shall be of usable shape, and shall be improved, in accordance with requirements of the City Engineer, or their equivalent, with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in any R District.
5. Exceptions. The following exceptions to parking spaces are permitted:
 - A. The Board of Adjustment may authorize, on appeal, a modification, reduction, or waiver of the foregoing requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation or conditions would justify such modifications, reduction, or waiver.
 - B. The Planning and Zoning Commission, in consultation with other City departments and agencies concerned, shall make studies as found advisable of various areas in the City for the purpose of determining the areas within which there is need for the establishment of off-street parking facilities to the Council. This report shall include recommendations on the type, size, location, and other pertinent features of the proposed off-street parking facilities and the area they are intended to serve.

165.29 DESIGNATED FLOOD HAZARD AREA. All buildings and land within a designated flood hazard area as defined by the Department of Housing and Urban Development shall be limited to the following uses:

1. The growing of agricultural crops and nursery stock gardening.
2. The keeping of agricultural livestock in accordance with the municipal ordinance relating there to.
3. Public recreation.
4. No building shall be erected, converted, or enlarged on any parcel of land without the approval of the Zoning Board of Adjustment.

165.30 GARAGES; MOTOR FUEL STATIONS; AND CAR WASHES.

1. No building, structure, or premises shall be used, erected, or altered which is intended or designed to be used as a public garage, automobile repair shop, motor fuel station, or car wash having an entrance or exit for vehicles in the same block-front and within 200 feet of any school, public playground, church, hospital, public library, or institution for dependents or for children, and no such entrance or exit shall be located within the same block-front and within 20 feet of any R District; nor shall any part of such public garage, automobile repair shop, motor fuel station, or car wash be located within 100 feet of any building or grounds of any of the aforesaid public or institutional uses.
2. All activities incidental to the sale of gasoline or oil such as battery and tire repair, car washing and greasing shall be conducted within the building and there shall be no storage or accumulation of miscellaneous equipment, machinery, or motor vehicles, disabled or otherwise, outside of the principal structure.
3. No above ground storage for volatile or explosive fuels will be permitted.

165.31 TRAILERS; RECREATIONAL VEHICLES AND TENTS.

1. The parking of a trailer or recreational vehicle, or erections of a tent in any district, except in an approved trailer park or camp ground, for 48 hours or longer shall be prohibited, except for small utility trailers and except that a camping, utility, or boat trailer, with or without boat, may be stored on the property except in front yards, provided that no living quarters shall be maintained or any business conducted in connection therewith while such trailer is parked or stored.
2. In any district, the wheels of any trailer or recreational vehicle shall not be removed except for repairs, nor shall such trailer be otherwise permanently fixed to the ground by any person, firm, or corporation in a manner that would prevent ready removal of said trailer.

165.32 HOTELS AND MOTELS.

1. No vehicular entrance to or exit from any hotel or motel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library, or institution for dependents or for children, except where such property is in another block or on another street, which the premises in question do not abut.
2. The following regulations shall be complied with:
 - A. Any lot to be used for a hotel or motel shall be not less than 15,000 square feet in area and shall contain not less than 1,000 square feet of lot area per sleeping unit. All buildings and structures on the lot shall occupy in the aggregate not more than 25 percent of the area of the lot.
 - B. All areas used for automobile access parking shall comply with the provisions of off-street parking areas and loading spaces under Section 165.33(2).
 - C. All areas not used for access, parking, circulation, buildings, and services shall be completely landscaped and the entire site maintained in good condition.
 - D. No enlargements or extensions to any motel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.

165.33 ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS.

The following are additional requirements, exceptions, and modifications to be considered in this Zoning Code:

1. The requirements and regulations specified here-to-fore in the Zoning Code shall be subject to the additional requirements, exceptions, modifications, and interpretations in the following.
2. Height Limits. Height limitations stipulated elsewhere in this report shall not apply to the following:
 - A. Barns, silos, or other farm buildings or structures on farms, provided these are not less than 50 feet from every lot line; to church spires, belfries, cupolas, and domes, monuments water towers, fire and hose towers, masts, and aerials; to parapet walls extending not more than four feet above the limited height of the building. However, if, in the opinion of the Building Inspector or their equivalent, such structures would adversely affect adjoining or adjacent

properties, such greater height shall not be authorized except by the Board of Adjustment.

B. Places of public assembly such as churches, schools, and other permitted public and semi-public buildings not to exceed six stories or 75 feet, provided that, for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

C. Bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders, or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Adjustment.

