CHAPTER 165

ZONING REGULATIONS

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165.01 DEFINITIONS. For the purpose of this Zoning Code, the following terms and words are hereby defined.

1. Words beginning with "A."

A. "Accessory uses and structures" means a use or structure subordinate to the principal use of a structure or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal structure or use of land. An accessory use includes, but is not limited to, the following:

(1) A children's play house, garden house, and private greenhouse;

(2) A garage, shed, or structure for domestic storage;

(3) Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations;

(4) Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities, unless such storage is excluded by district regulations;

(5) Off-street motor vehicle parking areas, and loading and unloading facilities;

(6) Signs, as permitted and regulated in each district incorporated herein;

(7) Swimming pool, private, in residential districts for use by the occupants of the residence or building and their guests, except as allowed in the M-1 and M-2 Districts;

(8) Public utility communications, electric, gas, water, and sewer lines, their supports and incidental equipment;

(9) Where a substantial part of the wall of an accessory structure is part of the wall of the main structure, or where an accessory structure is attached to the main structure in a substantial manner, as by a roof, such accessory structure shall be counted as part of the main structure.

B. "Alley" means a public or private throughfare which affords only a secondary means of access to abutting property.

C. "Apartment" means a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are three or more such rooms or suites.

D. "Apartment house" means a building arranged, intended, or designed to be occupied by three or more families living independently of each other.

E. "Alterations, structural" means any change in the supporting members of a building such as bearing wall, columns, beams, or girders.

2. Words beginning with "B."

A. "Basement" means a story having part, but not more than one-half its height, below grade. A basement is counted as a story for the purpose of height regulation.

B. "Block" means that property abutting on one side of a street, and lying within the two nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.

C. "Boarding house" means a building other than a hotel where, for compensation and by arrangement, meals or lodging and meals are provided for three or more people.

D. "Building (structure)" means anything constructed, erected, or built, the use of which requires more or less permanent location on the ground and designed for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind, including but without limiting the generality of the foregoing, installations such as signs, billboards, radio towers, and other facilities not designed for storage of property or occupancy by persons.

E. "Building, height of" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

3. Words beginning with "C."

A. "Cellar" means a story having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

B. "Commission" means the Planning and Zoning Commission established in Chapter 23.

C. "Comprehensive plan" means the Comprehensive Plan of the City as adopted by the Council, setting forth policies for the present and foreseeable future community welfare.

4. Words beginning with "D."

A. "Detached" means fully separated from any other structure; not attached.

B. "Dwelling" means any building or portion thereof which is designed for and used exclusively for residential purposes.

C. "Dwelling, single-family" means a building designed for or occupied by one family.

D. "Dwelling, two-family" means a building designed for or occupied exclusively by no more than two families.

E. "Dwelling, multiple" means a building designed for or occupied exclusively by more than two families.

F. "Dwelling, zero-lot line single-family attached" means a residential dwelling unit other than a mobile home, designed for occupancy for one family only, which physically adjoins one other matching residential single-family dwelling unit across an abutting side lot line, with each unit occupying its own parcel.

5. Words beginning with "E."

6. Words beginning with "F."

A. "Family" means one or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house, or hotel.

B. "Farm" means an area which is used for the growing of the usual farm products such as vegetables, fruits, and grains, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities and such accessory uses do not include the feeding of garbage or offal to swine or other animals, or commercial feeding of animals or poultry in confined lots or buildings.

C. "Fence" means any artificially erected barrier or structure of any material or combination of materials, for landscaping, marking a boundary, or providing security or screening from adjacent properties.

D. "Frontage" means all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

7. Words beginning with "G."

A. "Garage, private" means an accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for

storing the privately owned motor vehicles, boats, and trailers of the family or families resident upon the premises, and in which no business service by industry connected directly or indirectly with motor vehicles, boats, and trailers is carried on; provided that not more than two-thirds of the parking spaces therein may be rented for the storage of motor vehicles, boats, and trailers of persons not resident on the premises, except that all the parking spaces in a garage of one, two, or three car capacity may be so rented.

B. "Garage, public" means a building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor driven vehicles.

C. "Grade" means the average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.

8. Words beginning with "H."

A. "Home occupation" means an occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

9. Words beginning with "I."

A. "Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.

10. Words beginning with "J."

A. "Junk yard" means any area where waste, discarded, or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, stored, abandoned, or handled, including the dismantling or wrecking of automobiles or other vehicles or machinery, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.

11. Words beginning with "K."

A. "Kennel" means an establishment where dogs are boarded for compensation or where dogs are bred or raised for commercial purposes or sale.

12. Words beginning with "L."

A. "Land-leased community" means any site, lot, field or tract of land under common ownership upon which 10 or more occupied manufactured homes or modular homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of the land-leased community. The term land-leased community shall not be construed to include homes, buildings, 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.

B. "Loading space" means a space within the main building or on the same lot providing for the standing, loading, or unloading of trucks, having minimum dimension of 12 by 35 feet and vertical clearance of at least 14 feet.

C. "Lot" means a parcel of land occupied or intended for occupancy by one main building together with its accessory buildings officially approved and having its principal frontage upon a dedicated street. The boundaries of the lot shall be determined by its lot lines.

D. "Lot, corner" means a lot abutting upon two or more streets at their intersections.

E. "Lot, depth of" means the mean horizontal distance between the front and rear lot lines.

F. "Lot, double frontage" means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

G. "Lot, interior" means a lot other than a corner lot.

H. "Lot of record" means a lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder.

I. "Lot, width" means the width of a lot measured at the building line and at right angles to its depth.

J. "Lot, reversed corner" means a corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

13. Words beginning with "M."

A. "Manufactured home" means a factory-built structure built under authority of 42 U.S.C. §5403, that 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.

(Code of Iowa, Sec. 435.1)

B. "Manufactured home community" means the same as land-leased community defined in *Code of Iowa* Sections 335.30A and 414.28A. The term manufactured home community shall not be construed to include manufactured or 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.

(Code of Iowa, Sec. 435.1)

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.

(Code of Iowa, Sec. 435.1)

D. "Mobile home park" means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit

enterprise with water, sewer or septic, and electrical services available. The term mobile home park shall not be construed to include manufactured or 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.

(Code of Iowa, Sec. 435.1)

E. "Mobile home subdivision" means a subdivision created for the purpose of and restricted to the sale or lease of individual lots for occupancy by independent mobile homes, manufactured or modular homes taxed as mobile homes, and having public streets, utilities, and other public facilities installations approved by the Council.

F. "Modular home" means a factory-built structure 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, as adopted pursuant to Section 103A.7, and must display the seal issued by the State Building Code Commissioner.

(Code of Iowa, Sec. 435.1)

14. Words beginning with "N."

A. "Nonconforming use" means a lawful use of any building or structure, other than a sign, that does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.

B. "Nursing home" means a home for the aged, chronically ill, or incurable persons in which three or more persons not of the immediate family are received, kept, and provided with food, or shelter and care, for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

15. Words beginning with "O."

16. Words beginning with "P."

A. "Parking space" means a surfaced area, enclosed in the main building or in any accessory building, or unenclosed, having an area of not less than 180 square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress for automobiles.

B. "Permanent foundation" means a single perimeter foundation system that is compatible with the structural design of a manufactured home when such foundation is used for placement of a manufactured home outside a mobile home park. A permanent foundation may include a pier footing foundation system designed and constructed to be compatible with the structure and conditions of the site. Requirements may be imposed by the Council which ensure visual compatibility of the permanent foundation system with surrounding residential structures.

C. "Place" means an open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.

D. "Principal structure" means a structure in which is conducted the principal use of the lot on which it is located.

17. Words beginning with "Q."

18. Words beginning with "R."

19. Words beginning with "S."

A. "Sign" means any structure, or part thereof, or device attached thereto or painted, or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of an announcement, direction, or advertisement. Sign includes the word billboard but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit, or of any political, education, a charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event. The area shall be figured by height times width of one side of sign.

B. "Story" means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

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 three feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or their family, or by a family occupying the floor immediately below it, shall be deemed a full story.

D. "Street" means a public or private thoroughfare which affords the principal means of access to abutting property.

E. "Structure (building)" means anything constructed, erected, or built, the use of which requires more or less permanent location on the ground and designed for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind, including but without limiting the generality of the foregoing, installations such as signs, billboards, radio towers, and other facilities not designed for storage of property or occupancy by persons.

20. Words beginning with "T."

A. "Trailer camp or tourist camp" means an area providing spaces for two or more travel trailers, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation, and recreation facilities to serve the traveling public.

