

CITY OF FARLEY, IOWA

ZONING ORDINANCE

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City of Farley, Iowa
Zoning Ordinance

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ORDINANCE NO. 184

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF FARLEY, IOWA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 414, CODE OF IOWA, 1966, AS AMENDED, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH

Whereas Chapter 414, Code of Iowa, 1966 as amended, empowers the City to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

Whereas the City Council deems it necessary, for the purpose of promoting the health, safety, morals or general welfare of the City to enact such an ordinance, and

Whereas the City Council, pursuant to the provisions of Chapter 414, Code of Iowa, 1966 as amended, has appointed a Planning and Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

Whereas the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over crowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and

Whereas the Planning and Zoning Commission has given reasonable consideration, among other things to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

Whereas the Planning and Zoning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the City Council, and the City council has given due public notice of hearings relating to zoning district, regulations, and restrictions, and has held such public hearings, and

Whereas the City Council has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings, and

Whereas all requirements of Chapter 414, Code of Iowa, 1966, as amended, with regard to the preparation of the report of the Planning and Zoning Commission and subsequent action of the City Council have been met;

NOW THEREFORE BE IT ORDAINED BY THE PEOPLE OF THE CITY OF FARLEY, IOWA

SECTION 1
ESTABLISHMENT OF DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP

Official Zoning Map. The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 1 of Ordinance No. 184 of the City of Farley, Iowa," together with the date of the adoption of this ordinance.

If, in accordance with the provisions of this ordinance and Chapter 414, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map specifying the date of such amendment and the reference number of the Ordinance thereof, which entry shall be signed by the Mayor and attested by the City Clerk. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered in violation of this ordinance and punishable as provided under Section 16.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Clerk shall be the final authority as to the current zoning status of land and water area, buildings and other structures in the City.

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 City Council may by resolution 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 City 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. 184, City of Farley, 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.

SECTION 2

RULES FOR 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 center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following a platted lot line shall be construed as following such lines;
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following lines of streams, or other bodies of water shall be construed to follow such lines;
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 Board of Adjustment shall interpret the district boundaries.
8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

SECTION 3

APPLICATION OF DISTRICT REGULATIONS

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. 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 except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - a) to exceed the height or bulk;
 - b) to accommodate or house a greater number of families;
 - c) to occupy a greater percentage of lot area;
 - d) 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 ordinance.
3. No part of a yard, or 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 ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
5. All territory which may hereafter be annexed to the city shall be considered to be in the Agricultural (A-I) District, until otherwise classified.

SECTION 4

NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF STRUCTURE AND PREMISES, AND NON-CONFORMING CHARACTERISTICS OF USES.

1. **Intent.** Within the districts established by this ordinance or amendments that may later be adopted there exist

- a). lots,
- b). structures,
- c). uses of land and structures, and
- d). characteristics of use

which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities 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.

Non-conforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance 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.

To avoid undue hardship, nothing in this ordinance 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 ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

2. **Non-Conforming Lots of Record.** In any district in which single-family dwellings are permitted, 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 ordinance, notwithstanding limitations imposed by other provisions of this ordinance. 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

requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of 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 ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

3. Non-Conforming Uses of Land (or Land with Minor Structures Only). Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000, the use may be continued so long as it remains otherwise lawful, provided:

- a). No such non-conforming 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 ordinance;
- b). No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;
- c). If any such non-conforming use of land ceases by reason of the removal of stored equipment, machinery, livestock, or fixtures related to the conduct of the non-conforming use for a period of thirty (30) consecutive days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which land is located.
- d). No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

4. Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a). No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

- b). Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than 65 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance;
- c). Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

5. Non-Conforming Uses of Structures or of Structures and Premises in Combination. If lawful use involving individual structures, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a). The enclosed area of any structure devoted to a use not permitted by this ordinance in the district in which it is located may not be increased by more than ten (10) percent unless such enlargement, extension, reconstruction, or alteration is made in changing the use of the structure to a use permitted in the district in which it is located.
- b). Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of this ordinance, but no such use shall be extended to occupy any land outside such building;
- c). If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Adjustment, by its findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance;
- d). Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
- e). When a non-conforming use of a structure, or a structure and premises in combination, is discontinued or abandoned, the structure, or structure and premises in combination, shall thereafter be used in conformity with the regulations of the district in which it is located except as permitted by the Board of Adjustment, by its finding in the specific case. Discontinuation or abandonment of a non-conforming use shall be deemed to have occurred when either machinery, fixtures, or equipment related to the conduct of the non-conforming use are removed for six (6) consecutive months, or when the non-conforming use is inoperative for twelve (12) consecutive months.

- f). Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 65 percent of the replacement cost at time of destruction.

- 6. **Repairs and Maintenance.** On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

- 7. **Uses Under Special Exception Provisions Not Non-Conforming Uses.** Any use which is permitted as a special exception in a district under the terms of this ordinance (other than a change through Board of Adjustment action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

SECTION 5

SCHEDULE OF DISTRICT REGULATIONS ADOPTED

District regulations shall be as set forth in the Schedule of District Regulations, hereby adopted by reference and declared to be a part of this ordinance, and in Section 6 of this ordinance, entitled "Supplementary District Regulations."

AGRICULTURAL DISTRICT A-1

Intent:

This district is intended to provide for general agricultural uses, exclusive of commercial operations such as warehousing for grain or machinery, or feedlots and commercial processing of agricultural products. Zoning classification will be changed from the Agricultural District to other districts in conformance with the General Development Plan as regional needs justify such changes and when the specific area can be adequately served by public facilities.

PERMITTED PRINCIPAL USES AND STRUCTURES	REQUIRED OFF-STREET PARKING
<ol style="list-style-type: none">1. Farms2. Plant nurseries and truck gardens3. Riding Stables4. Single-family homes	Not required in this district

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures customarily incidental to the principle use of this district.
2. Temporary roadside stands for the retail sale of produce.
3. Customary home or farmstead occupations.

SPECIAL EXCEPTION USES AND STRUCTURES

1. Temporary fairgrounds and amusement parks not closer than 500 feet to any residential district, with no structure or apparatus within 30 feet of any property line.
2. Cemeteries.
3. Golf courses or country club.
4. Sanitary landfills for the proper disposal of refuse, provided such use shall not be located nearer than 1000 feet to any residential district or dwelling.
5. Sewage treatment facilities and lagoons.
6. Telegraph, TV and radio transmitting stations.
7. Telephone relay towers.

MINIMUM LOT AREA, WIDTH, DEPTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
For all principle permitted uses: Area: 10 acres Width: 300 feet	For all principle permitted uses: Front: 80 feet Rear: 50 feet Side: 50 feet	2 ½ stories or 35 feet

PERMITTED SIGNS

1. Farmstead home occupation sign not exceeding twelve square feet in area.
2. Signs identifying the location of easements, property lines, utilities, hazards, or providing notice of restrictions of public access and/or use of the premises, not exceeding three (3) square feet in area and not more than one (1) sign per 150 feet of frontage on a public road.
3. Billboards and advertising signs, provided;
 - a). That they are not within 300 feet of a highway intersection, highway structure, residence, park, school, cemetery, or public building.
 - b). That they are not within 500 feet of another billboard or advertising sign.
 - c). That they are not less than four (4) square feet or more then 200 square feet of surface area, however, two (2) such signs may be placed back to back.
 - d). That illumination of such be non-intermittent and indirect.