3. Front Yard Exceptions and Modifications.

A. Front Yard Requirements Do Not Apply. To bay windows or balconies occupying in the aggregate not more than one third of the front wall; to chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches, plantings, or similar features not over three feet high above the average finished grade and distant five feet from every lot line.

B. Permitted Variations. In any district where the average depth of two or more existing front yards on lots within 100 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lots shall not be less than the average of said existing front yards or the average depth on the two lots immediately adjoining, or in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any R District shall be at least 15 feet and need not exceed 60 feet.

4. Side Yard Exceptions and Modifications.

A. Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have at least width equal to that required in the more restrictive district. Where a lot in an I or B District abuts a lot in any R District, the side yard shall be increased by three feet for each story that the building proposed on such lot exceeds the height limit of said R District.

B. Side Yards Shall be Increased. In width by two inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds 40 feet in any R-1 District.

C. Side Yards May be Reduced. By three inches from the otherwise required least width of each side yard for each foot by which a lot of record at the time of enactment of the Code is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than two and one-half stories, and in case the owner of record does not own any adjoining property; provided, however, and irrespective of the provision of structures or projections into side yards of Section 165.33 that no side yard shall be narrower at any point than three feet.

- D. Side Yards May be Measured to the Center Line of Adjoining Alleys. But in no case shall a building or structure for which a side yard is required be erected within five feet of such alley.
- E. On a Corner Lot. The least width of a side yard along the side street lot line shall be equal to the required front yard along the side street.
- F. Structures or projections in to side yards may be permitted as follows: fences, plantings, or walls not over five feet above the average natural grade. Fire escapes, three feet from side lot line. Bays and balconies not more than three feet from the building. The sum of the lengths of such projection shall not exceed one third of the length of the wall of the main building.
- (1) Chimneys, flues, belt courses, leaders, sills, pilasters, and lintels, ornamental features, cornices, eaves, gutters, and the like into or over a required side yard not more than one and one-half feet.
 - (2) Terraces, steps, uncovered porches, stoops, or similar features, not higher than the elevation of the ground story of the building and distant three feet from a side lot line.
5. Rear Yard Exceptions and Modifications.
- A. Rear yards May be Reduced. By three inches from the required least depth for each foot by which a lot at the time of enactment of the Code is less than 100 feet deep, in the case of a building not higher than two and one-half stories and in case the owner of record does not own adjoining property to the rear; provided however that no required rear yard shall be less than 10 feet deep.
- B. Rear Yards May be Measured to the Center Line of Adjoining Alleys. But in no case shall a building or structure be erected within 10 feet of such an alley.
- C. Structures or Projections into Rear Yards May be Permitted as Follows. Fences, plantings, or walls not over five feet above the average natural grade. Fire escapes hanging no lower than six feet above the natural grade, unless they are permanently affixed to the ground. Bays and balconies, not more than three feet above the natural grade. The sum of the lengths of such projections shall not exceed one-half of the width of the rear wall. Chimneys, flues, belt course, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required rear yard not more than one and one-half feet.

165.34 ZONING ADMINISTRATION.

1. Administration. It shall be the duty of the person designated by the Mayor and Council as administrative officer to administer and enforce the regulations contained herein. This person is designated the Zoning Administrator.
2. Appointment of Zoning Administrator. The Zoning Administrator shall be appointed by the Council. It shall be the duty of the Zoning Administrator to enforce this Code. All departments, officials, and public employees of the City, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Code and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of this Code. Any permit or license, issued in conflict with the provisions of the Code, shall be null and void.

3. Powers and Duties of the Zoning Administrator. The Zoning Administrator shall enforce the Zoning Code, and in addition thereto and the furtherance of said authority shall:

- A. Receive all applications for permits required by this Zoning Code and take action on the application.
- B. Investigate all appropriate facts and conditions of the application and upon positive analysis shall issue all zoning certificates and maintenance thereof.
- C. Issue all occupancy permits and make and maintain records thereof.
- D. Ensure inspection of buildings, structures, and use of land to determine compliance with the terms of the Zoning Code.
- E. Maintain permanent and current records of the Zoning Code including, but not limited to, all maps, amendments, uses on review, variances, etc.
- F. Provide and maintain a public information service relative to all matters arising out of the Zoning Code.
- G. Forward to the Council and the Planning and Zoning Commission all applications for amendments to the Zoning Code.
- H. Transmit to the Board of Adjustment applications for appeals, variances, uses on review, or other matters on which the Board of Adjustment is required to pass under the Zoning Code.
- I. Initiate, direct, and review, from time to time, a study of the provisions of the Zoning Code and make reports of their recommendations to the Planning and Zoning Commission, Board of Adjustment, or Council.