B. "Travel trailer or camping trailer" means a 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 to permit the vehicles to be used as a place of human habitation by one or more persons. Said vehicle may be up to eight feet in width and any length provided its gross weight does not exceed 4,500 pounds, which shall be the manufacturer's shipping or the actual weight provided its over-all length does not exceed 28 feet. Such vehicle shall be customarily or ordinarily used for vacation or recreation purposes; if used a place of human habitation for more than 90 days in any 12-

month period, it shall be classified as a mobile home, regardless of the size and weight limitation provided herein. This definition shall also include house cars and camp cars having motive power and designed for temporary occupancy as defined herein.

21. Words beginning with "U."

22. Words beginning with "V."

23. Words beginning with "W."

A. "Watchman or caretaker" means an employee who keeps guard over a building or property and may also, in conjunction with the guard duties, perform maintenance of the same premises.

24. Words beginning with "X."

25. Words beginning with "Y."

A. "Yard" means an open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from 30 inches above the ground upward except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot lines and the main building shall be used.

B. "Yard, front" means a yard extending across the front of a lot and being the minimum horizontal distance between the lot line and the main building or any projection thereof other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where the owner shall elect to front their building on the street parallel to the lot line having the greater dimensions.

C. "Yard, rear" means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

D. "Yard, side" means a yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereto.

26. Words beginning with "Z."

A. "Zoning Administrator" means the individual appointed by the Council to administer and enforce the provisions of the Zoning Code.

165.02 CHANGE AND AMENDMENTS. The regulations imposed and the districts created by this Zoning Code may be amended from time to time by the Council but no such amendments shall be made without public hearing before the Council and after a report has been made upon the amendment by the Planning and Zoning Commission. At least seven days notice of the time and place of such hearing shall be published in a newspaper having general circulation in the City. In case the Planning and Zoning Commission does not approve the change or, in the case of a protest filed with the Council against a change in district boundaries

signed by the owners of 20 percent or more either of the area of the lots included in such proposed change or of those immediately adjacent thereto and within 200 feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the Council.

165.03 APPLICATION FOR CHANGE OF TEXT OR ZONING DISTRICT BOUNDARIES. Any person may submit to the Council an application requesting a change in zoning text or the zoning district boundaries as shown on the Official Zoning Map. Such application shall be filed with the Zoning Administrator accompanied by a nonrefundable fee of $25.00 and, in the case of a map amendment, shall contain the following information.

1. The legal description and local address of the property.
2. The present zoning classification and the zoning classification requested for the property.
3. The existing use and proposed use of the property.
4. The names and addresses of the owners of all property within 200 feet of the property for which the change is requested.
5. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
6. A plat showing the location, dimensions, and use of the applicant's property and all property within 200 feet thereof, including streets, alleys, railroads, and other physical features.

All fees shall be deposited to the General Fund of the City. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

165.04 ESTABLISHMENT OF DISTRICTS. The City is hereby divided into districts which shall be designated as follows:

1. A-1 Agricultural
2. R-1 Single-Family Residential
3. R-2 Mixed Residential
4. R-3 Multiple/Mobile Residential
5. R-4 Medium Density Residential
6. C-1 Highway Commercial
7. C-2 General Retail
8. M-1 Light Industrial
9. M-2 Heavy Industrial

The locations and boundaries of these districts are shown on the Official Zoning Map.

165.05 IDENTIFICATION OF OFFICIAL ZONING MAP. The Official Zoning Map shall be identified by the signature of the Mayor and attested to by the Clerk under the following statement:

> "This is to certify that this is the Official Zoning Map referred to in Section 165.05 of the Zoning Code of Stanwood, Iowa, as adopted the 5th day of March, 1979."

The Official Zoning Map shall be on file in the office of the Clerk and shall be the final authority as to the current zoning status of land, buildings, and other structures in the City.

165.06 ADOPTION OF OFFICIAL ZONING MAP. The Official Zoning Map and the explanatory material thereon, is hereby adopted by reference and declared to be a part of this Zoning Code.

EDITOR'S NOTE

The City's current zoning Map was adopted on March 5, 1979, with ordinance No. 78.

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.

ORDINANCE	ADOPTED	ORDINANCE	ADOPTED
86	November 19, 1981		
87	November 19, 1981		
91	December 6, 1982		
99	October 3, 1983		
107	September 2, 1986		
121	December 3, 1990		
132	May 1, 1995		
135	June 6, 1996		
136	September 9, 1996		
137	January 6, 1997		
138	January 6, 1997		
139	January 6, 1997		
141	June 9, 1997		
143	January 5, 1998		
150	July 6, 1998		
158	July 10, 2000		
161	January 7, 2002		
165	November 11, 2002		
201	December 14, 2009		
204	August 9, 2010		
219	October 14, 2013		
233	June 10, 2019		

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165.07 CHANGES IN OFFICIAL ZONING MAP. No changes in the Official Zoning Map shall be made except as may be required by amendments to this Zoning Code under Section 165.02 herein. If required, such changes shall be promptly made and the Ordinance number, nature of change, and date of change shall be noted on the map, approving such change in the Official Zoning Map. Any unauthorized change of any kind whatsoever in the Official Zoning Map by any person or persons shall constitute a violation of this Zoning Code and be punishable as provided in Section 1.14 or Chapter 3.

165.08 REPLACEMENT OF OFFICIAL ZONING MAP. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Council may, by ordinance, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Clerk, and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. 78, City of Stanwood, Iowa." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to adoption or amendment.

165.09 INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following township lines or section lines shall be construed as following township lines or section lines.

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as following the centerlines of streams or other bodies of water shall be construed to following such centerlines, and in the event of change in the centerline, shall be construed as moving with the actual centerline.

6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by Subsections 1 through 6 above, the Zoning Administrator shall interpret the district boundaries.

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165.10 AGRICULTURAL DISTRICT (A-1).

1. Permitted Principal Uses and Structures.

   A. Agriculture, horticulture, farming, and other agricultural activities.

   B. Single-family dwellings

   C. Parks and recreation areas.

   D. Stable or kennel.

   E. Cemetery.

   F. Public utilities, but not including equipment storage.

   G. Railroads.

   H. Golf Course and Country club.

2. Permitted Accessory Uses and Structures.

   A. Farm buildings incidental to agricultural uses.

   B. Private garage.

   C. Home occupation.

   D. Tennis court, swimming pool, greenhouse, or other similar accessory use clearly incidental to the permitted principal use or structure of this district and not involving the conduct of business on the premises, except home occupations as provided herein.

   E. Temporary buildings used in conjunction with construction work provided such buildings are promptly removed upon completion of construction work.

   F. Refreshment stand in conjunction with a park or recreation area.

3. Special Exception Uses And Structures. Subject to Section 165.33(5)(B) and other requirements contained herein, the Board of Adjustment may permit the following:

   A. Sanitary landfill or waste disposal area, provided it is not used for disposal of dead animals; the refuse shall be covered with dirt daily if it contains raw garbage, that a nuisance due to smoke, odor, or blowing of trash and debris shall not be created, and that the site shall be restored to a condition compatible with the adjacent area upon conclusion of the dump operation. An access road having at least a graveled surface and five parking spaces shall be provided. No landfill or waste disposal area shall be located closer than one-fourth mile to any dwelling, park, school, or place of public assembly.

4. Bulk Regulations.

MINIMUM LOT AREA, WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
Dwellings Area: five acres Width: 120 feet Depth: 120 feet	Dwellings and other non institutional uses: Front: 30 feet Rear: 30 feet Side: 10 feet Side Street, Corner Lot: 25 feet	Two and one-half stories or 35 feet

5. Permitted Signs.

A. Nameplates attached flat against the wall of the main building not to exceed one square foot in area.

B. Church or public bulletin boards not to exceed 25 feet in area.

C. Temporary signs advertising the lease or sale of the premises not to exceed six square feet in area.

D. Home occupation sign not to exceed three square feet in area.

E. Billboards or advertising signs provided:

(1) They are not within 300 feet of an intersection, residence, or another billboard.

(2) They are not within 200 feet of a park, school, cemetery, or public or semipublic building.

(3) They are not within 75 feet of the centerline of a town or County road, or 100 feet of a State highway.

F. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.

6. Required Off-Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off-Street Parking
Agricultural, horticulture, farming, and other agricultural activities	None
Single-family dwellings	Two spaces/unit
Parks and recreation areas	Five spaces/acre developed for active use
Stable or kennel	Three spaces
Cemetery	10 spaces plus once/acre
Public utilities, but not including equipment storage	One space/substation or one per employee on the site
Railroads	None
Golf courses and country club	One space/50 sq. ft. floor area

7. Special Requirements.

A. Public utility substations or buildings shall meet the front and rear yard requirements for dwellings and shall have side yards of not less than 30 feet.

