

CITY OF SAC CITY, IOWA

ZONING ORDINANCE

**Adopted May 22, 2006 (Published 5-30-06)
Amended by Ordinance, August 27, 2007 (Published 9-4-07)**



REGION XII
COUNCIL OF GOVERNMENTS

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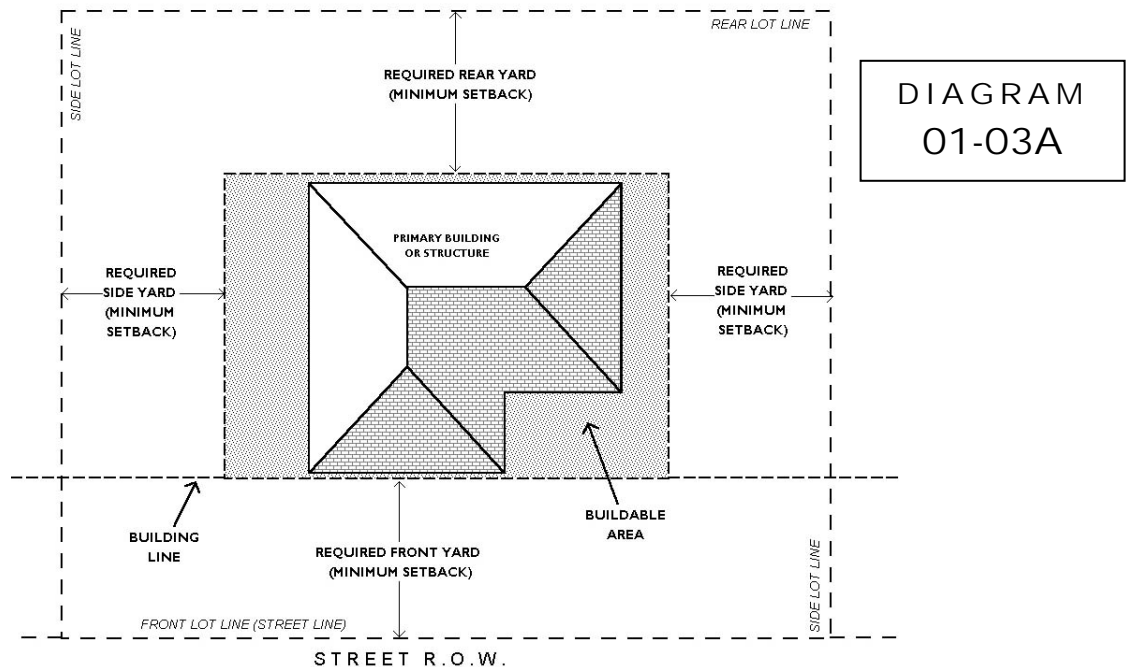
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CHAPTER 1: GENERAL PROVISIONS

- 01-01** **SHORT TITLE.** This Ordinance shall be known and may be cited as the “City of Sac City, Iowa Zoning Ordinance”.
- 01-02** **PURPOSE.** The purpose of this Ordinance is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and promote the health, safety, and general welfare in the City of Sac City, Iowa.
- 01-03** **DEFINITIONS.** For the purpose of interpreting this Ordinance, certain items, terms, and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural shall include the singular. The word “shall” is mandatory; the word “may” is permissive. The words “used” or “occupied” include the words intended, designed, or arranged to be used or occupied. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as the individual. The words “application” and “request” may be used interchangeably.
1. Abutting: Having property or district lines in common.
 2. Access: A way of approaching or entering a property from a public street.
 3. Accessory Building or Use: A separate subordinate building, the use of which is incidental to that of the principal building or to the principal use of the premises, and is located on the same lot as the main building. An accessory use is one that is incidental to the main use of the premises. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.
 4. Agriculture: The production, keeping or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, mules, or goats, or any mutations or hybrids thereof including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; or lands devoted to a soil conservation or forestry management program.
 5. Alterations: Any change in any building, including a change in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders, that will (1) upon completion, affect a change in the use thereof, or (2) that has the effect of enlarging or reducing the floor area thereof.
 6. Animal Hospital or Clinic: An establishment where animals are admitted principally for examination, treatment, or care by a doctor of veterinary medicine.
 7. Alley: A public way, other than a street, 20 feet or less in width, affording secondary means of access to abutting property.
 8. Automobile Repair (Major): General repair, rebuilding or reconditioning of engines, motor vehicles or trailer; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.
 9. Automobile Repair (Minor): Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks, but not including any operation specified under "Automobile Repair-Major".