4. Filing Plans. Every application of a building permit shall be filed with the Zoning Administrator, accompanied by plans in duplicate, drawn to scale on the form, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact locations, size, and height of any building or structure to be erected or altered; in the case of a proposed new building or structure or proposed alteration of an existing building or structure as would substantially alter its appearance, drawings or sketches showing the front, side, and rear elevations of the proposed building or structure, or of the structure as it will appear after the work for which a permit is sought shall have been completed; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the locations of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Code. One copy of such application and plans shall be returned to the applicant when such plans shall have been approved by the Zoning Administrator, together with such building permit as may be granted. All dimensions shown on these plans related to the location and size of the lot to be built upon, shall be based on actual survey. The lot and the location of the building hereon, shall be staked out on the ground before construction is started.

5. Certificate of Approval. In every case where the lot is not provided with the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by Certificate of Approval by the Zoning Administrator of the proposed method of disposal of sanitary wastes and proof of conformance to State and federal public health and water pollution codes.

6. Building Permit. It shall be unlawful for any owner, lessee, or tenant to use or permit the use of any structure, building, or land, or part thereof, hereafter created, erected, changed, converted, or enlarged, wholly or partly until a building permit shall show that such building or premises or a part thereof, and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary wastes, conform with all the requirements of this Zoning Code.

7. Building Plan Required - Fee. All applications for building permits shall be accompanied by a plat drawn to scale, showing the actual dimensions of the lots to be built upon, the size and location of the building to be erected and such other information as may be necessary to provide for the enforcement of these regulations. No building permit shall be issued until a fee of \$25.00 shall have been paid.

8. Posting of Permits. All permits shall be clearly posted, readily visible from the public street abutting the front lot line.

9. Certificate of Occupancy. It shall be unlawful for any owner, lessee, or tenant to occupy any structure, building or land, or part thereof, hereafter erected, created, changed, converted, or enlarged, until a Certificate of Occupancy shall have been issued by the Zoning Administrator after inspection. Such Certificate of Occupancy shall show and certify that such building, structure, or premises has been constructed, altered, or improved in compliance with the provisions of the Code, and all other applicable codes or ordinances and all conditions and requirements, if any, stipulated by the Board of Adjustment or other proper authority.

10. Administrator to Act Within 30 Days. The Zoning Administrator shall act upon all such applications on which they are authorized to act by the provisions of the Zoning Code within 30 days after they are filed in full compliance with all the applicable requirements. They shall either issue a building permit within said 30 days or shall notify the applicant in writing of the refusal to such certificate and the reasons therefore. Failure to notify the applicant in case of such a refusal within said 30 days shall entitle the applicant to a building permit unless the applicant consents to an extension of time.

11. Records of the Zoning Administrator. The Zoning Administrator shall keep accurate records pertaining to actions necessary to carry out the duties in this Zoning Code. These records shall be on file for public inspection.

165.35 BOARD OF ADJUSTMENT.

1. Creation, Membership, and Procedure. A Board of Adjustment consisting of five or seven members which are appointed by the Council as provided by Chapter 414.8 of the 1981 *Code of Iowa*, is hereby created. Members of a five-member board shall be appointed for a term of five years, except that when the Board of Adjustment shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members of a seven-member board shall be appointed for a term of five years, except when the Board shall first be created two members shall be appointed for a term of five years, two members for a term of four years, one for a term of three years, one for a term of two years, and one for a one-year term. A majority of members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The appropriate appointing authority may remove any member of the Board of Adjustment for cause and after public hearing.

A. Organization. The Board of Adjustment shall elect its own officers and shall have the power to adopt rules and regulations for its own government, not inconsistent with law or with the provisions of the Zoning Code or any other ordinances of the City. Meetings shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. In the absence of the Chairperson, the acting Chairperson may administer oaths and compel attendance of witnesses.

B. Meetings. Meetings of the Board of Adjustment shall be open to the public, minutes shall be kept of the proceedings, showing the action of the Board of Adjustment and the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and records shall be made of the Board of Adjustment's examination and other official action, all of which shall be filed immediately in the office of the Board of Adjustment as a public record.