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165.11 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). The following

1. Permitted Principal Uses and Structures.

A. Single-family dwellings.

B. Parks and recreation areas.

C. Public or semi-public swimming pool.

D. Church or other place of worship.

E. Elementary or secondary school.

F. Public utilities, but not including equipment storage or maintenance yards and buildings, or general administrative and sales offices.

G. Railroads.

2. Permitted Accessory Uses and Structures.

A. Private garages.

B. Home occupation.

C. Tennis court, swimming pool, greenhouse, or other similar accessory use clearly incidental to the permitted principal use or structure of this district and not including the conduct of business on the premises, except home occupations as provided herein.

D. Temporary buildings used in conjunction with construction work provided such buildings are promptly removed upon completion of construction work.

E. Refreshment stand in conjunction with a park or recreation area.

3. Special Exception Uses and Structures. Subject to Section 165.33(5)(B) and other requirements contained herein, The Board of Adjustment may permit the following:

A. Single-Family Conversions. To allow single-family conversion apartments on existing single-family properties in all single-family residence districts to provide the opportunity for the development of small, rental housing units designed to meet the housing needs of single persons and couples of low-and- moderate-income, both young and old. Furthermore, it is, the purpose and the intent of the Zoning Code to allow more efficient use of the City's existing stock of dwellings, to provide economic support for present resident families of limited income, and to protect and preserve property values. Single-family conversions or accessory apartments shall be subject to the following limitations:

(1) Only one accessory apartment shall be allowed per dwelling.

(2) Three spaces of off-street parking shall be provided per house

(3) The original dwelling and the accessory apartment shall have separate metered utilities.

(4) The original building and the accessory apartment shall have separate kitchens and bathrooms.

(5) An entrance and exit to the accessory apartment must be separate. An entrance leading to a foyer with entrance leading from the foyer to the two dwelling units will be acceptable as one entrance. Another exit must be provided for fire protection for both habitable areas.

(6) Prior to any single-family conversion the structure must contain 1,100 square feet. After the conversion the accessory apartment must contain at least 475 square feet habitable space, not including the garage.

(7) Any structure which meets all other qualifications and is in existence as of the effective date of this Zoning Code shall be eligible for conversion. All structures built after December 5, 1983, shall wait a minimum of 10 years, and meet all other criteria prior to a conversion.

(8) All applications shall be accompanied with a $25.00 processing fee and a floor plan showing dimensions. The City reserves the right to inspect the premises with 24 hours notice.

4. Bulk Regulations.

Minimum Lot Area, Width	Minimum Yard Requirements	Maximum Height
Single-Family Dwelling Area: 6,000 sq. ft. Width: 60 ft Depth: 100 ft Where a lot is not served by a public water or sanitary sewer system, the minimum lot area shall not be less than five acres and the width not less than 120 feet.	Dwellings and other non institutional uses: Front: 25 ft Rear: 25 ft Side: eight ft Street side, corner lot: 20 ft Schools, churches, or other public or institutional buildings: Front: 35 ft Rear: 35 ft Side: 25 ft Street side, corner lot: 20 ft	Two and one-half stories or 35 ft

5. Permitted Signs.

A. Nameplates attached flat against the wall of the main building not to exceed one square foot in area.

B. Church or public bulletin boards not to exceed 25 feet in area.

C. Temporary signs advertising the lease or sale of the premises not to exceed six square feet in area.

D. Home occupation sign not to exceed three square feet in area.

E. Illumination of signs, bulletin boards, and nameplates shall not exceed 60 watts and shall be lighted only with indirect non-intermittent lighting.

F. Signs and bulletin boards shall be at least 20 feet from the front lot line or not more than five feet in front of the main building.

G. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.

6. Required Off-Street Parking.

Permitted Principal Uses and Structures	**Minimum Required Off-Street Parking**
Single-family dwellings	Two spaces/unit
Parks and recreation area	Five spaces/acre developed for active use
Public or semi-public swimming pool	One space/50 sq. ft. of water area
Church or other place of worship	One space/four seats in the main auditorium
Elementary or secondary school	One space/classroom and office plus one space/each six seats in the main auditorium or stadium
Public utilities, but not including equipment storage or maintenance yards and buildings, or general administrative and sales offices	One space/substation or one per employee on the site
Railroads	None

[The next page is 1393]

165.12 MIXED RESIDENTIAL DISTRICT (R-2).

1. Permitted Principal Uses and Structures.

   A. Single-family dwellings.

   B. Two- to- six-family dwelling.

   C. Private kindergartens and day nurseries.

   D. Funeral home.

   E. Parks and recreation areas.

   F. Church or other place of worship.

   G. Elementary or secondary school.

   H. Public utilities, including equipment storage or maintenance yards and building, or general administrative and sales offices when accompanied by total visual separation from adjacent lots.

   I. Rest, nursing, and convalescent homes for the orphaned and aged.

2. Permitted Accessory Uses and Structures.

   A. Private garages.

   B. Home occupation.

   C. Tennis court, swimming pool, greenhouse, or other similar accessory use clearly incidental to the permitted principal use or structure of this district and not including the conduct of business on the premises, except home occupations as provided herein.

   D. Temporary buildings used in conjunction with construction work provided such buildings are promptly removed upon completion of construction work.

   E. Serving of meals and renting rooms or both to up to three persons not members of the family residing therein, provided that the character of the dwelling is not changed from that of a dwelling, or that it becomes in any sense a nursing or rest home as defined herein, and that one additional off-street space be provided for each roomer.

3. Special Exception Uses and Structures.

- NONE-

4. Bulk Regulations.

MINIMUM LOT AREA, WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
Single-Family Dwelling Area: 6,000 sq. ft. Width: 60 ft Depth: 100 ft Two-Family Dwelling Area: 6,000 sq. ft. Width: 60 ft Depth: 100 ft Multi-Family Dwellings up to Six Units Area: 6,000 sq. ft. Width: 60 ft Depth: 100 ft	Single and multi-family dwellings and other non-institutional uses: Front: 25 ft Rear: 25 ft Side: eight ft Street side, corner lot: 25 ft Schools, churches, or other public or institutional buildings: Front: 35 ft Rear: 35 ft Side: 25 ft Street side, corner lot: 25 ft	Two and one-half stories or 35 ft

5. Permitted Signs.

A. Nameplates attached flat against the wall of the main building not to exceed one square foot in area.

B. Church or public bulletin boards not to exceed 25 feet in area.

C. Temporary signs advertising the lease or sale of the premises not to exceed six square feet in area.

D. Home occupation sign not to exceed three square feet in area.

E. Illumination of signs, bulletin boards, and nameplates shall not exceed 60 watts and shall be lighted only with indirect non-intermittent lighting.

F. Signs and bulletin boards shall be at least 20 feet from the front lot line or not more than five feet in front of the main building.

G. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.

6. Required Off-Street Parking.

Permitted Principal Uses and Structures	**Minimum Required Off-Street Parking**
Single-family dwellings	Two spaces/unit
Two- and- six-family dwelling	Two spaces/unit
Private kindergartens and day nurseries	One space plus one/employee
Funeral home	One space/each four seats in the chapel
Parks and recreation areas	Five spaces/acre developed for active use
Church or other place of worship	One space/four seats in the main auditorium
Elementary or secondary school	One space/classroom and office plus one space/each six seats in the main auditorium or stadium
Public utilities including equipment storage or maintenance yards and buildings, or general administrative and sales offices when accompanied by total visual separation from adjacent lots	One space/substation or one per employee on the site
Rest, nursing, and convalescent homes for the orphaned and aged	One space/two beds

[The next page is 1401]

165.13 MULTIPLE/MOBILE RESIDENTIAL DISTRICT (R-3).

1. Permitted Principal Uses and Structures.

   A. Multiple-family dwelling (seven to 12 units).

   B. Land - lease community.

   C. Mobile home park.

   D. Funeral home.

   E. Rest, nursing, and convalescent homes; homes for the orphaned and aged.

   F. Parks and recreation areas.

   G. Community meeting or recreation building.

   H. Church or other place of worship.

   I. Elementary or secondary school.

   J. Public utilities including equipment storage or maintenance yards and building, or general administrative and sales offices when accompanied by total visual separation from adjacent lots.

   K. Single-family dwellings.

2. Permitted Accessory Uses and Structures.

   A. Private garages.

   B. Home occupation.

   C. Tennis court, swimming pool, greenhouse, or other similar accessory use clearly incidental to the permitted principal use or structure of this district and not including the conduct of business on the premises, except home occupations as provided herein.

   D. Temporary buildings used in conjunction with construction work provided such buildings are promptly removed upon completion of construction work.