10. Automobile Wrecking Yard: An area outside of an enclosed building where motor vehicles are disassembled, dismantled, or junked, or where vehicles not in operable condition, or used parts of motor vehicles, are stored.
11. Basement: That portion of a building at least partly underground but having at least 50% or one-half of the height or one or more walls below the grade.
12. Billboard: A sign which has a flat surface sign space upon which advertising may be posted, painted, or affixed, and which is primarily designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists.
13. Bed & Breakfast Houses: A house, or portion thereof, where short-term lodging, rooms, and meals are provided. The operator shall live on the premises.
14. Board: The Board of Adjustment.
15. Boarding, Lodging, or Rooming House: A building (other than a hotel) where lodging is provided for compensation for 4 or more persons.
16. Buildable Area: The area of a lot remaining after the minimum yard and open space requirements have been met, on which permitted buildings or other structures can be erected (See Diagram 01-03A for illustration).



17. Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards and not including structures or vehicles originally designed for transportation purposes.
18. Building Height of: The vertical distance from the average natural grade at the building line to the highest point of the roof adjacent to the street wall in the case of a flat roof, to the deck line of a ridge for gable, hip, and gambrel roofs.
19. Building Line: A line other than a lot line, used to regulate the location of a building or structure in relationship to the abutting street or streets. This line is generally the same as a minimum setback line (See Diagram 01-03A for illustration).

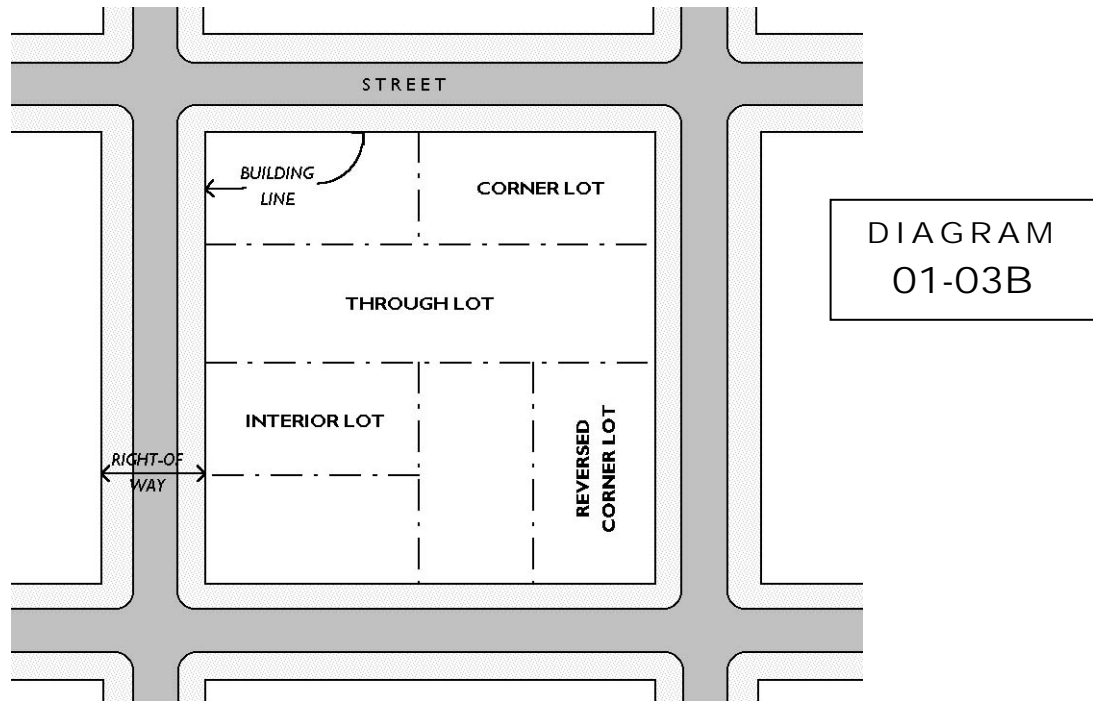
20. Business. An engagement in the purchase, sale, barter, or exchange of goods, wares, merchandise or service or the maintenance or operation of offices or recreational or amusement enterprises.
21. City Administrator: The City Administrator or City Clerk of the City of Sac City, Iowa.
22. Commission: The Planning and Zoning Commission of the City of Sac City, Iowa.
23. Common Wall: An unbroken wall shared by two or more separate buildings.
24. Condominium: A residential or commercial building consisting of multiple units, each under individual ownership of the space contained within each unit, and co-ownership of the remaining real property by the individual owners as tenants in common, but subject to certain joint agreements and regulations.
25. Council: The City Council of the City of Sac City, Iowa.
26. District: The area defined as a zoning district within which certain zoning provisions apply under this Ordinance.
27. Dwelling: Any building or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.
28. Dwelling, Single Family: A detached building designed for or occupied exclusively by and for residence purposes by one family and having no party wall in common with an adjacent house or houses.
29. Dwelling, Multiple-Family: A building or portion thereof designed for or occupied exclusively by and for residence purposes by 2 or more families.
30. Exception, or Special Exception: Modification of the general provisions of this Ordinance under particular given circumstances after it is determined by the Board of Adjustment that strict compliance with the Ordinance would cause undue hardship on the applicant and said modification will not infringe upon the intent of the Ordinance.
31. Family: One or more persons related by blood, marriage, adoption, or legal guardianship occupying a single dwelling unit and living as a single household or housekeeping unit, or a group of not more than 4 persons not related by blood, marriage, adoption, or legal guardianship.
32. Family Home: A community-based residential home which is licensed as a residential care facility under Chapter 135C of the Iowa Code or as a child foster care facility under Chapter 237 of the Iowa Code to provide room and board, personal care, habilitation services, and supervision in a family environment for developmentally disabled persons or foster children any necessary support personnel.
33. Farming: The growth of agricultural products. Farming shall not include the commercial operation of stockyards, slaughterhouses, or feed lots.
34. Flood Area. Any land or portion of land, adjacent to a stream, river, or other natural drainage channels or basins, that is subject to overflow, inundation, or flood hazard from the unusual and rapid accumulation or runoff of surface water from any source.
35. Floor Area: The sum of the gross horizontal areas of the floors of a building, including interior balconies and mezzanines, but excluding exterior balconies.
36. Garage: A building or portion thereof in which a motor vehicle containing gasoline, distillate, or other volatile flammable liquid in its tank is stored, repaired, or kept.
37. Garage, Private: A building or part thereof accessory to the main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.