C. Quorums. Three members of a five-member Board of Adjustment shall constitute a quorum, and four members of a seven-member board shall constitute a quorum. The Board shall act by resolution, and the concurring votes of three members of a five-member board, and four members of a seven-member board shall be necessary to reverse any order, requirements, decision, or determination of the Building Inspector, or to decide in favor of an applicant any matter upon which it is required to pass under the Zoning Code or to effect variation in the requirements of the Zoning Code.

D. Assisting Board of Adjustment. The Board of Adjustment may call on the City departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board of Adjustment as may reasonably be required.

2. Applications and Appeals.

A. Applications. An application to the Board of Adjustment, in cases in which it has original jurisdiction under the provision of the Code, may be taken by any property owner, including a tenant, or by any governmental officer, department, board, or bureau. Such application shall be filed with the Zoning Administrator, together with a fee of \$25.00, who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application to the Board of Adjustment. Should the applications be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.

B. Appeals. An appeal to the Board of Adjustment may be taken by any property owner, including a tenant, or by any governmental officer, department, board, or bureau affected by any ruling of the Zoning Administrator. Such an appeal shall be taken within a reasonable time, as prescribed by the rules of the Board of Adjustment, by filing with the Zoning Administrator a notice or appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed from was taken. A fee of \$25.00 shall also accompany the appeal. Should the appeal be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.

C. Hearings. The Board of Adjustment shall fix a reasonable time for the hearing of an application or of an appeal. It shall give at least four days' notice of the time and place of such hearing by insertion in a newspaper published in

the community, and shall also give notice delivered by first class mail at least five days before the time fixed for such hearing to the applicant or appellant and to the Zoning Administrator, and to the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent or by attorney. The Board of Adjustment shall decide the application or appeal within a reasonable time.

D. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment that, by reason of facts stated in the certificate, a stay would in their opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by order which may, on due cause shown, be granted by the Board on application, after notice to the Zoning Administrator or by court of record.

3. Powers of the Board of Adjustment. The Board of Adjustment shall have jurisdiction in matters and shall have the specific and general powers provided in this Zoning Code and by the *Code of Iowa*.

A. Special Exceptions and Interpretation of Map. The Board of Adjustment shall have the power to hear and decide, in accordance with the provisions of the regulation, requests, or applications for special questions upon which the Board of Adjustment is authorized to pass.

B. Special Exceptions. In addition to permitting the special exceptions heretofore specified in this Zoning Code, the Board of Adjustment shall have authority to permit the following:

(1) Non-Conforming Uses. The substitution for a non-conforming use, another non-conforming use, if no structural alterations except those required by law are made; provided, however, that any use so substituted shall be of the same or a more restricted classification.

(2) Temporary Uses and Permits.

a. The temporary use of a building or premises in any district for a purpose of use that does not conform to the standards prescribed by the regulations, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

b. The temporary use of a building or premises in undeveloped sections for a purpose that does not conform to the standards prescribed by the regulations, provided that such structure or use is of a true temporary nature, is promotive of or incidental to the development of such undeveloped sections, and does not involve the erection of substantial buildings. Such permit shall be granted in the form specified under Subsection 2(A) above.

(3) Interpretation of Map. Where the street or lot layout actually on the ground or as recorded, differs from the street and lot lines indicated on the Official Zoning Map, the Board of Adjustment, after notice to the owners of the property and after public hearing, shall

interpret the map in such a way as to carry out the intent and purposes of the regulations for the particular section or district in question.

(4) Certain Industries in I-1 Districts. In determining whether certain uses shall be located in a I-1 District, the Board of Adjustment shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a special exception, the Board of Adjustment shall determine whether the proposed exception or use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic, and physiological effect. The Board of Adjustment may utilize and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural, and engineering research organizations, and can be applied to the proposed use to assist in reaching a fair and objective decision. Upon authorizing a special use or exception, the Board of Adjustment may impose such requirements and conditions in addition to those expressly stipulated in this report for the particular special use or exception as the Board of Adjustment may deem necessary for the protection of adjacent properties and public interest.

C. Administrative Review and Variances. The Board of Adjustment also shall have the power to do the following:

(1) Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Zoning Administrator in the enforcement of the regulation.

(2) Variances. To authorize an appeal in specific cases, such variance from the terms of the regulations as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the regulations will result in unnecessary hardship, and so that the spirit and purpose of the regulations shall be observed and substantial justice done as follows:

a. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulations, or by reason of exceptional topographic conditions, or other extraordinary and exceptional situation or condition of such piece of property, or of the use or development of property in question, the literal enforcement of the provisions of the regulations would result in peculiar and exceptional practical difficulties or exceptional and undue hardships, and so that the spirit and purpose of the regulations shall be observed and substantial justice done. In authorizing a variance, the Board of Adjustment may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or uses as it may deem advisable in the interest of the furtherance of the purposes of the regulations.

b. No such variance in the provision or requirements of the regulations shall be authorized by the Board unless the Board finds beyond reasonable doubt that all of the following conditions exist:

(i) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply to other properties or class of uses in the same zoning district.