Sign General Provisions:

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

SUBURBAN RESIDENTIAL DISTRICT R-1

Intent:

This district is intended to provide for high-quality residential development of a semi-suburban character where, due to the lack of readily accessible municipal service facilities, it is desirable to prevent premature high-density development.

PERMITTED PRINCIPAL USES AND STRUCTURES	REQUIRED OFF-STREET PARKING
1. Single-family dwellings	2 spaces/dwelling unit
2. Two-family dwellings	2 spaces/dwelling unit
3. Apartment buildings containing not more than 8 dwelling units.	2 spaces/dwelling unit
4. Farms	None required.
5. Churches and places of worship.	1 space for each 6 seats in principal auditorium or assembly area.
6. Public and private schools certified by Iowa Board of Public Instruction.	1 space for each classroom plus 1 space for each 6 seats in auditorium or stadium.
7. Public parks, playgrounds and playfields.	None required.
8. Community buildings owned by public agencies.	1 space for each 300 sq. ft. floor area.
9. Nursing, convalescent, and retirement homes.	1 space for each 4 beds.

PERMITTED ACCESSORY USES AND STRUCTURES

1. Private garage structure(s) containing not more than three (3) vehicle spaces (whether such maximum of three vehicle spaces are incorporated in one, two, or three separate garage structures). *(Amended by Ord. 8-6-2-84.)*
2. Customary home occupation.

3. Temporary buildings for uses incidental to construction work provided such buildings are removed promptly upon termination of construction work.
4. Enclosed storage sheds for customary household and garden maintenance equipment, not to exceed 150 sq. ft. in area. (*Amended by Ord. 8-21-86.*)

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 9 of this ordinance and to other requirements contained herein, the Board of Adjustment may permit the following:

1. Radio, telephone, and television towers, electrical and gas distribution substations, and other public utility installation shall conform to the front and rear yard requirements for dwellings and have side yards of not less than 25 ft., but shall not include equipment storage or maintenance yards or buildings, or general administrative or sales offices.
2. Cemetery or mausoleum provided that the land area developed for such uses be set back at least 30 ft. from the property line.
3. Community swimming pool, provided that it is not closer than 100 ft. to the nearest dwelling and that it is completely enclosed by a five (5) foot high fence and that 1 parking space for each 150 sq. ft. of water surface be provided.

MINIMUM LOT AREA, WIDTH, DEPTH	MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS	MAXIMUM HEIGHT
<p>Dwellings not provided with public or community sewer</p> <p>Single-family Area 15,000 sq. ft. Width 85 ft. Depth 136 ft.</p> <p>All other dwellings not allowed without sewer connection.</p> <p>Dwellings provided with public or community service</p> <p>Single-family Area 8,000 sq. ft. Width 66 ft. Depth 122 ft.</p> <p>Two-family Area 12,000 sq. ft. Width 90 ft. Depth 130 ft.</p> <p>Multi-family (maximum of 8 units) Area 12,000 sq. ft.+ 2500 sq. ft. for each dwelling unit over 2 Width 100 ft. Depth 130 ft.</p> <p>Churches and places of worship Area 3 acres Width 200 feet</p> <p>Public and private schools Area 3 acres Width 200 feet</p> <p>Nursing, convalescent, or retirement homes Area 1.5 acres Width 150 feet</p>	<p>Dwellings</p> <p>Front 22 feet Rear 15 feet Side 7 feet Street side for corner lot 17 feet</p> <p>Accessory structures:</p> <p>All accessory structures shall conform to the same yard requirements as dwellings, except that no private garage may be built closer than 2 feet to a rear lot line and no closer than 20 feet to any street right-of-way line.</p> <p>No garage attached to the principal structure shall be located less than 20 feet from any street right-of-way line.</p> <p>For all permitted principal structures other than dwellings</p> <p>Front 40 feet Rear 20 feet Side 20 feet Street side for corner lot 30 feet</p>	<p>35 feet or 2 ½ stories</p> <p>35 feet or 2 ½ stories</p>

(Amended by Ord. 8-21-86)

PERMITTED SIGNS

1. Name plate or home occupation sign not larger than 1 sq. ft. in area.
2. Temporary sign advertising the sale of lease of the premises, not larger than 8 sq. ft. in area.
3. Signs identifying the location of easements, property lines, utilities, hazards or otherwise providing notice of restrictions on public access, not to exceed 3 sq. ft. in area.
4. Church and public building bulletin boards not larger than 12 sq. ft. in area.
5. Building sign, attached to the principal structure, and not larger than 12 sq. ft. in area, applicable to all permitted uses except dwellings.

Sign General Provisions:

All signs shall be maintained in a neat and presentable condition. In the event that they shall become illegible or their use shall cease, they shall be removed promptly. Illumination of signs shall be indirect, non-intermittent, and not exceeding 100 watts.

GENERAL RESIDENTIAL DISTRICT R-2

Intent:

This district is intended to provide for moderate-density residential development including a range of housing types, within existing developed areas of the City and in areas where municipal service facilities are readily accessible and where such development would be compatible with surrounding uses.

PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF STREET PARKING
1. Single-family dwellings	2 spaces/dwelling unit
2. Two-family dwellings	2 spaces/dwelling unit
3. Multi-family dwelling containing not more than 8 dwellings units.	2 spaces/dwelling unit
4. Convents and rectories.	2 spaces
5. Churches and places of worship.	1 space for each 6 seats in principal assembly area.
6. Public and private schools certified by Iowa Department of Public Instruction	1 space for each classroom plus 1 space for each 6 seats in auditorium or stadium.
7. Public parks, playgrounds and playfield.	None required.
8. Community buildings owned by public agencies.	1 space for each 300 sq. ft. floor area.
9. Farms, excluding commercial feeding of livestock or warehousing of grain.	None required.

PERMITTED ACCESSORY USES AND STRUCTURES

1. Private garage structure(s) containing not more than three (3) vehicle spaces (whether such maximum of three vehicle spaces are incorporated in one, two, or three separate garage structures). *(Amended by Ord. 8-6-2-84.)*

2. Customary home occupation
3. Temporary buildings for uses incidental to construction work provided such buildings are removed promptly upon termination of construction work.
4. Enclosed storage sheds for customary household and garden maintenance equipment, not to exceed 80 sq. ft. in area.

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 9 of this ordinance and to other requirements contained herein, the Board of Adjustment may permit the following:

1. Nursing, convalescent, or retirement homes meeting all requirements of the R-1 District.
2. Professional offices on lots of 8,000 square feet or more, providing 1 parking space for each 300 square feet of floor area and otherwise conforming to the yard requirements for dwellings.
3. Funeral homes and mortuaries on lots of 12,000 square feet or more, providing 1 parking space for each 50 square feet of parlor area and conforming to the yard requirements for dwellings.
4. Nursery schools and day-care centers operated as an accessory use to a private, single-family residence on lots of 12,000 square feet or more.
5. Radio, telephone, and television towers, electrical and gas distribution substations, and other public utility installations provided that any building, substation, or other installation shall conform to the front and rear yard requirements for dwellings and have side yards of not less than 25 feet, but shall not include equipment storage or maintenance yards or buildings or general administrative or sales offices.
6. Community swimming pool, provided that it is not closer than 100 feet to the nearest dwelling and that it is completely enclosed by a five (5) foot high fence and that 1 parking space for each 150 square feet of water surface area can be provided.