38. Garage, Public or Storage: A building or part thereof other than a private garage used for the care, storage, and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire, or sale.
39. Grade: The average elevation of the finished ground at the exterior walls of the main building or structure.
40. Health Care Facility: Any residential care facility, intermediate care facility, or skilled nursing facility.
- A. Residential Care Facility. Any institution, place, building, or agency providing for a period exceeding 24 consecutive hours accommodation, board personal assistance, and other essential daily living activities to 3 or more individuals, not related to the administrator or owner, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.
- B. Intermediate Care Facility. Any institution, place, building or agency providing for a period exceeding 24 consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to 3 or more individuals, not related to the administrator or owner thereof, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or licensed practical nurse.
41. Home Occupation: An occupation or activity carried on by the immediate members of the family residing in the dwelling.
42. Hospital: Any institution, building, or other facility or place established for the maintenance, observation, medical, and dental care and supervision and skilled nursing care of persons afflicted with or suffering from sickness, disease or injury or for the convalescent or chronically ill persons.
43. Hotel: A building occupied as the more or less temporary residence of individuals who are lodged for compensation with or without meals, in which there are sleeping rooms or suites of rooms, and generally no provision made for cooking in any individual room, and entrance is made through a common lobby or office.
44. Junk Yard: Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.
45. Kennel (Commercial): Establishment in which dogs or domestic animals more than one year old are housed, groomed, bred, boarded, trained, or sold.
46. Lot: For the 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, or complete lots of record and 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 the requirements of this Ordinance.

The word “lot” includes the words “plot” or “parcel”.

47. Lot Frontage: The portion of a lot nearest the adjacent street. For corner lots, all sides adjacent to streets shall be considered frontage.
48. Lot Line: The legally defined property lines bounding a lot (See Diagram 01-03A for illustration).
- A. Lot Line, Front. That line separating the lot from adjacent streets.
- B. Lot Line, Rear. The lot line farthest from or opposite the front lot line. In the case of a corner lot, the rear lot line shall be considered the lot line opposite the adjacent street that is designated as the front street (the street upon which the property’s address is assigned).
- C. Lot Line, Side. A lot line other than the front or rear lot lines.
49. Lot Measurements:
- A. Depth: The average horizontal distance between the front and rear lot lines.
- B. Width: The average horizontal distance between the side lot lines.
50. Lot of Record: A lot which is part of a Subdivision recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
51. Lot Types: (See Diagram 01-03B for illustration)
- A. “Corner” Lot: A lot located at the intersection of two or more streets.
- B. “Interior” Lot: A lot other than a corner lot with only one frontage on a street other than an alley.
- C. “Through” Lot: A lot other than a corner lot with frontage on two parallel or non-intersecting streets.
- D. “Reversed Corner” Lot: A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.