   E. Serving of meals and renting rooms or both to up to three persons not members of the family residing therein, provided that the character of the dwelling is not changed from that of a dwelling, or that it becomes in any sense a nursing or rest home as defined herein, and that one additional off-street space be provided for each roomer.

3. Special Exceptions Uses and Structures.

- NONE -

4. Bulk Regulations.

Minimum Lot Area, Width	Minimum Yard Requirements	Maximum Height
Multi-Family Dwellings seven to 12 Units Area: 6,000 sq. ft. plus 1,500 sq. ft. for each unit over one Width: 75 ft Depth: 120 ft	Multi-family dwellings other non institutional uses: Front: 20 ft Rear: 10 ft Side: eight ft Street side, corner lot: 20 ft Front 25 ft side or corner rear 25 ft Lot eight ft Schools, churches, or other public or institutional buildings: Front: 35 ft Rear: 35 ft Side: 25 ft Street side, corner lot: 25 ft	Three stories or 40 ft
Single-family dwelling Area: 6,000 sq. ft. Width: 60 ft Depth: 100 ft Where a lot is not served by a public water or sanitary sewer system, the minimum lot area shall not be less than five acres and the width not less than 120 ft	Dwelling and other non institutional uses: Front 25 ft Rear: 25 ft Side: eight ft Street side, corner lot: 20 ft	Two and one-half stories or 35 ft

5. Permitted Signs.

A. Nameplates attached flat against the wall of the main building not to exceed one square foot in area.

B. Church or public bulletin boards not to exceed 25 feet in area.

C. Temporary signs advertising the lease or sale of the premises not to exceed six square feet in area.

D. Home occupation sign not to exceed three square feet in area.

E. Illumination of signs, bulletin boards, and nameplates shall not exceed 60 watts and shall be lighted only with indirect non-intermittent lighting.

F. Signs and bulletin boards shall be at least 20 feet from the front lot line or not more than five feet in front of the main building.

G. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed, and the surrounding area restored to a condition free from refuse and rubbish.

6. Required Off-Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off-Street Parking
Multiple-family dwellings (seven to 12 units)	Two spaces/unit
Land - lease community	2 spaces per unit plus one/employee
Mobile home park	Two spaces plus one/employee
Funeral home	One space/each four seats in the chapel
Rest, nursing, and convalescent homes; homes for the orphaned and aged	One space/two beds
Parks and recreation	Five spaces/acre developed for active use
Community meeting or recreation building	One space/50 sq. ft. of floor area
Church or other place of worship	One space/four seats in the main auditorium
Elementary or secondary school	One space/classroom and office plus one space/each six seats in the main auditorium or stadium
Public utilities including equipment storage or maintenance yards and building, or general administrative and sales offices when accompanied by total visual separation from adjacent lots	One space/substation or one per employee on the site
Single-family dwellings	Two spaces/unit

7. Special Requirements.

A. Mobile home parks and land-leased communities shall comply with Chapter 435 of the *Code of Iowa*, as amended; have a water supply and sanitary sewer collection and treatment system approved by the County Health Officer if not connected to the City's systems; have a minimum area of 5,000 square feet for each home space; have a maximum density of eight units per acre, and no home shall be closer than 20 feet to any property line of the mobile home park or land-leased community.

(1) Mobile homes shall be parked or placed within duly licensed mobile home parks, or upon private property as a part of a dealer's or a manufacturer's stock not used as a place for human habitation. Exceptions to this requirement may be granted by the Council only when it appears that location within local mobile home parks is impractical and public health, safety, and welfare interests will not be seriously affected by granting the exception as provided in this Code.

(2) Mobile homes shall have a minimum living area of 600 square feet.

(3) All homes shall be placed on a semi-permanent base, shall have a skirt placed around them, and shall be secured by tie-downs.

(4) An accessory building of not less than 48 square feet shall be located on the mobile home park or land-leased community lot on which the home is placed.

[The next page is 1409]

165.14 MIXED RESIDENTIAL DISTRICT (R-4).

1. Permitted Principal Uses and Structures.

   A. Single-family dwellings.

   B. Two- to- three-family dwelling (not including zero-lot line dwellings).

   C. Zero-lot line single-family attached dwellings.

   D. Parks and recreation areas.

   E. Church or other place of worship.

   F. Elementary or secondary school

   G. Public utilities including equipment storage or maintenance yards and buildings, or general administrative and sales offices.

   H. Rest, nursing, and convalescent homes; for the orphaned and aged.

2. Permitted Accessory Uses and Structures.

   A. Private garages.

   B. Home occupation.

   C. Tennis court, swimming pool, green house, or other similar accessory use clearly incidental to the permitted principal use or structure of this district and not including the conduct of business on the premises, except home occupations as provided herein.

   D. Temporary buildings used in conjunction with construction work provided such buildings are promptly removed upon completion of construction work.

   E. Serving of meals and renting rooms or both to up to three persons not members of the family residing therein, provided that the character of the dwelling is not changed from that of a dwelling, or that it becomes in any sense a nursing or rest home as defined herein, and that one additional off-street space be provided for each roomer.

3. Special Exception Uses and Structures.

- NONE -

4. Bulk Regulations.

Minimum Lot Area, Width	Minimum Yard Requirements	Maximum Height
Single-family dwelling Area: 6,000 sq. ft. Width: 60 ft Depth: 100 ft Two- to- three-family dwelling not including zero-lot line dwellings: Area: 3,000 sq. ft. Width: 60 ft Depth: 100 ft Zero-lot line dwellings Area: 5,000 sq. ft. Width: 50 ft Depth: 100 ft	Single- and- multi-family dwellings and other non institutional uses (not including zero-lot line dwellings): Front: 25 ft Rear: 25 ft Side: eight ft Street side, corner lot: 25 ft Zero-lot line single-family attached dwellings (the zero-lot line shall not abut a street or alley): Front: 25 ft Rear: 25 ft Common side: zero ft Opposite side: eight ft Street side, corner lot: 25 ft Schools, churches, or other public or institutional buildings: Front: 35 ft Rear: 35 ft Side: 25 ft Street side, corner lot: 25 ft	Two and one-half stories or 35 ft

5. Permitted Signs.

A. Nameplates attached flat against the wall of the main building not to exceed one square foot in area.

B. Church or public bulletin boards not to exceed 25 feet in area.

C. Temporary signs advertising the lease or sale of the premises not to exceed six square feet in area.

D. Home occupation sign not to exceed three square feet in area.

E. Illumination of signs, bulletin boards, and nameplates shall not exceed 60 watts and shall be lighted only with indirect non-intermittent lighting.

F. Signs and bulletin boards shall be at least 20 feet from the front lot line or not more than five feet in front of the main building.

G. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed, and the surrounding area restored to a condition free from refuse and rubbish.

6. Required Off-Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off-Street Parking
Single-family dwellings	Two spaces/unit
Two - to- three-family dwelling (not including zero-lot line dwellings)	Two spaces/unit
Zero-lot line single-family attached dwellings	Two spaces/unit
Parks and recreation areas	Five spaces/acre developed for active use
Church or other place of worship	One space/four seats in the main auditorium
Elementary or secondary school	One space/classroom and office plus one space/ each six seats in the main auditorium or stadium
Public utilities including equipment storage or maintenance yards and building, or general administrative and sales offices	One space/substation or one per employee on the site
Rest, nursing, and convalescent homes; for the orphaned and aged	One space/two beds

7. Special Requirements.

A. See Section 165.19(11) for special requirements for zero-lot line dwellings.

[The next page is 1417]

165.15 HIGHWAY COMMERCIAL DISTRICT (C-1).

1. Permitted Principal Uses and Structures.

A. Automobile sales, service, and repair, including farm implements.

B. Drive-in eating or drinking establishments.

C. Night club or restaurant.

D. Dance hall or skating rink.

E. Bowling alley.

F. Tourist camp.

G. Public utilities including equipment storage or maintenance yards and buildings, or general administrative and sales offices when accompanied by total visual separation from adjacent lots.

H. Railroads.

I. Frozen food locker.

J. Blacksmith or welding shop.

K. Wholesale display and salesroom.

L. Hotels and motels.

M. Convenience stores.

N. Businesses/professional offices and studies.

O. Retail business.

P. Personal service and repair shops.

2. Permitted Accessory Uses and Structures.

A. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.

B. Storage warehouses in conjunction with the permitted principal uses or structures of this district.

C. Temporary buildings used in conjunction with construction work provided such buildings are promptly removed upon completion of construction work.

3. Special Exception Uses and Structures. Subject to Section 165.33(5)(B) and other requirements contained herein, the Board of Adjustment may permit the following:

A. Dwelling unit within a building housing a commercial use for the occupancy of a single-family, provided, that an open yard area of at least 2,400 square feet is reserved and maintained for the occupants and two parking spaces are provided.