MINIMUM LOT AREA, WIDTH, DEPTH	MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS	MAXIMUM HEIGHT
<p>Dwellings</p> <p>Single-family Area 6,000 sq. ft. Width 48 ft. Depth 122 ft.</p> <p>Two-family Area 8,000 sq. ft. Width 66 ft. Depth 122 ft.</p> <p>Multi-family (maximum of 8 units) Area 8,000 sq. ft. + 2,000 sq. ft. for each dwelling unit over 2 Width 99 sq. ft. Depth 122 sq. ft.</p> <p>Churches and places of worship Area 2 acres Width 150 feet</p> <p>Public and private schools Area 3 acres Width 200 feet</p> <p>Other principal uses Area 8,000 feet Width 66 feet Depth 122 feet</p>	<p>Dwellings</p> <p>Front 20 feet Side -interior 5 feet</p> <p>Side - corner lot 15 feet Rear 10 feet</p> <p>Accessory structures</p> <p>All accessory structures shall conform to the same yard requirements as dwellings, except that no private garage may be built closer that 2 feet to a rear lot line and no closer than 20 feet to any street right-of-way line.</p> <p>No garage attached to the principal structure shall be located less than 20 feet to any street right-of-way line.</p> <p>For all permitted principal structures other that dwellings</p> <p>Front 20 feet Rear 10 feet Side 10 feet</p>	<p>35 feet or 2½ stories</p>

PERMITTED SIGNS

1. Name plate or home occupation sign not larger that 1 sq. ft. in area.
2. Temporary sign advertising the sale or lease of the premises, not larger that 8 sq. ft. in area.
3. Church and public building bulletin boards not larger than 12 sq. ft. in area.

Sign General Provisions:

All signs shall be maintained in a neat and presentable condition. In the event that they shall become illegible or their use shall cease, they shall be removed promptly. Illumination of signs shall be indirect, non-intermittent, and not exceeding 100 watts.

PLANNED RESIDENTIAL DISTRICT R-3

Intent:

This district is intended to provide for the development of housing types and subdivision arrangements which are not currently established within the community but which, when properly designed, constructed, and operated, are not incompatible with surrounding uses or with the desired character of the community. This district is designed to be appended to certain mapped districts at the discretion of the Planning and Zoning Commission and the City Council.

PRINCIPAL PERMITTED USES AND STRUCTURES

1. Any use permitted in the R-2 General Residential District.
2. Mobile home parks meeting the requirements of this Section and of Chapter 135D of the Code of Iowa, 1966 as amended.

PERMITTED ACCESSORY USES AND STRUCTURE

Any use or structure permitted as an accessory use in the R-2 General Residential District.

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 9 of this ordinance and to other requirements contained herein, the Board of Zoning Adjustment may permit the following:

Any use permitted by Special Permit in the R-2 General Residential District.

PROCEDURE

The owner or owners of a tract of land may request the Planning and Zoning Commission and the City Council to append the R-3 Zoning District classification to the tract, provided that the following conditions are satisfied:

1. The minimum size of the tract in consolidated ownership shall be three (3) acres.
2. The zoning classification of the tract, at the time of the request, shall be either an Agricultural (A-1) District or a Suburban Residential (R-1) District.
3. The owners shall submit, at the time of the request, such detailed site plans, sketches, specifications, and diagrams that the Planning and Zoning Commission and Council find necessary to determine the compliance of the request with the provisions of this ordinance.

REVIEW AND APPROVAL

Prior to any action thereon, the proposed residential development plan and its supporting documentation shall be referred to the Planning and Zoning Commission for review and for public hearing. If the Commission approves the residential development plan, it shall then be submitted to the City Council for consideration and approval. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval and finding that the proposed residential development meets the following specific conditions:

1. The proposed development is consistent with the intent and provisions of this ordinance to promote public health, safety, morals, and general welfare.
2. The property adjacent to the proposed development will not be adversely affected, and to this end the Commission may require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project.
3. The buildings, including movable structures, shall be used only for purposes permitted by the regulations of this district.
4. The proposed development shall be so related to streets and arteries that the traffic generated can be adequately accommodated without causing objectionable volumes of traffic on existing streets.
5. The proposed development will not adversely affect municipal services, including water supply and sewage disposal, except as specifically established in the development plans and approved by the Commission.
6. The proposed development makes adequate provision for off-street parking, open-spaced and recreational areas, utilities, vehicular access, pedestrian safety and circulation.
7. The proposed development shall not create residential densities in excess of ten (10) dwelling units per acre, except for mobile home parks which shall meet the following special conditions:
 - a). There shall be no more than eight (8) mobile homes on any acre.
 - b). The minimum mobile home space shall be 3200 sq. ft. and shall measure at least forty (40) feet by eighty (80) feet.
 - c). Mobile homes shall be located on each space so that there will be at least a twenty (20) foot clearance between each mobile home, a five (5) foot open space between each mobile home including any permanently enclosed appendage, and any driveway, walkway, or mobile home space boundary; and ten (10) foot open space at the rear of the mobile home.

ZONING DISTRICT STANDARDS

The residential development plan and specifications approved by the Council shall be appended to this ordinance as District Regulations pertaining to the specific tract to which the R-3 District applies. Any alteration, modification, or changes in the residential development plan shall constitute an amendment to the District Regulations and shall be subject to the conditions and procedures specified in Section 13 of this ordinance.

DELAY IN CONSTRUCTION

In the event and construction of the residential development is not begun within two (2) years of the date of approval by the City Council, the district shall revert to the same zoning classification existing prior to approval of the R-3 District and the zoning regulations governing same.

GENERAL RETAIL SHOPPING DISTRICT C-1

Intent:

This district is intended to provide for existing retail and customer service establishments and for the development of similar uses serving the convenience of the local community, where the character, appearance, and operation of such uses are compatible with the character of the surrounding area.

Permitted Principal Uses and Structures

- | | |
|--|---|
| 1. Any use permitted in the R-2 District | 30. Furniture and home furnishings retail |
| 2. Antiques stores | 31. Fur storage and retail |
| 3. Apparel and accessories stores | 32. Gifts, novelties, and souvenir stores |
| 4. Bakeries, retail only | 33. Hardware retail stores |
| 5. Banks | 34. Heating and air condition equipment retail |
| 6. Barber and beautician services | 35. Jewelry retail |
| 7. Beer, wine and alcoholic beverage retail stores | 36. Laundry self-service only |
| 8. Book and stationery stores | 37. Legal services |
| 9. Bowling alleys | 38. Mail order houses, retail only |
| 10. Camera and photographic supplies stores | 39. Meat markets, retail only |
| 11. Candy, nuts and confectionery stores | 40. Medical and other health services |
| 12. China and glassware stores | 41. Motion picture theatres, indoor |
| 13. Civic, social and fraternal associations | 42. Office furniture and supplies retail |
| 14. Credit services, including loan offices | 43. Paint, glass, and wallpaper retail |
| 15. Dairy products retail stores | 44. Painting and engraving services |
| 16. Dental services | 45. Radio and television broadcast studios |
| 17. Department stores | 46. Recreation centers, indoor only |
| 18. Draperies, curtain, and upholstery stores | 47. Savings and loan associations |
| 19. Drinking places, including taverns | 48. Shoe repair services |
| 20. Drug and proprietary stores | 49. Shoe stores, retail |
| 21. Dry goods and general merchandise retail stores | 50. Sporting goods and bicycle retail stores |
| 22. Eating places, indoor service only | 51. Telephone and telegraph exchange stations |
| 23. Electrical appliances and television retail and repair | 52. Tires, batteries, and accessories retail only |
| 24. Engineering and architectural services | 53. Toy stores |
| 25. Filling stations | 54. Utilities offices and administration services |
| 26. Finance, insurance, and real estate services | 55. Welfare and charitable services |
| 27. Floor coverings retail | |
| 28. Food lockers without preparations facilities | |
| 29. Food stores, general retail | |