52. Manufactured Home: a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. § 5403, that is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976, and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A manufactured home shall be located and installed according to the same standards, including but not limited to, a permanent foundation system, set-back, and minimum square footage which would apply to a site-built, single family dwelling on the same lot. A “mobile home” as defined in Section 435.1.1 of the Code of Iowa is not a manufactured home, unless it has been converted to real property as defined in Section 435.26 of the Code of Iowa, and shall be taxed as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.
53. Manufacturing: The use of land, buildings, or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article, thing, or service. Processing on farms is not classified as manufacturing if the raw material is grown on the farm.
54. Mobile Home: Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. If a mobile home is placed outside a mobile home park, the home is to be assessed and taxed as real estate.
55. Motel (also Motor Hotel, Motor Court, Motor Lodge, or Tourist Court): A building or group of buildings designed to provide sleeping accommodations to transient guests for compensation, and provides near each guest room a parking space for the guests' vehicle. A swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.

56. Non-Conforming Use (also Nonconformities): Lots, structures, uses of land and structures, or characteristics of uses, that are prohibited under the terms of the Zoning Ordinance but were lawful at the date of the Ordinance's enactment.
57. Nursing or Rest Home: A home for the aged, infirmed, invalid, convalescent, or physically disabled in which 3 or more persons not of the immediate family are received, kept, or provided with food and shelter, or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.
58. Parking Space: An area of not less than 180 square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.
59. Permitted Use: A use by right that is specifically authorized in a particular zoning district.
60. Principal Use: The main use of land or structures as distinguished from an accessory use.
61. Planned Development: A project located on a single tract, controlled by one owner, corporation or agency, including usable open space for the mutual benefit of the entire tract, designed to provide variety and diversity through the variance or normal zoning and subdivision standards, so that maximum long range benefit can be gained and unique features of the site preserved or enhanced.
62. Projections (into yards): Parts of buildings such as architectural features that extend beyond the building's exterior wall.
63. Recreational Facility: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Examples include basketball courts, ball fields, tennis courts, trails, etc. Private recreational facilities are those that are located on private property for the exclusive use of the property owners. Public recreational facilities are those that are located on public property and available for use by the public.
64. Service Station: A building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefore, or where battery, tire, or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.
65. Setback: The minimum required horizontal distance measured at right angles to the boundary of the lot or parcel between the farthest protruding point of the wall of the building closest to the lot line (See Diagram 01-03A for illustration).
66. Sign: Any object or device, or part thereof, situated outdoors or indoor, which is used to advertise, identify, display, direct, or attract attention to any object, person, institution, organization, business product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, color, motion, illumination, or projected images. A sign includes any billboard but does not include the following: flags of nations, states, and cities, or merchandise, picture or models of products or services incorporated with an inside window display; or works of art, which in no way identify a product or service.
67. Special Use: A reasonable use that will not impair the public health, safety, or welfare in a zone but does not conform to the character of the zone in which it is located. Certain restrictions on the location, aesthetics, size, and other performance standards may be imposed. Said special use runs with the owner and not with the land.
68. Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it. A half-story is a space under a sloping roof that has the line of intersection of roof decking and wall face not more than 4 feet above the top floor level. A half story containing independent apartments or living quarters shall be counted as a full story.