(ii) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.

(iii) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of the regulations or the public interest.

c. No grant or variance shall be authorized unless the Board of Adjustment specifically finds the condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment of the regulations, for such conditions or situations.

d. The Board shall have no power to authorize a variance for the establishment of a non-conforming use where none previously existed.

e. In considering a request for a variance from the regulations concerning signs, the Board of Adjustment shall give consideration and arrive at a finding on the following:

(i) Shape and area of lot in question.

(ii) Bulk and floor area of the main building or structure.

(iii) Setback of proposed sign from all property lines.

(iv) Zoning and use of surrounding parcels.

(v) Unusual or exceptional topography.

(vi) Compatibility with general intent of the zoning regulations to encourage development without detracting from the use and enjoyment of surrounding property.

f. Action of Board of Adjustment. In exercising its powers, the Board of Adjustment may, in conformity with the provisions of the *Code of Iowa*, and of the regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determinations as, in the Board of

Adjustment's opinion, ought to be made, and to that end has all the powers of the officer from whom the appeal is taken.

4. Judicial Review. All final administrative decisions of the Board of Adjustment shall be subject to judicial review pursuant to the provision of Chapter 414 of the *Code of Iowa*, 1981, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

165.36 DISTRICT CHANGES AND ZONING CODE AMENDMENTS.

1. Zoning Commission Approval. In accordance with the provisions of Chapter 414 of the *Code of Iowa*, the Council may, from time to time amend or change by ordinance the number, shape, or area of districts established on the Official Zoning Map or the regulations set forth in the Zoning Code; but no such amendment or change shall become effective unless the ordinance proposing such amendment or change shall first be submitted to the Planning and Zoning Commission for approval, disapproval, or suggestions, and said Planning and Zoning Commission shall have been allowed a reasonable time, not less than 30 days, for consideration and report.
2. Hearings on Changes, Notice. Before submitting its recommendations and report to the Council, the Planning and Zoning Commission shall hold a public hearing on the proposed amendment, supplement, or change. It shall give not less than 15 nor more than 30 days' notice of the time and place of such hearing by publication in a newspaper published in the community and by mailing notices to all property owners directly involved, contiguous to, or directly across a street or alley from the area proposed to be altered.
3. Amendment Petition. Any person desiring a change in zoning or property may make application therefor, and in so doing shall accompany the petition for such change in zoning, or the ordinance introduced for the purpose of changing such zoning, with a fee in the amount of \$50.00 towards the cost of processing the application. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.
4. Public Filing Vote. During the 15 days prior to the public hearing, the text or copy of the text of such ordinance or petition, together with the maps or plans or copies thereof shall be on file, for public examination, in the office of the Clerk, or City Hall. No ordinance which differs from the recommendations made by the Planning and Zoning Commission shall become effective unless passed by not less than three-fourths of all members of the Council.
5. Protest. In case of a written protest against a proposed change in the boundaries of a district signed and acknowledged by the owners of 20 percent or more of either the frontage proposed to be altered, or of the frontage immediately adjoining or across an alley therefrom, or directly opposite the frontage proposed to be altered, is filed with the Clerk, such amendment shall not be passed or become effective except by the favorable vote of three-fourths of all members of the Council.
6. Procedural Omissions. The failure to notify, as provided by this section, shall not invalidate an ordinance, provided such failure was not intentional, and the omission of the name of any owner or occupant of property who may, in the opinion of the Zoning Commission, be affected by such amendment, supplement or change, unless such omission is intentional, shall not invalidate any ordinance passed hereunder, it being the intention of the section to provide so far as may be for notice to the persons substantially interested in the proposed change that an ordinance is pending before the Council, proposing to make a change in zoning.

165.37 PENALTY.

1. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land used in violation of the provisions of the regulations, the City Attorney, in addition to other remedies under the *Code of Iowa*, is hereby authorized to institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use.
2. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of the regulations shall, upon conviction, be fined not less than \$50.00 nor more than \$200.00 for each offense. Each day that a violation continues shall constitute a separate offense and the City Attorney is hereby authorized to prosecute all violations referred to in this section.