MINIMUM REQUIRED OFF STREET PARKING

Parking required in conformance with R-2 regulations. Off-street parking is not required for principal permitted uses in this District, except for uses permitted in the R-2 District as noted above.

PERMITTED ACCESSORY USES AND STRUCTURES

Accessory buildings and uses customarily incidental to the principle uses permitted in this district are also permitted, excluding the conduct of repair services except in an enclosed building or garage.

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 9 of this ordinance and to other requirements contained herein, the Board of Adjustment may permit the following:

1. Laundry or dry-cleaning plants.
2. Any professional or educational service not specifically listed above
3. Funeral homes and mortuaries on lots of 12,000 sq. ft. or more, providing 1 parking space for each 50 sq. ft. of parlor area.
4. Radio, telephone, and television towers, electrical and gas distribution substations, and other public utility installations, but not including equipment storage or maintenance yards.
5. Signs and billboards not attached to the principal structure, but advertising only products and services offered on the premises and not exceeding 50 sq. ft. in area.

MINIMUM LOT AREA, WIDTH, DEPTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
None specified.	None required except where a C-1 District abuts any Residential or Agricultural District, a twenty-five (25) foot yard shall be provided between a permitted commercial structure and the district boundary.	45 feet or 3 stories

PERMITTED SIGNS

1. Name plate or home occupation sign not larger than 1 sq. ft. in area.
2. Temporary sign advertising the sale or lease of the premises, not larger than 8 sq. ft. in area.
3. Church or public building bulletin boards not larger than 12 sq. ft. in area.
4. Signs identifying the location of easements, property lines, utilities, hazards, or otherwise providing notice of restrictions on public access, not to exceed 5 sq. ft. in area.

5. Trade or business signs relating only to services, articles, or products offered within the building to which it is attached, providing also that;
 - a). Signs mounted flat on the wall of a building shall not exceed 10% of the area of the wall or 100 sq. ft., whichever is smaller.
 - b). Overhanging signs attached to a building shall not project above the height of the building, or more than four (4) feet from the face to the building, and shall not be larger than 30 sq. ft. in area.
 - c). Not more than one sign of each category above may be provided for any single use, although each sign may be a double-faced or back to back sign.

GENERAL COMMERCIAL DISTRICT C-2

Intent:

This district is intended to provide for commercial activities of a general nature and for service facilities related to a larger regional trade, and where proper municipal services and thoroughfares are available to the site.

PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING
<ol style="list-style-type: none"> 1. Any use permitted in the C-1 District except dwellings 2. Automobiles sales, service and repair 3. Auto wash 4. Bottle gas transfer and distribution 5. Contract construction services 6. Dry-cleaning and laundry 7. Farm machinery and equipment sales and service 8. Feed, grain, and fertilizer sales 9. Lumber yards and construction material sales 10. Plumbing/heating services 11. Railroad terminals, excluding stockyards 12. Veterinary services and small animal hospital 13. Wholesale distribution and warehousing 	<p>Parking requirements contained in Section 6 of this ordinance apply to all permitted uses in this district.</p>

PROHIBITED USES

1. Auto salvage yards.
2. Automobile, truck, or machinery repair except when conducted in an enclosed building or garage.
3. Garbage disposal, including the dumping of refuse or waste material.
4. Junk yards, including storage yards for salvage of materials.
5. Wholesale storage of gasoline or other chemical products including fertilizer.
6. Stockyards and other facilities for the transfer of livestock.

PERMITTED ACCESSORY USES AND STRUCTURES

Accessory buildings and uses customarily incidental to the principal uses permitted in this district are also permitted, excluding the conduct of repair services except in an enclosed building or garage.

SPECIAL EXCEPTION USES AND STRUCTURES

1. Dwellings meeting the requirements of the R-2 District
2. Radio, telephone, and television towers, electrical and gas distribution substations, and other public utility installation shall conform to the yard requirements of this district.

MINIMUM LOT, AREA, WIDTH, DEPTH	MINIMUM REQUIRED FRONT, SIDE AND REAR YARD	MAXIMUM HEIGHT
None specified	Front 25 ft Rear 25 ft Side 15 ft Street side, corner lot 20 ft	35 ft or 2 stories

PERMITTED SIGNS

1. Name plate or home occupation sign not larger than 1 sq. ft. in area.
2. Temporary sign advertising the sale or lease of the premises not larger than 8 sq. ft. in areas.
3. Church or public building bulletin boards not larger than 12 sq. ft. in area.
4. Signs identifying the location of easements, property lines, utilities, hazards, or otherwise providing notice of restrictions on public access, not to exceed five (5) sq. ft. in area.
5. Trade or business signs relating only to services, articles, or products offered within the building to which it is attached, providing also that;
 - a). Signs mounted flat on the wall of a building shall not exceed 10% of the area of the wall or 100 sq. ft., whichever is smaller.
 - b). Overhanging signs attached to a building shall not project above the height of the building, or more than four feet from the face of the building, and shall not be larger than 30 sq. ft. in area.
 - c). Not more than one (1) sign of each category above may be provided for any single use, although each sign may be a double-faced or back to back sign.

HIGHWAY BUSINESS DISTRICT C-3

Intent:

This district is intended to provide suitable sites for commercial activities related to transient automobile traffic and to specialized uses requiring extensive sites, including retail and wholesale trade, commercial amusements, and service establishments, which serve the larger regional trade area but would not be properly located in the intensively developed commercial districts. The Highway Business District will be located along principal highways and frontage roads where commercial needs for visibility and convenient access can be provided without impeding the flow of traffic or its safety.

PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING
<ol style="list-style-type: none"> 1. Animal hospital or kennel 2. Automobiles sales, service and repair 3. Banks 4. Bowling alleys 5. Building materials and lumber-retail 6. Civic, social and fraternal associations 7. Drive-in theatres 8. Farm machinery and equipment 9. Filling stations 10. Furniture and home furnishings-retail 11. Garden supplies and nurseries-retail 12. Golf driving ranges 13. Household appliances-retail 14. Marine craft and accessories-retail 15. Minature golf courses 16. Motels 17. Public utility installations and equipment storage 18. Recreation centers, indoor 19. Restaurants including drive-ins 20. Swimming pools 21. Taverns 	<p>Parking requirements contained in Section 6 of this ordinance apply to all permitted uses in this district.</p>

(Amended by Ord. 2-3-2003-1.)