69. Street: The entire width between the boundary lines of a public right-of-way which provides for public means of access to abutting property or for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms “road”, “highway”, “lane”, “place”, “avenue”, and other similar designations.
70. Street Line: The dividing line between a lot and a street.
71. Structure: Anything constructed or erected that requires location on the ground or attached to something having location on the ground, including signs and billboards, fences or walls used as fences.
72. Subdivision: The division of land into 2 or more lots of other division of land for the purpose, whether immediate or future, or transfer of ownership or building development. The term, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or, the re-subdivision of land theretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land.
73. Swimming Pool: A water-filled enclosure, permanently constructed or portable, at least 18” deep and intended primarily for bathing, swimming, and/or diving, but shall not include a natural, dug, or dammed pond or other body of water.
74. Temporary Use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period or completion of an activity for which the temporary use is incidental.
75. Tent: A portable or temporary cover or shelter with or without side panels, which is supported by poles and is made of canvas, plastic, or similar materials, that is not permanently affixed to the site and is not considered a structure.
76. Use: The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.
77. Variance: A modification of the special regulations of this Ordinance granted by resolution of the Board of Adjustment in accordance with the provisions and terms of this Ordinance, which grants a property owner relief from certain provisions of the Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property (which condition is not of the owner’s making), compliance would result in particular hardship on the owner, as distinguished from a mere inconvenience or desire to make more money.
78. Yard: The unoccupied or unobstructed open space on the same lot with a main building (See Diagram 01-03A for illustration).
79. Yard, Front: An open space extending the full width of the lot between a building and the front lot/property line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. A corner lot shall have two front yards.
80. Yard, Rear: On open space extending the full width of a lot between a building and the rear lot/property line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. On corner lots, the rear yard shall be considered opposite the adjacent street that is designated as the front street (the street upon which the property’s address is assigned).
81. Yard, Side: An open space extending from the front yard to the rear yard between a building and the side lot/property line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
82. Zoning Compliance, Certificate of: A permit stating that the premises have been inspected after the erection, construction, reconstruction alteration or moving of a building or structure, or after change in use of character of land, referred to herein, and that the proposed use of the building, structure, or land complies with the provisions of the ordinance.

01-04 DISTRICTS ESTABLISHED. The City of Sac City, Iowa is hereby divided into the following zoning districts:

| | |
|--------------|---|
| A-1 | Agricultural District |
| R-1 | One to Four-Family Residential District |
| R-2 | Multiple-Family Residential District |
| R-3 | Multiple-Family Residential District |
| R-3MH | Mobile Home Park Overlay District |
| C-1 | Central Commercial District |
| C-2 | Arterial (Suburban) Commercial District |
| M-1 | Light Industrial District |
| M-2 | Heavy Industrial District |
| F-1 | Flood Plain District |
| F-2 | Flood Fringe District |

01-05 ZONING MAP.

01-05.01 Provision for Official Zoning Map. The location and boundaries of the districts are hereby established as shown on the Official Zoning Map of the City of Sac City, Iowa. Said Map, including all designations, notations, references, amendments and other information shown thereon shall be and are hereby made a part of this Ordinance by reference. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, under the following words: “This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of the City of Sac City, Iowa”, together with the date of adoption. The Official Zoning Map shall remain on file in the Office of the City Clerk.

01-05.02 Changes or Amendments. Changes or amendments in district boundaries shall be made by an ordinance amending the Zoning Ordinance, and shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council with an entry notation on the Official Zoning Map identifying the change (including the changes by ordinance number and date of adoption). The amending ordinance shall refer to the Official Zoning Map and shall set out the identification of the area affected by the legal description and identify the zoning district as the same exists and the new district designation applicable to said property.

01-05.03 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 supercede 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 correction 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 supercedes and replaces the Official Zoning Map adopted DATE as part of the Zoning Ordinance of the City of Sac City, 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 its adoption or amendments.

01-05.04 Interpretation of District Boundaries. The following rules shall aid in the interpretation of the Official Zoning Map:

- A. Boundaries appearing to follow the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
- B. Boundaries appearing to follow platted lot lines shall be construed as following such lines;
- C. Boundaries appearing to follow City Limits shall be construed as following such City Limits;
- D. Boundaries appearing to follow railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries appearing to follow shorelines shall be construed to follow such shorelines, and in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines;
- F. Boundaries appearing as parallel to or extensions of features indicated in Subsections A-C above shall be so construed. The scale shown on the map shall determine distances not specifically indicated on the Official Zoning Map.
- G. 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 A-F above, the Board of Adjustment shall interpret the district boundaries.
- H. Where a district boundary line divides a lot that 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.
- I. Whenever the City Council vacates and disposes of a Street or Alley, adjacent districts shall extend to the centerline of the vacation.
- J. Whenever a variance exists between the Zoning Map and the legal description on an amendment to this Ordinance, the legal description applies.

01-06 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class of land except as hereinafter provided:

- A. 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 the regulations herein specified for the district in which it is located.
- B. 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.
- C. 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.
- D. Whenever 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.

01-07 CLASSIFICATION OF NEWLY ANNEXED LAND. All newly annexed territory shall be considered a part of the A-1 (Agricultural) district until zoned by the Planning and Zoning Commission and the City Council.

01-08 NON-CONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES.

01-08.01 Statement of Intent. Within the districts established by this Ordinance, there exist lots, structures, and uses of land and structures that were lawful before this Ordinance was passed or amended, but that are prohibited, regulated or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Further nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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 a 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.