4. Bulk Regulations.

Minimum Lot Area, Width	Minimum Yard Requirements	Maximum Height
Tourist campground: Three acres Commercial uses: None	Front: 30 ft No side or rear yard except where adjacent to an "A" or "R" District, a side yard of 10 feet and a rear yard of 20 feet shall be provided	Two and one-half stories or 35 ft

5. Permitted Signs.

A. Trade, business, or industry identification signs, provided that they:

(1) Do not exceed 25 feet in height.

(2) Do not overhang the public right-of-way.

(3) Are not within 75 feet of a highway intersection, highway structure, residence, park, school, cemetery, public or semipublic building.

(4) Do not exceed 100 square feet in area.

B. Advertising signs and billboards, provided that they:

(1) Do not exceed 25 feet in height.

(2) Are not within 25 feet of an "A" or "R" District.

(3) Are not within 100 feet of another billboard.

(4) Do not exceed 100 square feet in area.

C. No billboard shall be located in, overhang, or project into a required yard.

D. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.

6. Required Off-Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off-Street Parking
Automobile sales, service, and repair, including farm implements	One space/300 sq. ft. of sales service or office floor area
Drive-in eating or drinking establishments	Five spaces plus one space/50 sq. ft. of floor area
Night club or restaurant	One space/100 sq. ft. of floor area
Dance hall or skating rink	One space/100 sq. ft. of floor area
Bowling alley	Five spaces/lane or alley
Tourist camp	One space/unit or campsite
Public utilities including equipment storage or maintenance yards and buildings, or general administrative and sales offices when accompanied by total visual separation from adjacent lots	One space/substation or one per employee on the site
Railroads	None
Frozen food locker	One space/200 sq. ft. in freezer
Blacksmith or welding shop	One space/employee plus three spaces/1,000 sq. ft.
Wholesale display and salesroom	One space/300 sq. ft. of sales, service, or office floor area
Hotels and motels	One space/unit plus one space/employee
Convenience stores	One space/300 sq. ft.
Businesses/professional offices and studies	One space/300 sq. ft. of floor area
Retail business	One space/300 sq. ft. of floor area
Personal service and repair shops	One space/200 sq. ft. of floor area

[The next page is 1425]

165.16 GENERAL RETAIL DISTRICT (C-2).

1. Permitted Principal Uses and Structures.

   A. Multiple-family dwelling (up to six units).

   B. Apartment(s) or single-family dwelling in existing commercial structures (conversions).

   C. Private kindergartens and day nurseries.

   D. Rest, nursing, and convalescent homes; for the orphaned and aged.

   E. Business/professional offices and studios

   F. Medical, dental, and chiropractic clinics.

   G. Retail businesses.

   H. Personal service and repair shops.

   I. Laundry or dry cleaners.

   J. Clubs and lodges.

   K. Public garages, storage garages, and parking lots.

   L. Plumbing, heating and electrical sales, service, and repair shops.

   M. Printing shops.

   N. Restaurants, cafes, taverns.

   O. Commercial amusements.

   P. Public and community buildings.

   Q. Wholesale display and sales room.

   R. Public utilities, but not including equipment storage or maintenance yard and buildings.

2. Permitted Accessory Uses and Structures.

   A. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.

   B. Storage warehouses in conjunction with the permitted principal uses or structures of this district.

   C. Temporary buildings used in conjunction with construction work provided such buildings are promptly removed upon completion of construction work.

3. Special Exception Uses and Structures.

- NONE -

4. Bulk Regulations.

Minimum Lot Area, Width	Minimum Yard Requirements	Maximum Height
Multiple-family dwellings up to six units Area: 6,000 sq. ft. Width: 60 ft Depth: 100 ft	Rear: 20 ft Side: two ft, except where adjacent to "R" District, then such adjacent side yard shall be 10 ft	Three stories or 40 ft
Apartment or single-family dwelling conversion: No minimum	Rear: 20 ft Side: two ft, except where adjacent to "R" District, then such adjacent side yard shall be 10 ft	Four stories or 50 ft
Private kindergartens and day nurseries: No minimum	Current State requirements while maintaining a side yard minimum of two ft	Four stories or 50 ft
Rest, nursing, and convalescent homes: No minimum	Current State requirements while maintaining a side yard minimum of two ft	Four stories or 50 ft

5. Permitted Signs.

A. Advertising signs, billboards and trade, business or industry identification signs provided that:

(1) Free standing signs do not exceed 25 feet in height.

(2) Signs attached to a building shall not project above the height of the building or more than four feet from the wall of the building.

(3) No sign shall exceed 100 square feet in area nor shall any sign cover more than 10 percent of the building face on which it is mounted.

B. No sign or billboard shall be located in, overhang, or project into a required yard.

C. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding areas restored to a condition free from refuse and rubbish.

6. Required Off-Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off-Street Parking
Multiple-family dwelling (up to six units)	Two spaces/unit
Apartment(s) or single-family dwelling in existing commercial structures (conversions)	See special requirements of this district
Private kindergartens and day nurseries	One space plus one/employee
Rest, nursing, and convalescent homes; for the orphaned and aged	One space/two beds
Business/professional offices and studio	No off-street parking required in this district
Medical, dental, and chiropractic clinics	
Retail businesses	
Personal service and repair shops	
Laundry or dry cleaners	
Clubs and lodges	
Public garages, storage garages, and parking lots	
Plumbing, heating and electrical sales, service, and repair shops	
Printing shops	
Restaurants, cafes, taverns	
Commercial amusements	One space/100 sq. ft. of floor area
Public and community buildings	
Wholesale display and sales room	
Public utilities but not including equipment storage or maintenance yard and buildings	

7. Special Requirements.

A. Apartments or single-family dwelling are allowed in existing commercial structure as conversion in this district subject to the following limitations and requirements:

(1) The existing commercial structure was in existence prior to 1995.

(2) When minimum yard requirements, as established, exist on the lot, the City may require that the rear yard or portion of the rear yard be converted to off-street parking, up to a maximum of two parking spaces for a single-family dwelling or for each apartment.

(3) Each apartment or single-family dwelling shall have separate metered utilities.

(4) Each apartment or single-family dwelling shall have a separate kitchen and bathroom.

(5) Each apartment or single-family dwelling shall confirm to all applicable State building and public safety codes including exits and fire escapes.

(6) Each apartment or single-family dwelling shall contain a minimum of 500 square feet.

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165.17 LIGHT INDUSTRIAL DISTRICT (M-1).

1. Permitted Principal Uses and Structures.

A. Farm implement sales, service, repair assembly.

B. Truck garage and repair shop.

C. Automobile paint and body shop.

D. Building material sales and storage.

E. Manufacturing, assembly, compounding, processing, and packaging uses, except the manufacture, warehousing, wholesaling, storage, or blending of fertilizers, pesticides, insecticides, or other chemicals that are combustible, explosive, or of a toxic nature potentially dangerous to the health, safety, and general welfare of the people of the City.

F. Contractor's shop and storage yard.

G. Veterinarian's office and kennel.

H. Truck and freight terminal.

I. Welding and machine shop.

J. Wholesaling and warehousing, but not including the bulk storage of petroleum products, liquid fertilizers, and agricultural chemicals.

K. Railroads and public utilities including storage and maintenance yards and buildings.

L. Commercial trade schools and colleges including dormitory facilities.

M. Laboratories, research, experimental and testing.

2. Permitted Accessory Uses and Structures.

A. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.

B. Temporary buildings used in conjunction with construction provided such buildings are promptly removed upon completion of construction work.

C. Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants.

D. A private swimming pool as an accessory structure and use to a dwelling that serves as a watchman's or caretaker's residence, provided a security fence of at least four feet in height surrounds the pool.

3. Special Exception Uses and Structures. Subject to Sections 165.33(5)(B) and other requirements contained herein, the Board of Adjustment may permit the following:

A. Stockyards, loading pens, slaughter houses, poultry processing plants, buying stations or sale barns and yards, provided that it is not closer than one-fourth mile to any dwelling unit other than that of the owner or operator, or any park, school, church, or place of public assembly; that the provisions for drainage, sanitation, waste disposal, and fly control are approved by the County

Health Officer; that it is located so that prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity; and that one parking space for each employee and one space for each vehicle used by the industry be provided. An additional 25 parking spaces shall be provided for sale barns.

B. Bulk storage of petroleum products, liquid fertilizers, and agricultural chemicals provided that such use is not closer than 300 feet to a dwelling or place of public assembly and that one parking space for each vehicle used by the industry be provided.