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures customarily incidental to the principle uses of this district.
2. Storage warehouses in conjunction with permitted principles uses.

3. Vehicle storage garages or lots enclosed by a 5 feet high opaque fence or planted screen.

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 9 of this ordinance and to other requirements contained herein, the Board of Adjustment may permit the following:

1. Tourist campgrounds on lots of at least 3 acres.
2. Fairgrounds and amusement parks not closer than 500 feet to any residential district, with no building, structure, or apparatus within 30 feet of any property line.
3. Commercial outdoor recreation facilities not specifically listed.
4. Dwelling unit contained within a building housing a commercial use for the owner or operator of such use and providing an open yard area of at least 3,000 sq. ft. is maintained in conjunction with the dwelling.

MINIMUM LOT, AREA, WIDTH, DEPTH	MINIMUM REQUIRED FRONT, SIDE AND REAR YARD			MAXIMUM HEIGHT
No minimum lot area or frontage shall be required in any C-3 District, but a C-3 District shall be mapped in units no smaller than one acres.	Front	60	ft	35 ft or 2 stories
	Rear	40	ft	
	Side	20	ft	

(Amended by Ord. 2-3-2003-1.)

PERMITTED SIGNS

1. Name plate or home occupation sign not larger than 1 sq. ft. in area.
2. Temporary sign advertising the sale or lease of the premises not larger than 8 sq. ft. in areas.
3. Church or public building bulletin boards not larger that 12 sq. ft. in area.
4. Signs identifying the location of easements, property liners, utilities, hazards or otherwise providing notice of restrictions on public access, not to exceed five (5) sq. ft. in area.
5. Trade or business signs relating only to services, articles, or products offered within the building to which it is attached, providing also that;

- a). Signs mounted flat on the wall of a building shall not exceed 10% of the area of the wall or 100 sq. ft. whichever smaller.
 - b). Overhanging signs attached to a building shall not project above the height of the building, or more than four (4) feet from the face of the building, and shall not be larger than 30 sq. ft. in area.
 - c). Not more than one sign of each category above may be provided for any single use, although each sign may be a double-faced or back to back sign.
6. Billboards and advertising signs, provided;
- a). That they are not within 300 feet of a highway intersection, highway structure, residence, park, school, cemetery, or public building.
 - b). That they are not within 500 feet of another billboard or advertising sign.
 - c). That they are not less than four square feet or more than 200 sq. ft. of surface area, however, two (2) signs may be placed back to back.
 - d). That illumination of such signs be non-intermittent and indirect.

Sign General Provisions:

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

PLANNED INDUSTRIAL DEVELOPMENT DISTRICT I-1

Intent:

This district is intended to provide for the future development of new commercial and light industrial activities which are compatible with the predominantly residential character of the community and which shall not adversely effect the physical environment, the adequacy of municipal facilities, or the value of property. This district is designed to be appended, by the Planning and Zoning Commission and the City Council, to certain mapped districts in accordance with the Land-Use Plan.

PRINCIPAL PERMITTED USES AND STRUCTURES

1. Any use permitted in the C-2 General Commercial District.
2. Research, experimental, and testing laboratories.
3. Manufacturing and processing industries.

PERMITTED ACCESSORY USES AND STRUCTURES

1. Accessory buildings and uses customarily incidental to the principal uses permitted in this district.

PROHIBITED USES

1. Any use prohibited in the C-2 General Commercial District which is not clearly necessary to the conduct of a principal use in this District is also prohibited, except billboards and advertising signs shall be permitted subject to the same restrictions for billboards and advertisings signs as set out at subsection 6 of PERMITTED SIGNS of the regulations for properties within a C-3 HIGHWAY BUSINESS DISTRICT. *(Amended by Ord. 12-16-02.)*
2. Dwellings

PROCEDURE

The owners or owners of a tract of land may request the Planning and Zoning Commission and the City Council to append the I-1 Zoning District classification to the tract, provided that the following conditions shall have been met:

1. The zoning classification of the tract, at the time of the request, shall be either C-2, General Commercial, or C-3 Highway Business District.

2. The owners shall submit, at the time of the request, an industrial development plan containing such detailed site plans, building plans, sketches, diagrams, and performance specifications as the Planning and Zoning Commission and the City Council find necessary to determine the compliance of the request with the intent and provisions of this ordinance.

REVIEW AND APPROVAL

Prior to any action thereon, the proposed industrial development plan and its surrounding documentation shall be referred to the Planning and Zoning Commission for review and for public hearing. If the Commission approves the industrial development plan, it shall then be submitted to the City Council for consideration and approval. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval and findings that the proposed industrial development meets the following specific conditions:

1. The proposed development shall be so related to streets and arteries that the traffic generated can be adequately accommodated without causing objectionable volumes of traffic on existing streets.
2. The proposed development will not generate smoke, fumes, odors, dust, noise, vibrations, soot, or other noxious emissions beyond limits established in the development plan documents and approved by the Commission as maximum permitted levels for the development.
3. The proposed development will not create hazards of fire or explosion except as specifically established in the development plans and approved by the Commission.
4. The proposed development will not adversely affect municipal services, including water supply and sewage disposal, except as specifically established in the development plans and approved by the Commission.
5. The location, arrangement, and construction of buildings, roads, driveways, parking facilities, and storage areas are compatible with existing development and in accordance with the Land Use Plan and the intent of this ordinance.

ZONING DISTRICT STANDARDS

The development plan and performance specifications approved by the Council shall be appended to this ordinance as District Regulations pertaining to the specific tract to which the I-1 District applies. Any alteration, modification, or change in the development plan or performance specifications shall constitute an amendment of the District Regulations and shall be subject to the conditions and procedures specified in Section 13 of this ordinance.

DELAY IN CONSTRUCTION

In the event that construction of the business or industry is not begun within two (2) years of the date of approval by the City Council, the district shall revert to the same zoning classification existing prior to approval of the I-1 District and the zoning regulations governing same.

SECTION 6

SUPPLEMENTARY DISTRICT REGULATIONS

1. **Visibility at Intersections in Residential Districts.** On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half (2½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.
2. **Fences, Walls, and Hedges.** Notwithstanding other provisions of this ordinance, fences, walls, and hedges, not exceeding six (6) feet in height, may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2½) feet in height
3. **Accessory Buildings.** No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five (5) feet of any other building, except as specifically permitted in Section 5 of this ordinance.
4. **Erection of More than One Principal Structure on a Lot.** In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.
5. **Exceptions to Height Regulations.** The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy unless such appurtenances will be located in the Restricted Height Zone as follows (*Amended by Ord. 9-6-94.*):
 - a). In addition to height restrictions imposed in any sections of this ordinance, it is recognized that certain areas shall need to be further restricted in terms of height of structures or natural objects. Such restrictions may be necessary for emergency communication transmission and reception or other legitimate public safety concerns. Such areas shall be identified on the Zoning Map as RESTRICTED HEIGHT (RH) ZONES. Such designation shall not affect usage of the property within the parameters of its zoning classification except that no structure shall be allowed to exceed the height above sea level specified in the RH designation. No variance shall be granted to the Restricted Height Zone.
 - b). The following area shall be designated as RH Zones:

A strip of land one hundred feet (100') wide from the Communications Tower at the Peosta Water Tower to the Communications Tower at the Farley Water Tower insofar as said strip of land runs through the corporate limits of the City of

Farley, as now or hereafter established. The maximum height allowed in this corridor shall be one thousand one hundred and fifty feet (1,150') above mean sea level as determined by a qualified engineer licensed under the laws of the State of Iowa. Outside of this corridor, height restrictions do not apply.