01-08.02 Nonconforming Uses of Land (or Land with Minor Structures Only). Where at the time of passage or amendment of this Ordinance lawful use of land exists that would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel.
- C. If any such nonconforming use of land ceases for any reason for a period of 12 months, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.
- D. No structure or building shall be constructed on or moved onto the land, unless the use is changed to a use permitted in that district.

01-08.03 Nonconforming 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, or 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 nonconforming structure may be enlarged or altered in such a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. However, where a side yard is a pre-existing nonconformity, the

nonconformity may be extended along the lot line but in no case may it become closer to the lot line.

- B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of 60% or more of its replacement cost at the time of destruction, exclusive of its foundation, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

01-08.04 Maintenance and Repair to Vested Nonconforming Structures. Nothing in this section shall prohibit the maintenance and repair of vested nonconforming structures to keep such structures in sound and safe condition, provided that no structural enlargement, extension, alteration, or change shall be made to increase the degree of nonconformity.

01-08.05 Change of Tenancy, Ownership, or Management. There may be change of tenancy, ownership, or management of any existing nonconforming use of land, structure, or land and structure providing there is not a change in the nature or character of said nonconforming use.

01-08.06 Special Exceptions not Nonconforming Uses. Any use that 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 nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district.

* * * * *

CHAPTER 2: DISTRICT REGULATIONS

02-01 INDIVIDUAL DISTRICT REGULATIONS.

02-01.01 A-1: Agricultural District. This district is intended to provide for areas predominantly agricultural in character or undeveloped for urban use. The following tables detail principal and accessory uses in agricultural districts; special exceptions, which require approval of the Board of Adjustment; and setback, area, and height requirements.

| TABLE 02-01.01A | USES IN THE A-1 AGRICULTURAL DISTRICT | |
|--|--|--|
| <p style="text-align: center;">Permitted Principal Uses</p> <p>Uses that are permitted in the agricultural district</p> <ul style="list-style-type: none"> • Agricultural crops, including gardening, but not raising of poultry, pets, or livestock for commercial purposes or on a scale that would be objectionable because of noise or odor or sight to surrounding residences • Single family detached dwellings • Greenhouses & nurseries • Home Occupations, per provisions of Section 02-02.04 of this Ordinance • Cemeteries, crematories, or mausoleums • Commercial kennels • Golf courses & recreational facilities • Recreational trails, public or private • Mining and extraction of minerals • Churches & accessory facilities • Airports or landing strips • Public utility and public service installations & facilities, including substations & relays, but excluding business offices, repair and storage facilities | <p style="text-align: center;">Permitted Accessory Uses</p> <p>Uses customarily incidental and subordinate to principal permitted uses, and only permitted if there is an existing permitted principal use</p> <ul style="list-style-type: none"> • Private Garages, utility sheds, farm buildings and barns no larger than 40 feet X 40 feet • Living quarters of persons employed on the premises • Grain bins & other grain, hay, or forage storage structures • Roadside stands offering for sale only agricultural products or other products produced on the premises • Temporary uses, such as buildings for uses incidental to construction work which shall be removed upon completion or abandonment of the work • Fences & walls, per Section 02-02.06 • Satellite Dish Antennas, lampposts, flagpoles, & other yard fixtures per Section 02-02.09 • Swimming Pools, per Section 02-02.10 • Keeping of domestic animals as pets, but <u>not</u> on a commercial basis (i.e., breeding for sale) or scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle, fowl, or horses is prohibited except on premises containing 2 acres or more, and within an enclosure at least 300' from any house except that of the owner. | <p style="text-align: center;">Special Exceptions</p> <p>Uses that may be authorized only by the Board of Adjustment. Specific conditions may be applied to special exceptions if they are approved.</p> <ul style="list-style-type: none"> • Reduction of the minimum required side & rear yard setbacks by up to 50% if application is made, applicant shows reasonable cause for such reduction, and doing so will not cause harm to any adjacent property owners • Private garages & storage sheds larger than 40' X 40' feet in size • Stables, private or public |

| TABLE 02-01.01B | | MINIMUM SETBACK, AREA, & HEIGHT REQUIREMENTS IN THE A-1 AGRICULTURAL DISTRICT** | | | |
|------------------|-------------------|---|---------------------------|---------------------------|----------------|
| Minimum Lot Area | Minimum Lot Width | Minimum Front Yard Setback | Minimum Side Yard Setback | Minimum Rear Yard Setback | Maximum Height |
| 10 acres | 200 feet | PRINCIPAL USES | | | |
| | | 50 feet | 50 feet | 50 feet | 60 feet |
| | | ACCESSORY BUILDINGS & STRUCTURES | | | |
| | | 50 feet | 50 feet | 50 feet | 60 feet |

**See Section 01-03 for explanations regarding setback & yard measurement. See Section 02-02.07 for modifications and exceptions of setback, area, & height requirements as well as other requirements that may apply to principal and accessory uses.