4. Bulk Regulations.

Minimum Lot Area, Width	Minimum Yard Requirements	Maximum Height
None	Front: 25 ft Corner Lot: 25 ft with side yard on intersecting street of not less than 25 ft Side yard is not required except for corner lots described above and except on the side of a lot abutting a residential or agricultural district in which case there shall be a side yard of not less than 10 ft Rear Yard: not required except on lot abutting agricultural or residential district in which case the rear yard shall not be less than 10 ft	No structure shall exceed in height the distance measured to the center line of the nearest street from any portion of the proposed building or structure

5. Permitted Signs.

A. Billboards and advertising signs provided:

(1) That they are not within 75 feet of a highway intersection, highway structure, residence, park, school, cemetery, public or semipublic building.

(2) That they are not within 150 feet of another billboard or advertising sign.

(3) That they do not exceed 300 sq. feet in area.

B. Trade, business, or industry identification signs for the firm located on the site provided that:

(1) Free standing signs shall not exceed 150 square feet in area or 25 feet in height.

(2) Signs mounted flush on the wall of a building shall not exceed 10 percent of the area of the wall of the building on which they are located or 200 square feet, whichever is smaller.

(3) Overhanging signs, attached to a building shall not project above the height of the building, or more than four feet from the wall of the building and shall not have more than 100 square feet of area.

C. All signs shall be maintained in a neat and presentable condition and in the event that they shall become illegible, or their use shall cease, they shall be removed promptly and the area occupied restored to a condition free from refuse and debris.

6. Required Off-Street Parking.

Permitted Principal Uses and Structures	**Minimum Required Off-Street Parking**
Farm implement sales, service, repair assembly.	One space/300 sq. ft. of sales service or office floor area
Truck garage and repair shop	
Automobile paint and body shop	
Building material sales and storage	One space/200 sq. ft. of sales, service, or office floor area
Manufacturing, assembly, compounding, processing, and packaging uses, except the manufacture, warehousing, wholesaling, storage, or blending of fertilizers, pesticides, insecticides, or other chemicals that are combustible, explosive or of a toxic nature potentially dangerous to the health, safety, and general welfare of the people of the City.	One space/employee plus one/vehicle used by the industry
Contractor's shop and storage yard	All uses shall provide one off-street loading space for each 5,000 sq. ft. of floor area or fraction thereof.
Veterinarian's office and kennel	
Truck and freight terminal	
Welding and machine shop	
Wholesaling and warehousing, but not including the bulk storage of petroleum products, liquid fertilizers, and agricultural chemicals.	
Railroads and public utilities including storage and maintenance yards and buildings	
Commercial trade schools and colleges including dormitory facilities	One space for each four seats in the auditorium or 10 spaces for each classroom, whichever is greater
Laboratories, research, experimental and testing	One space/two employees, plus one space for each vehicle used in the conduct of the enterprise

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165.18 HEAVY INDUSTRIAL DISTRICT (M-2).

1. Permitted Principal Uses and Structures.

A. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products and any use permitted in the M-1 District. This includes concrete products manufacture, central mixing, and proportioning plant, grain elevator and storage bins, and feed milling.

B. Junk yards, automobile wrecking yards, storage yards for scrap iron, scrap paper, and rags, facilities for storing or baling. All such uses must be carried on either inside a building or inside an area enclosed by a light painted fence, a masonry wall, or a green belt planting strip at least eight feet in width and 10 feet high.

C. Plants and factories for heavy industry, manufacturing, or processing which would be objectionable because of noise, vibration, smoke, dust, air pollution, odor, soot, glare, heat, or the creation of a fire hazard. Any plant or factory that has any element classifying it as heavy may be located in an M-2 District.

D. The following and other similar uses shall be referred by the Zoning Administrator to the Board of Adjustments for its approval. Before issuance of approval, the Board of Adjustments shall hold a public hearing at which any interested party shall have an opportunity to be heard. Due public notice of the time and place of hearing shall be published in the official papers representing the City.

(1) Acid Manufacture.

(2) Distillation of bones.

(3) Fertilizer manufacture.

(4) Explosives and fireworks manufacture.

(5) Gas Manufacture.

(6) Glue Manufacture.

(7) Meat Packing Plants.

(8) Oil refineries.

(9) Reduction of dead animals, garbage, and offal.

(10) Rendering of fat.

(11) Stockyards and other facilities for the purchasing, shipping, and slaughter of animals.

(12) Storage, utilization, and manufacture of rocket fuels, fissionable.

(13) Tanneries.

(14) Wholesale and bulk storage of gasoline, fuel oils, and petroleum.

In the event that ample evidence exists to satisfy the Board of Adjustments that any industry falling within the scope of the above list will not be objectionable due to the elimination of noise, vibration, smoke, dust, air pollution, odor, soot, glare, heat, or fire hazard from its normal manufacturing operation, such industry may be permitted by the Board of Adjustment to locate within an M-1 District.

2. Permitted Accessory Uses and Structures.

A. Any accessory use.

B. Temporary buildings that are used in conjunction with construction work only may be permitted during the period the work is under way, but such temporary buildings shall be removed upon the completion of the construction work as determined by the Administrative Officer.

3. Special Exceptions and Structures.

- NONE -

4. Bulk Regulations.

Minimum Lot Area, Width	Minimum Yard Requirements	Maximum Height
None	Front Yard: Each main building shall have a front yard depth of not less than 40 ft. On corner lots, there shall be a front yard depth of not less than 40 ft and a side yard on the intersecting street of not less than 25 ft Side yard: A side yard is not required, except for corner lots as described above and except on the side of a lot abutting a residential or agricultural district, in which case there shall be a side yard of not less than 10 ft Rear yard: A rear yard is not required, except on lot abutting an agricultural or residential district in which case the rear yard shall not be less than 40 ft	No structure shall exceed in height the distance measured to the center line of the nearest street from any portion of the proposed building or structure

5. Same signs permitted as in the M-1 District (and listed below).

A. Billboards and advertising signs provided:

(1) That they are not within 75 feet of a highway intersection, highway structure, residence, park, school, cemetery, public or semipublic building.

(2) That they are not within 150 feet of another billboard or advertising sign.

(3) That they do not exceed 300 square feet in area.

B. Trade, business, or industry identification signs for the firm located on the site provided that:

(1) Free standing signs shall not exceed 150 square feet in area or 25 feet in height.

(2) Signs mounted flush on the wall of a building shall not exceed 10 percent of the area of the wall of the building on which they are located or 200 square feet, whichever is smaller.

(3) Overhanging signs attached to a building shall not project above the height of the building, or more than four feet from the wall of the building and shall not have more than 100 square feet of area.

C. All signs shall be maintained in a neat and presentable condition and in the event that they shall become illegible, or their use shall cease, they shall be removed promptly and the area occupied restored to a condition free from refuse and debris.

6. Minimum Required Off-Street Parking.

A. General Provision:

(1) Access. All off-street parking facilities shall be designed with appropriate means of vehicular access to a road or alley in a manner which will least interfere with traffic movements. Access to a State Highway shall be subject to the regulations of the Iowa State Department of Transportation. The Zoning Administrator shall consider access location and proximity of intersections before granting permits, and shall refer the factors to the Department of Transportation for approval, if required.

(2) Yards. The parking spaces may be located in any yards. Required front yards may be utilized for parking spaces when approved by special permit by the Board of Adjustment.

(3) The parking spaces for a building or premises shall be located within a reasonable distance of such building, and no parking space may be used by two or more owners without having a total number of spaces equal to the sum of the separate requirements for each building it serves.

B. Schedule of Parking Requirements. For the following areas, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

(1) Warehouses and storage buildings shall provide one parking space for each three employees, plus one space for each vehicle used in the conduct of the enterprise.

(2) All other buildings shall provide one parking space for each two employees, plus one space for each vehicle used in the conduct of the enterprise.

(3) Loading and Unloading Areas. All buildings shall provide not less than one truck unloading space either within the building or upon the lot and adjacent to the building for each 10,000 square feet of floor area.

7. District Regulations. All uses in the M-2 District shall meet the following performance standards.

A. No use shall be permitted which is in conflict with the provisions of this Code, or the laws of the State, defining and regulating nuisances.

B. In carrying on any use in this district, the best practical means for the disposal of refuse matter or water carried waste and the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar offensive characteristics must be employed.

C. Vibration. Any process or equipment which produces intense earthshaking vibrations, such as are created by heavy drop forges or heavy hydraulic surges shall be set back at least 500 feet from the property boundaries on all sides, except for a property line adjoining a M-2 District, where such setback shall not be mandatory. However, in no case shall such vibrations be allowed to create a gross public nuisance or hazard beyond the property boundaries.