6. **Structures to Have Access.** Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots to provide safe and convenient access for servicing, fire protection, and required off-street parking.
7. **Parking, Storage, or Use of Major Recreational Equipment.** For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles) motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street, provided however, that such equipment may be parked anywhere on residential premises for not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or house keeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
8. **Parking and Storage of Certain Vehicles.** Automotive vehicles, parts of vehicles, or trailers of any kind or type, which do not have current license plates shall not be parked or stored on property within any zoning district except in completely enclosed buildings.
9. **Double Frontage Lots.** Buildings on lots extending through from street to street shall provide the required front yard on both streets.
10. **Filling Station Pump Islands.** Filling station pump islands may be located within a required front yard provided they are not less than twelve (12) feet from any street line and not less than fifty (50) feet from the boundary of any residential district.
11. **Exceptions to Yard Requirements.** Every part of a required yard shall be open to the sky and unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for the ordinary projections of sills, cornices, awnings, and ornamental features projecting thirty-six (36) inches or less from the building line.

12. Off-Street Parking and Loading Requirements. In all districts except C-I, Central Shopping District, there shall be provided, at the time any building is erected or structurally altered, off-street parking spaces in accordance with the following requirements:

a).	<u>Use</u>	<u>Number of Spaces Required</u>
1.	Dwellings	Two spaces for each dwelling unit.
2.	Rooming or Board houses	Two spaces plus one additional space for each sleeping room.
3.	Clubs, lodges, fraternal or similar organizations	One space for each 100 sq. ft. of floor area used for assembly, dining or dancing.
4.	Churches and places of worship	One space for each six seats in the principle assembly area.
5.	Motels and tourist homes	One space for each living or sleeping unit.
6.	Schools	One space for each classroom plus one space for each six seats in auditorium or stadium.
7.	Nursing, convalescent or retirement homes.	One space for each four beds.
8.	Theatre	One space for each four seats.
9.	Dance hall, assembly or exhibition hall without fixed seats	One space for each 100 sq. ft. of floor area used therefore.
10.	Business or professional office building, including banks, medical dental clinics	Two spaces plus one additional space for each 400 sq. ft. of floor area over 1000.
11.	Bowling alley	Five spaces for each lane or alley.
12.	Mortuary or funeral	One space for each 50 sq. ft. of parlor.
13.	Restaurant, café, night club or similar recreation or amusement establishment	One space for each 100 sq. ft. of floor area.
14.	Retail store or personal service establishment except as otherwise specified herein.	One space for each 250 sq. ft. of floor area.
15.	Retail food stores including groceries, delicatessens, and supermarkets	One space for each 150 sq. ft. of floor area.
16.	Furniture or appliance stores, Wholesales establishments, machinery Or sales or service, clothing or shoe repair or service shop.	One space for each 400 sq. ft. of floor area.
17.	Industrial establishments including warehouses	One space for each two employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

- b). In computing the number of such parking spaces required, the following rules shall govern:
- 1) "Floor Area" shall mean the gross floor area of the specific use.
 - 2) Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
 - 3) The parking space requirement for a use not specifically mention herein shall be the same as required for a use of similar nature.
 - 4) Whenever a building erected or established after the effective date of this ordinance is enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
 - 5) Whenever a building existing prior to the effective date of this ordinance is enlarged to the extent of 50 per cent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
 - 6) In the case of mixed uses; the parking spaces required shall equal the sum of the requirement of the various uses computed separately.
- c). All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet therefrom.
- 1) Not more than fifty (50) percent of the parking sources required for (a) theatres, bowling alleys, dance halls, night clubs or cafes and up to one hundred (100) per cent of the parking spaces required for church or school auditorium may be provided and used jointly by (b) banks, office retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a); provided, however, that written agreement thereto is properly executed and filed as specified below:
 - 2) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereto assuring their retention for such purposes, shall be as to properly drawn and executed by the parties concerned, approved as to form and execution by the City Counsel, and shall be filed with the application for a building permit.

d). Off-street parking space may be located within the required front yard in any “C” or “I” District provided such space is thirty (30) feet or more from any “R” District. No off-street parking shall be permitted in the required front yard of any “R” District.

3) Any off-street parking area, other than that provided for a residence, which abuts or faces a residence district shall provide a planting screen, landscaped fence, or wall, at least four (4) feet in height along the side abutting or fronting on a residence district except no wall, screen, or fence shall be required if a structure within the residential district is on or within three (3) feet of a common property line. Plans for such screen shall be submitted for approval before installation.

4) Lights provided in any parking area shall be hooded or beamed so as not to create undesirable glare or illumination of adjacent residential property.

13. Factory-Built (Modular) Houses. A modular house is a structure built at a factory and inspected for compliance with the Uniform building code, and the national Electrical code, each with certain amendments as adopted as the Iowa State Building Code, each with certain amendment as adopted as the Iowa State Building code and mandatory for all such structures placed in Iowa. Compliance is evidenced by a seal issued by the State building code commissioner and attached to the house and accompanied by a copy of the manufacturer’s certificate of compliance. A certified modular house shall be permitted anywhere a site-built or pre-fabricated site erected building is permitted whether meeting the same code requirements or not. A modular house may be placed on a parcel or lot if its placement as to yards and set back, width and minimum floor area meets the criteria that would apply to site-built dwelling on the same lot. A modular house is not a mobile home or mobile home add-on unit. (Amended by Ord. 8-4-2-86.)

14. Mobile Homes (Manufactured Home). A manufactured (mobile) home is a structure built in a factory to the construction and safety standards established under the authority of 42 USC, section 5403. If it is proposed to place such a home outside a mobile home park, it shall be converted to real estate under the provisions of section 135d.26 of the Iowa Code. (Amended by Ord. 8-4-2-86.)

a). Such mobile home shall be placed on a permanent full foundation of solid concrete blocks set in mortar, or on a poured concrete foundation. The footing shall be at least below the frost line and twelve inches below the top of undisturbed earth. The frost line shall be deemed to be four and one-half feet below final finish grade at the foundation and any backfill shall be properly compacted to prevent excessive frost penetration. Footing shall be at least twelve inches wide and six inches thick. The mobile home shall be firmly anchored to the foundation in accordance with accepted practice in lieu of tiedowns.

- b). Such mobile home shall not be constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicles, and shall not have permanently attached to its body of frame any wheels or axles.
- c). A mobile home not in place outside a mobile park by August 4, 1986 and not complying with the standards required for mobile home since July 1976 under the State Building Code shall not be permitted to be converted to real estate under section 135D.26 of the Iowa Code. Only mobile homes complying with the standards of safety and construction required since 1976, with a medallion and certification of compliance may be placed outside a mobile home park after the effective date of this section.