* * * * *

02-01.02A R-1: One to Four-Family Residential District. This district is intended to provide for 1 to 4-family residential housing units where public utilities and services are available, and to encourage a suitable living environment through the promotion of public health, safety, and welfare. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation, and other public facilities shall be taken into consideration when lot area requirements are established in various residential areas of the City. The following tables detail principal and accessory uses in R-1 districts; special exceptions, which require approval of the Board of Adjustment; and setback, area, and height requirements.

TABLE 02-01.02A1 USES IN THE R-1 ONE TO FOUR--FAMILY RESIDENTIAL DISTRICT

| Permitted Principal Uses Uses that are permitted in R-1 districts | Permitted Accessory Uses Uses customarily incidental and subordinate to principal permitted uses, and only permitted if there is an existing permitted principal use | Special Exceptions Uses that may be authorized only by the Board of Adjustment. Specific conditions may be applied to special exceptions if they are approved. |
|---|--|---|
| <ul style="list-style-type: none"> • Single-family detached dwellings • Multi-family dwellings up to 4 units • Family Homes • Home Occupations, per provisions of Section 02-02.04 of this Ordinance • Publicly owned and operated buildings and facilities, including libraries, except repair facilities • Publicly owned parks, playgrounds, & recreational areas, except recreational trails • Churches & Accessory Facilities • Cemeteries • Public utility and public service installations & facilities, including substations & relays, but excluding business offices, repair and storage facilities • Bed and Breakfast Houses • Health care facilities & Nursing homes • Hospitals & medical, dental, or chiropractic clinics, or similar uses • Golf courses | <ul style="list-style-type: none"> • Private garages & storage sheds no larger than 40 feet X 40 feet or higher than 25 feet • Living quarters of persons employed on the premises • Parking lots • Temporary uses, such as buildings for uses incidental to construction work which shall be removed upon completion or abandonment of the work • Fences & walls, per Section 02-02.06 • Satellite Dish Antennas, lampposts, flagpoles, & other yard fixtures per Section 02-02.09 • Swimming Pools, per Section 02-02.10 • Private recreational facilities • Keeping of domestic animals as pets, but not on a commercial basis (i.e., breeding for sale) or scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle, fowl, or horses is in this district is prohibited. Pet shelters (including doghouses), cages, fences, and runs for pets shall be considered accessory structures and shall be regulated as such. | <ul style="list-style-type: none"> • Reduction of the minimum required side & rear yard setbacks by up to 50% if application is made, applicant shows reasonable cause for such reduction, and doing so will not cause harm to any adjacent property owners • Private garages & storage sheds larger than 40' X 40' feet in size or higher than 25 feet • Schools-any age or grade • Funeral Homes & Mortuaries • Clubs or lodges • Automobile Repair, Minor • Boarding & Lodging Houses • Business or professional offices, such as lawyers, engineers, etc. • Child care centers • Fences as Principal Structures |

TABLE 02-01.02A2 MINIMUM SETBACK, AREA, & HEIGHT REQUIREMENTS IN THE R-1 ONE TO FOUR-FAMILY RESIDENTIAL DISTRICT**

| Minimum Lot Area | Minimum Lot Width | Minimum Front Yard Setback | Minimum Side Yard Setback | Minimum Rear Yard Setback | Maximum Height |
|--|--|---|---|--|--------------------------------------|
| 8,000 square feet for 1 & 2-family dwellings; Multi-family, 8,000 sq feet plus 1,500 additional for each unit over 2 | 65 feet for 1 & 2-family dwellings; 90' for multi-family dwellings | PRINCIPAL USES | | | |
| | | 25 feet | 1 FAMILY: 5 feet one side, 15' sum both sides; 2-4 FAMILY: 5 feet one side, 20' sum both sides | 15 feet for 1 & 2 family; 25' for multi-family (4 units max) | The lesser of 2 ½ stories or 35 feet |
| | | ACCESSORY BUILDINGS & STRUCTURES | | | |
| | | 25 feet | SAME AS FOR PRINCIPAL USES | 15 feet | 25 feet |

**See Section 01-03 for explanations regarding setback & yard measurement. See Section 02-02.07 for modifications and exceptions of setback, area, & height requirements as well as other requirements that may apply to principal and accessory uses.