D. Glare or Heat. Any operation producing intense glare or heat shall be performed within a completely enclosed building or an approved incinerator and effectively screened in such a manner as not to create a gross public nuisance or hazard beyond the property boundaries.

E. Storage.

(1) Open storage yards, shipping and receiving yards shall be located at least 30 feet from any street right-of-way and at least 20 feet from any lot line, with the exception that any livestock feed, grain, coal, and similar materials shall be stored at least 300 feet from an R District.

(2) Storage yards containing combustibles shall be so located as to permit easy access for the fighting of a fire in such an area.

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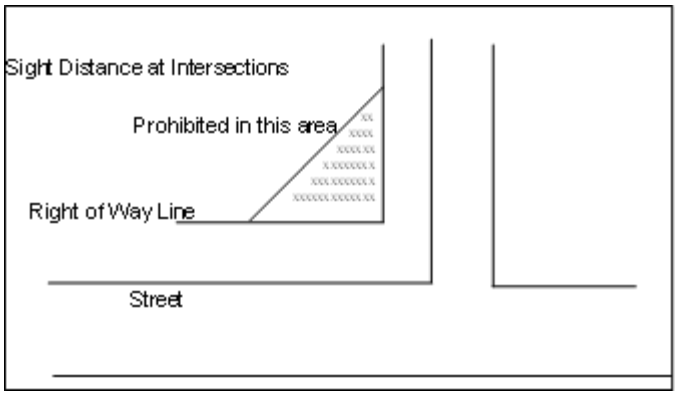
165.19 SUPPLEMENTARY DISTRICT REGULATIONS. Subject to Section 165.09, the following provisions, regulations, or exceptions shall apply equally to all districts except as hereinafter provided:

1. Visibility at Intersection. On a corner lot in any district except the C-2 District, General Retail District, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two feet and 10 feet above the centerline grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed, by connecting the right-of-way lines at points which are 25 feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.



2. Accessory Buildings. No accessory building shall be erected in any required front or side yard and no separate accessory buildings shall be erected within five feet of a rear lot line.

3. Principal Structure. The minimum size of a new dwelling shall be 800 square feet of living space excluding garage, deck, or porch as of the date of passage of this Zoning Code. In any district, more than one principal structure housing a permitted principal use may be erected on a single lot provided that the area, yard, and other requirements of this Zoning Code shall be met for each structure as though it were on an individual lot.

4. Height Regulation Exception. The height limitations contained in the schedules of district regulations do not apply to grain storage bins, grain elevators, feed mills or to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing or other structures placed above the roof level and not intended for human occupancy.

5. Use of Public Right-of-Way. No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this Zoning Code, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.

6. Proposed Use Not Covered in Zoning Code. Any proposed use not covered in this Zoning Code as a permitted use or special exception shall be referred to the Planning and Zoning Commission for a recommendation as to the proper district in which such use should be permitted and the Zoning Code amended as provided in Section 165.02 before a permit is issued for such proposed use.

7. Buildings to Have Access. Every building hereafter erected or structurally altered shall be on a lot or parcel having a frontage on a public street or road.

8. Mobile Homes or Trailers. Mobile homes occupied as a permanent or temporary place of residence shall be located only on a single lot in the R-3 District or in an approved mobile home park. However, if a mobile home is converted to real estate under the provisions of Section 135D.26 of the *Code of Iowa*, the mobile home may be located in other districts allowing single-family dwellings as a permitted use. Only mobile homes complying with the standards of safety and construction required since 1976, with a medallion and certificate of compliance, may be placed outside a mobile home park after December 2, 1985.

9. Hedges and Fences. Fences or hedges shall not exceed four feet in height in any required front yard and shall not exceed six feet in height in any required side or rear yard, subject to the further restriction of Subsection 1 above. A fence shall not exceed eight feet in height in any required side or rear yard or any property that adjoins a commercial property, parking lot or business.

10. Agricultural Uses. Any vacant parcel of land regardless of size in any district may be used for agricultural purposes, the raising of feed and grain crops, fruit, or vegetables, provided, however, that no livestock, poultry, or other animals other than customary household pets shall be kept on land or in confinement within 300 feet of any dwelling unit other than that of the owner.

11. Zero-Lot Line Single-Family Attached Dwellings. Prior to the division of any lot into two parcels for a zero-lot line single-family attached dwelling, there shall be recorded in the County Recorder's office restrictive and protective covenants providing that the owners thereof are jointly and severally liable and responsible for the maintenance and repair of the common wall as well as other common aspects including, but not limited to, utilities, water, sanitary sewer, storm sewer, easements, driveways, roof and siding, all to the point of division. Also, zero-lot line dwellings must meet the following requirements:

A. A one-inch air space shall be maintained between the common walls contiguous to the zero-lot line, and each side must be constructed with a component to create a one-hour UL fire rated assembly at each side. Fire rating shall extend from foundation to bottom of roof sheathing.

B. Such dwellings shall be constructed side by side across the zero-lot line and not constructed parallel to the zero-lot line.

C. The front wall of such dwellings shall be of the same material, same type, and same color on each side of the zero-lot line.

D. Each dwelling unit shall be provided with a separate building access and with separately metered utility service.

165.20 APPLICATION OF DISTRICT REGULATIONS. Subject to Section 165.09, the regulations and restrictions of this Zoning Code shall apply as follows:

1. Regulations to Be Uniformly Applied. The regulations set by this Zoning Code shall apply uniformly to each class or kind of structure or land, and particularly within each district, except as hereinafter provided.

2. All Uses and Structures to Conform. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

3. Height, Density, or Yards Shall Not Be Violated. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, or to have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required or in any other manner contrary to the provisions of this Zoning Code.

4. Separate Yards, Open Space and Off-Street Parking Required. No part of a yard, other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Zoning Code shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

5. Minimum Yards and Lot Areas May Not Be Reduced. No yard or lot existing at the time of passage of this Zoning Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Code shall meet at least the minimum requirements established by this Zoning Code.

6. New Areas. All territory which may hereafter become a part of the incorporated area of the City through annexation shall be classified in the A-1, Agricultural District, until otherwise classified, provided, however, that the City Planning and Zoning Commission may recommend the appropriate district classification prior to such territory becoming a part of the City and upon the holding of a public hearing and approval by the Council, the territory upon becoming a part of the City may immediately be so classified.

165.21 HOME OCCUPATIONS.

1. Is carried on by a member of the family residing in the dwelling unit, and

2. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and

3. Does not employ more than one person outside the immediate family, and

4. Has no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building, and

5. Does not occupy more than 30 percent of the area of one floor of the dwelling unit, and

6. Has not more than exterior sign mounted flush with the face of the building, which sign shall not exceed three square feet in area.

7. Produces no offensive noise, vibration, smoke, dust, odors, heat, or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood.

8. Home occupations include professional offices, minor repair services, photo and art studios, dress making, teaching, barber and beauty shops, baby sitting, and other similar uses as determined by the Council. However, home occupations shall not include transit homes, restaurants, or similar uses.

165.22 NONCONFORMING USES.

1. Within the districts established by this Zoning Code or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this Zoning Code was passed or amended but which would be prohibited, regulated, or restricted under the terms of this Zoning Code or future amendment. Subject to Section 165.09, it is the intent of this Zoning Code to permit these nonconformities to continue until they are removed but not to encourage their survival. Such uses are declared by this Zoning Code to be incompatible with permitted uses in the districts involved. It is further the intent of this Zoning Code that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

2. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Zoning Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

3. To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Code and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials on permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

165.23 NONCONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Zoning Code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district, provided that yard dimensions and other requirements not involving area, or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Board of Adjustment. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Code, and of all or part of the lots do not meet the requirements for lot width and area as established by the Zoning Code, the land involved shall be considered to be an undivided parcel for the purposes of this Zoning Code, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by the Zoning Code, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Zoning Code.

165.24 NONCONFORMING USES OF LAND. Where, at the effective date of adoption or amendment of this Zoning Code, lawful use of land exists that is made no longer permissible under the terms of this Zoning Code as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.

2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Zoning Code.

3. If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located.

165.25 NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Code that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity.

2. Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Code.

165.26 NONCONFORMING USES OF STRUCTURES. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Zoning Code, that would not be allowed in the district under the terms of this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, any nonconforming use of a structure or structure and premises may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Zoning Code.

4. Any structure or structure and land in combination in or on which an nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

5. When a nonconforming use of structure or structure and premises in combination is discontinued for six consecutive months or for 18 months during any three-year period, the structure thereafter shall not be used except in conformance with the regulations of the district in which it is located.

6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

165.27 REPAIRS AND MAINTENANCE. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement value of the building provided that the cubic content of the building as it existed at the time of passage or amendment of this Zoning Code shall not be increased. Nothing in this Zoning Code shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

165.28 USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES. Any use for which a special exception is permitted as provided in this Zoning Code shall not be deemed a nonconforming use but shall, without further action, be deemed a conforming use in such district.