15. Single-Family Dwellings. For all building permits issued after August 4, 1986, a detached single-family dwelling shall conform to the following requirements (Amended by Ord. 8-4-2-86):

- a). Minimum Floor Area. - All principal structure shall have a minimum gross floor area of not less than nine hundred (900) square feet.
- b). Minimum Width - All principal structures shall have a minimum width of not less than twenty (20) feet on its shortest side for the entire length of the structure.
- c). Roofing Material. - All principle structures shall be roofed with a non-metal type of roofing material.
- d). Siding Material. - All principle structures shall be sided with material other than flat or corrugated sheet metal.

SECTION 7

ADMINISTRATION AND ENFORCEMENT, BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

1. **Administration and Enforcement.** An administrative official designated by the City Council, shall administer and enforce this ordinance. They may be provided with the assistance of such other persons as the City Council may direct.

If the administrative official shall find that any of the provisions of this ordinance are being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. They shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

2. **Building Permits Required.** Any building or other structure may be erected, moved, added to, or altered in such a way as to change its exterior dimensions or any garage spaces shall be given a building permit by the administrative official. All being in conformity with City ordinances.

Any building permit shall be considered "final" when it has been issued by the administrative official and construction may begin immediately.
(Amended by Ord. 8-6-3-84 and Ord. 6-2-86.)

3. **Application for Building Permit.** All applications for building permits shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

One copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy, and the other copy of the plans, similarly marked, shall be retained by the administrative official.

- 4. Certificates of Zoning Compliance for New, Altered, or Non-Conforming Uses.** It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the administrative official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the administrative official. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this ordinance.

No permit for erection, alteration, moving, or for major repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

A temporary certificate of zoning compliance may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The administrative official shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable under Section 16 of this ordinance.

- 5. Expiration of Building Permit.** If the work described in any building permit has not begun within 90 days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the administrative official; and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

- 6. Construction and Use to be as Provided in Applications Plans, Permits, and Certificates of Zoning Compliance.** Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Section 16 hereof.

SECTION 8

BOARD OF ADJUSTMENT: ESTABLISHMENT AND PROCEDURE

A Board of Adjustment is hereby established, which shall consist of five (5) members to be appointed by the City Council, each for a term of three (3) years. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of the member affected.

1. **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 ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in their absence the acting chairman, may administer oaths and compel the 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 a public record and be immediately filed in the office of the Board.

2. **Hearings; Appeals; Notice.** Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance 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 official. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the Board, by filing with the administrative official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Board 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.

3. **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his 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 administrative official from whom the appeal is taken and on due cause shown.

SECTION 9

THE BOARD OF ADJUSTMENT: POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties:

1. **Administrative Review.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this ordinance,

2. **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 ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted by the Board of Adjustment unless and until:
 - a). A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested;

 - b). Notice shall be given at least 15 days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the City Hall, and in one other public place at least 15 days prior to the public hearing;

 - c). The public hearing shall be held. Any party may appear in person, or by agent or attorney;

 - d). The Board of Adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant the special exception and that the granting of the special exception will not adversely affects the public interest.

 - e). Before any special exception shall issue, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and the satisfactory provision and arrangement has been made concerning the following ,where applicable;
 - 1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

- 2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;
- 3) Refuse and service areas, with particular reference to the items in (1) and (2) above;
- 4) Utilities, with reference to locations, a-viability, and compatibility;
- 5) Screening and buffering with reference to type, dimensions, and character;
- 6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- 7) Required yards and other open space;
- 8) General compatibility with adjacent properties and other property in the district.

3. Variances; Conditions Governing Applications; Procedures. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

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

- 1) 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;
- 2) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- 3) That the special conditions and circumstances do not result from the actions of the applicant;
- 4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

b). Notice of public hearing shall be given as in Section 9 (2) (b) above;

- c). The public hearing shall be held. Any party may appear in person, or by agent or by attorney;
- d). The Board of Adjustment shall make findings that the requirements of Section 9 (3) (a) have been met by the applicant for a variance;
- e). 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;
- f). 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 ordinance, 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 ordinance. 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 ordinance and punishable under Section 16 of this ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

4. **Board Has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official.** In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official 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 official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

SECTION 10

APPEALS FROM THE BOARD OF ADJUSTMENT

Any person or persons, or any board, taxpayer, department, 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, Code of Iowa, 1966 as amended.

SECTION 11

DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF ADJUSTMENT, CITY COMMISSION, AND COURTS ON MATTERS OF APPEAL

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by Chapter 414, Code of Iowa, 1966 as amended.

It is further the intent of this ordinance that the duties of the City Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the City Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law, and (2) of establishing a schedule of fees and charges as stated in Section 12.

SECTION 12

SCHEDULE OF FEES, CHARGES, AND EXPENSES

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION 13

AMENDMENTS

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed, provided however that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least seven (7) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. (*Amended by Ord. 2-3-2003-2.*)

SECTION 14

PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their Interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare, Wherever the requirements of this ordinance 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.

SECTION 15

COMPLAINTS REGARDING VIOLATIONS

Whenever, a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

SECTION 16

PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 17

SEPARABILITY CLAUSE

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 18

DEFINITIONS

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word **person** includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word **shall** is mandatory, the word **may** is permissive.

The words **used** or **occupied** includes the words **intended**, **designed**, or **arranged** to be **used** or **occupied**.

The word **lot** includes the words **plot** or **parcel**.

Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Buildable Area - The portion of a lot remaining after required yards have been provided.

Drive-in Restaurant or Refreshment Stand - Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Dwelling, Single-family - A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

Dwelling, Mobile Home - A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

Dwelling, Two-Family - A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling, Multiple-Family - A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling Unit - One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Family - One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Filling Station - Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

- a). Sale and servicing of spark plugs, batteries, and distributor parts;
- b). Tire servicing and repair, but not recapping or re-grooving;
- c). Replacement of mufflers and tail pipes, water hose ,fan belts, brake fluid, light bulbs, fuses, floormats, seat covers, windshield wipers and wiper blades, grease retainer, wheel bearings, mirrors, and the like;
- d). Radiator cleaning and flushing;
- e). Washing and polishing, and sale of automotive washing and polishing materials;
- f). Greasing and lubrication;
- g). Minor servicing and repair of carburetors;
- h). Providing and repairing fuel pumps, water pumps, and lines;
- i). Emergency wiring repairs;
- j). Adjusting and repairing brakes ;
- k). Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- l). Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for filling stations customers, as accessory and incidental to principle operation;
- m). Provision of road maps and other informational material to customers; provision of restroom facilities.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

Gross Floor Area – The sum of the habitable ground floor area of a building measured from the exterior face of exterior walls. (*Amended by Ord. 8-4-2-86.*)

Home Occupation - An occupation conducted in a dwelling unit, provided that:

- a). No person other than members of the family residing on the premises shall be engaged in such occupation;
- b). The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 per cent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- c). There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one (1) square-foot in area, non-illuminated, and mounted flat against the wall of the principal building.
- d). No home occupation shall be conducted in any accessory building;
- e). No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- f). No equipment or process shall be used in such home occupation which created noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Loading Space, Off-Street - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot - For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a). A single lot of record;
- b). A portion of a lot of record;
- c). A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
- d). A parcel of land described by metes and bounds;

Provided that in no case of division or combination shall any residual lot or parcel be created which does not meet requirements of this ordinance.

Lot Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under **Yards** in this section.

Lot Measurements -

- a). Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.
- b). Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of culs-de-dac, where the 80 per cent requirement shall not apply.

Lot of Record - A lot which is part of a subdivision recorded in the office of the (County Clerk, County Recorder), or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types - The diagram (Figure 1) on the following page illustrates terminology used in this ordinance with reference to *corner lots*, *interior lots*, *reversed frontage lots*, and *through lots*:

In the diagram, **A** = *corner lot*, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked **A (1)** in the diagram.

B = *interior lot*, defined as a lot other than a corner lot with only one frontage on a street.

C = *through lot*, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

D = *reversed lot*, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (**A-D** in the diagram), an interior lot (**B-D**) or a through lot (**C-D**).

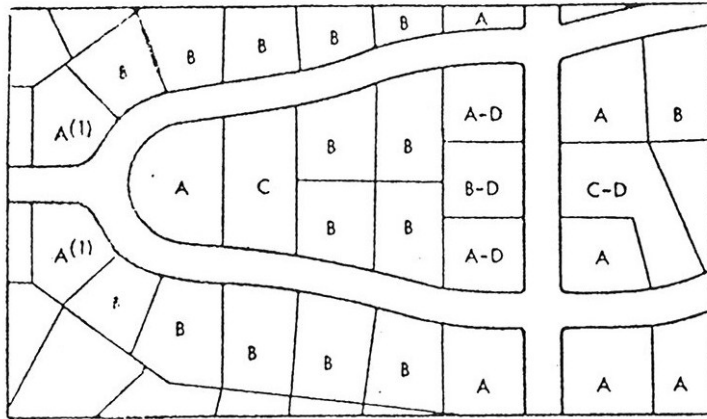


Figure 1

Outdoor Advertising Business - Provision of outdoor displays or display space on a lease or rental basis only.

Parking Space, Off-Street - For the purpose of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city.

Principal Structure – A structure in which is conducted the principal use of the lot on which it is located. (*Amended by Ord. 8-4-2-86.*)

Signs - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein:

- a). Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupant of premises, or other identification of premises not having commercial connotations ;
- b). Flags and insignia of any government except when displayed in connection with commercial promotion;
- c). Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
- d). Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- e). Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Signs, Numbers and Surface Area - For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

Sign, On-Site - A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Sign, Off-Site - A sign other than an on-site sign.

Special Exception - A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this zoning ordinance.

Street Line - The right-of-way line of a street.

Structure - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

Travel Trailer - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.

Variance - A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Yard - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard Front - A yard extending between side lot lines across the front of a lot adjoining a public street.

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of 30 inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of 30 inches and 10 feet.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the administrative official may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the administrative official shall determine the front yard requirements, subject to the following limitations: (1) At least one front yard shall be provided having the full depth required generally in the district; (2) No other front yard on such lot shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

Yard, Side - A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of *through lots*, side yards shall extend from the rear lines of front yards required. In the case of *corner lots*, yards remaining after full and half-depth front yards have been established shall be considered side yards.

Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Rear - A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Special - A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

The diagram (Figure 2) on the following page, illustrates location and methods of measuring yards on rectangular and non-rectangular lots.

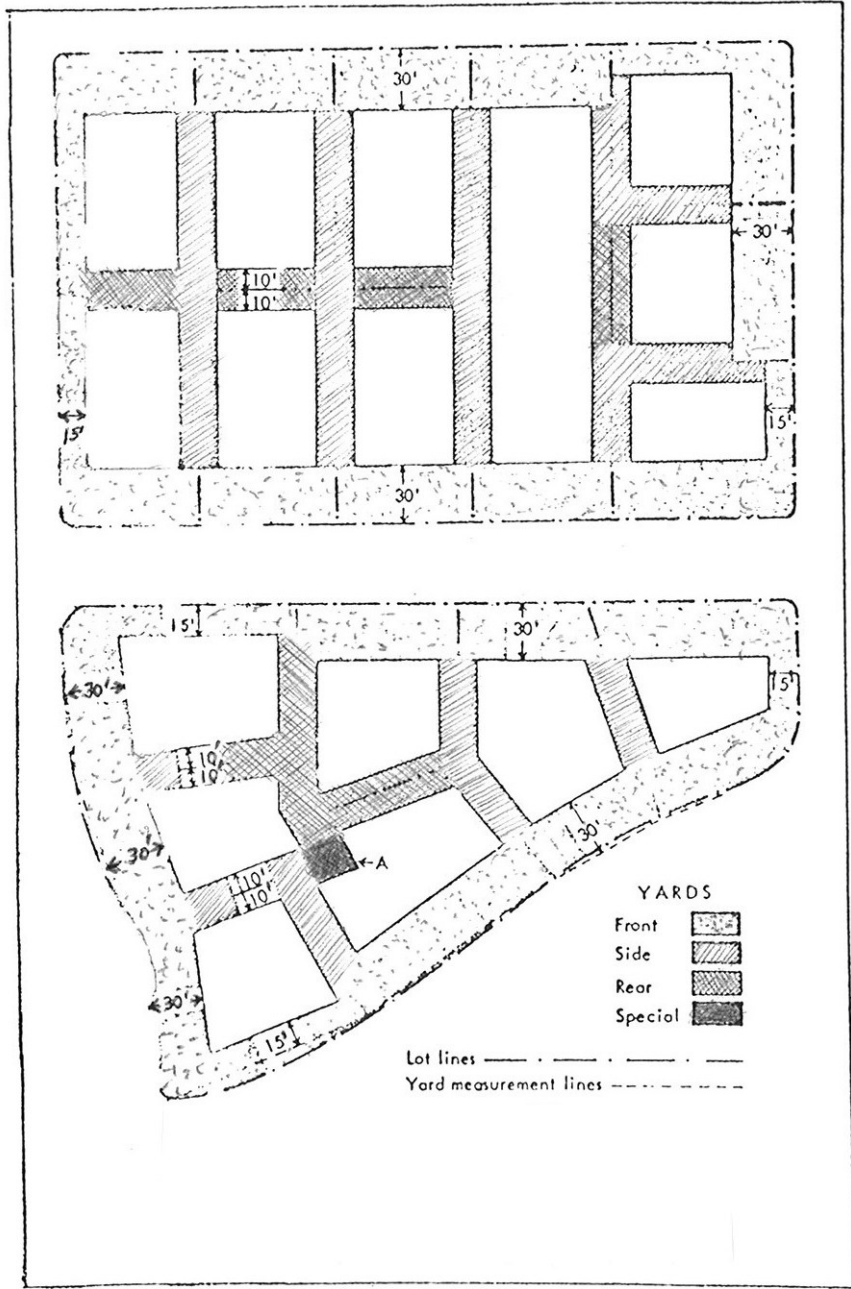


Figure 2

Location and Measurement of yards on lots

The illustration here assumes front yards depths required at 30 ft (half depth front yards 15”), side yards widths 10 ft., and rear yard depths 10ft. Note that at A, a special yard is shown indicating treatment where usual side or rear yard terminology would be difficult to apply but purposes of the yard is clear.

SECTION 19

REPEAL OF CONFLICTING ORDINANCES; EFFECTIVE DATE

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective upon adoption (November 9, 1970).