165.29 FLOOD HAZARD AREA REGULATIONS. It is the intent of the flood hazard area regulations to limit development in the flood hazard area in order to minimize the danger to life and property which results from development undertaken without full realization of such danger. It is further the intent of these regulations to protect the flood hazard area from encroachments or developments which would obstruct, contain, or divert the passage of flood waters.

1. Application. The flood hazard area overlies various zoning districts. Where such overlapping occurs, uses and structures in the underlying zoning district shall be permitted only when the additional requirements imposed by the flood hazard area regulations have been met. Existing uses and structures located in the flood hazard area prior to the adoption of this Zoning Code which are not in compliance with the flood hazard area regulations shall be deemed nonconformities.

2. Interpretation. The flood hazard area encompasses those areas subject to inundation by flood waters which can be expected to occur a frequency of once in 100 years. Where flood elevations are not shown or cannot be determined from the official flood hazard boundary map (as amended), the applicant shall be responsible for providing sufficient evidence to the Administrative Officer, either by survey or other suitable means, that the flood elevation of any proposed structure is not lower than the elevation of a 100-year flood.

3. Special Requirements. Any building, structure, or other change to improved or unimproved real estate proposed for the flood hazard area shall first receive approval of the State Department of Natural Resources and shall be located in such a manner so as not to obstruct the passage of flood waters. Buildings and structures not intended for human occupancy may be located on the floodplain provided the construction methods and materials are such that the extent of damage will be minimal in the event of flood.

4. Permit Requirements. The Zoning Administrator will review all Building Permit applications to determine if the proposed construction is consistent with the need to minimize flood damage. Development in flood hazard locations within the City must:

A. Be developed and adequately anchored to prevent floatation, collapse, or lateral movement of the structure due to flooding.

B. Be constructed with materials and utility equipment resistant to flood damage.

C. Be constructed by methods and practices that will minimize flood damage.

D. Provide adequate drainage in order to reduce exposure to flood hazards.

E. Locate any new and replacement public utilities and facilities on the lot in such a manner to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical, and water systems.

165.30 ADMINISTRATION.

1. A Zoning Administrator designated by the Council shall administer and enforce this Zoning Code. The may be provided with the assistance of such other persons as the Council may direct. If the Zoning Administrator shall find that any of the provisions of this Code is being violated, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done, or shall take any other action authorized by this Zoning Code to insure compliance with or to prevent violation of its provisions.

2. Appeals from Decision of Administrative Officer. Appeals from any decision of the Zoning Administrator may be taken to the Board of Adjustment as provided in Section 165.33.

3. Interpretation of Provisions. In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements, adopted for the promotion and protection of the public health, safety, morals, and general welfare. Wherever the requirements of this Zoning Code are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

4. Separate Offenses May Be Charged. The owners or tenant of any building, structure, land, or part thereof and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may each be charged with a separate offense and, upon conviction, suffer the penalties herein provided.

5. Injunction, Mandamus. If any building or structure is erected, constructed, reconstructed, altered, repaired, or land is used in violation of this Zoning Code, the City may, in addition to other remedies, institute injunction, mandamus, or other appropriate lawful action necessary to prevent, correct, or abate such violation.

165.31 BUILDING PERMITS. No land shall be occupied or used, and no building thereafter erected, or structurally altered, shall be occupied or used, in whole or in part for any purpose whatsoever, until a certificate is issued by the Administrative Officer, stating the building and use comply with the provisions of this Zoning Code and other building and health ordinances of the City. No change of use shall be made in any building, or part thereof, now or hereafter erected, or structurally altered, without a permit being issued therefore by the Zoning Administrator. No permit shall be issued to make a change unless the changes are in conformity with this Zoning Code. Nothing in this section shall prevent the continuance of a nonconforming use as herein before authorized, unless a discontinuance is necessary for the safety of life and property. Building permits shall be applied for before the beginning of construction. A record of all certificates shall be kept on file in the Administrator's office, and copies shall be furnished upon request to any person having a tenancy interest. No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for a Building Permit together with a permit fee as set forth, and no building or premises shall be occupied until this permit is issued. If the work described in any Building Permit has not begun within 90 days from the date of issuance, said permit shall expire, as so specified on Building Permit. If the work described in any Building Permit has not been substantially completed within two years of the date of issuance, said permit shall expire. It shall be noted on the permit by the Zoning Administrator and written notice thereof shall be sent to the person affected, together with a notice that further work as described in the canceled permit shall not proceed unless and until a new Building Permit has been obtained.

1. Schedule of Building Permit fees:

A.	Additions (decks, porches, garages)	$25.00
B.	New construction (home or business)	$50.00

165.32 FEES. All fees as are required shall be paid to the Administrative Officer, who shall keep a complete and accurate record of fees received and shall forthwith deposit them to the credit of the General Fund of the City.

165.33 BOARD OF ADJUSTMENT.

1. Board of Adjustment Created. A Board of Adjustment is hereby established. The Board of Adjustment shall consist of five members to be appointed by the Council 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 the Board of Adjustment may be removed from office by the Council for cause upon written charges and after public hearing. Vacancies shall be filled by the Council for the unexpired term of the member.

2. Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Zoning Code. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or in the Chairperson's absence, the acting chairperson may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Board.

3. Hearings Appeals Notice. Appeals to the Board of Adjustment concerning interpretation or administration of this Zoning Code may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Administrative Officer. Such appeals shall be taken within a reasonable time not to exceed 60 days of filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. A fee of $25.00 shall be paid to the Zoning Administrator at the time the notice of appeal is filed which the Zoning Administrator shall forthwith pay over to the credit of the General Fund of the City. Should the Board of Adjustment rule in favor of the applicant in their appeal for a variance, the fee shall be refunded to the applicant.

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

5. The Board of Adjustment: Powers and Duties. The Board of Adjustment shall have the following powers and duties:

A. Administrative Review and Interpretation. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Zoning Code. To decide any question involving the interpretation of any provision of this section, including the meaning of any word or phrase, or the determination of the exact location of any district boundary if there is uncertainty with respect thereto.

B. Special Exceptions: Conditions Governing Applications: Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Zoning Code; to decide such questions as are involved in determining whether special exceptions with such conditions and safeguards as are appropriate under this Code, and to deny special exceptions when not in harmony with the purpose and intent of this

Zoning Code. A special exception shall not be granted by the Board of Adjustment unless and until:

(1) A written application for a special exception is submitted indicating the section of this Zoning Code under which the special exception is sought and stating the grounds on which it is requested.

(2) Notice shall be given at least 15 days in advance of the public hearing by publication in a newspaper of general circulation in the City.

(3) The public hearing shall be held. Any party may appear in person or by agent or attorney.

(4) The Board of Adjustment shall make a finding that it is empowered under the section of this Zoning Code described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Zoning Code and punishable under Section 1.14. The Board of Adjustment shall prescribe a time limit within which the action, for which the special exception is required, shall be begun or both, such action within the time limit set shall void the special exception.

6. Decisions of the Board of Adjustment. In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Zoning Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made and to that end shall have powers of the Zoning Administrator from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Zoning Code, or to effect any variation in application of this Zoning Code.

165.34 VARIANCES: CONDITIONS GOVERNING APPLICATION: PROCEDURES. To authorize, upon appeal in specific cases, such variance from the terms of this Zoning Code as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this Zoning Code would result in unnecessary hardship. A variance from the terms of this Zoning Code shall not be granted by the Board of Adjustment unless and until:

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

A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

B. That literal interpretation of the provisions of this Zoning Code would deprive the applicant of rights, commonly enjoyed by other properties in the same district under the terms of this Zoning Code.

C. That the special conditions and circumstances do not result from the actions of the applicant.

D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code, to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures, or building in other districts shall be considered grounds for the issuance of a variance.

2. Notice of public hearing shall be given as in Section 165.33(5)(B)(2).

3. The public hearing shall be held. Any party may appear in person, agent, or by attorney.

4. The Board of Adjustment shall make findings that the requirements of Section 165.34(1) have been met by the applicant for a variance.

5. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

6. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Zoning Code, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Code and punishable under Section 1.14. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Zoning Code in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Code in said district.

165.35 RECONSTRUCTION PERMIT. The Board of Adjustment may permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy to the extent more than 50 percent of its fair market value, where the Board of Adjustment finds some compelling necessity requiring a continuance of the nonconforming use.

165.36 APPEALS FROM THE BOARD OF ADJUSTMENT. Any person or persons, board, or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Chapter 414 of the *Code of Iowa*.

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