* * * * *

02-01.02B R-2: Multiple-Family Residential District. This district is intended to provide for both single and multiple-family housing developments, where public utilities and services are available, and to encourage a suitable living environment through the promotion of public health, safety, and welfare. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation, and other public facilities shall be taken into consideration when lot area requirements are established in various residential areas of the City. The following tables detail principal and accessory uses in R-2 districts; special exceptions, which require approval of the Board of Adjustment; and setback, area, and height requirements.

TABLE 02-01.02B1 USES IN THE R-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

| Permitted Principal Uses Principal uses that are permitted in the R-2 district. | Permitted Accessory Uses Uses customarily incidental and subordinate to principal permitted uses, and only permitted if there is an existing permitted principal use | Special Exceptions Uses that may be authorized only by the Board of Adjustment. Specific conditions may be applied to special exceptions if they are approved. |
|---|---|---|
| <ul style="list-style-type: none"> • Single-family detached dwellings • Multi-family dwellings • Family Homes • Home Occupations, per provisions of Section 02-02.04 of this Ordinance • Publicly owned and operated buildings and facilities, including libraries, except repair facilities • Publicly owned parks, playgrounds, & recreational areas, except recreational trails • Churches & Accessory Facilities • Cemeteries • Public utility and public service installations & facilities, including substations & relays, but excluding business offices, repair and storage facilities • Bed and Breakfast Houses • Health care facilities & Nursing homes • Hospitals & medical, dental, or chiropractic clinics, or similar uses • Golf courses | <ul style="list-style-type: none"> • Private garages & storage sheds no larger than 40 feet X 40 feet or higher than 25' • Temporary uses, such as buildings for uses incidental to construction work which shall be removed upon completion or abandonment of the work • Private recreational facilities • Fences & walls, per Section 02-02.06 • Satellite Dish Antennas, lampposts, flagpoles, & other yard fixtures per Section 02-02.09 • Swimming Pools, per Section 02-02.10 • Keeping of domestic animals as pets, but not on a commercial basis (i.e., breeding for sale) or scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle, fowl, or horses is in this district is prohibited. Pet shelters (including doghouses), cages, fences, and runs for pets shall be considered accessory structures and shall be regulated as such. | <ul style="list-style-type: none"> • Reduction of the minimum required side & rear yard setbacks by up to 50% if application is made, applicant shows reasonable cause for such reduction, and doing so will not cause harm to any adjacent property owners • Private garages & storage sheds larger than 40' X 40' feet in size or higher than 25 feet • Child care centers • Fences as Principal Structures |

TABLE 02-01.02B2 MINIMUM SETBACK, AREA, & HEIGHT REQUIREMENTS IN THE R-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

| Minimum Lot Area | Minimum Lot Width | Minimum Front Yard Setback | Minimum Side Yard Setback | Minimum Rear Yard Setback | Maximum Height |
|--|--|---|--|--|--------------------------------------|
| 7,500 square feet for 1 & 2-family dwellings; Multi-family, 7,500 sq feet plus 1,500 additional for each unit over 2 | 55 feet for 1 & 2-family dwellings; 90' for multi-family dwellings | PRINCIPAL USES | | | |
| | | 25 feet | 1 FAMILY: 5 feet one side, 15' sum both sides; MULTI FAMILY: 10 feet one side, 20' sum both sides | 15 feet for 1 & 2 family; 25' for multi-family | The lesser of 2 ½ stories or 35 feet |
| | | ACCESSORY BUILDINGS & STRUCTURES | | | |
| 25 feet | SAME AS FOR PRINCIPAL USES | 15 feet | 25 feet | | |

**See Section 01-03 for explanations regarding setback & yard measurement. See Section 02-02.07 for modifications and exceptions of setback, area, & height requirements as well as other requirements that may apply to principal and accessory uses.

* * * * *

02-01.02C R-3: Multiple-Family Residential District. This district is intended to provide for a variety of residential areas where public utilities and services are available, and to encourage a suitable living environment through the promotion of public health, safety, and welfare. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation, and other public facilities shall be taken into consideration when lot area requirements are established in various residential areas of the City. The following tables detail principal and accessory uses in R-3 districts; special exceptions, which require approval of the Board of Adjustment; and setback, area, and height requirements.

| TABLE 02-01.02C1 | | USES IN THE R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT | |
|---|--|---|--|
| Permitted Principal Uses Principal uses that are permitted in the R-3 district. | | Permitted Accessory Uses Uses customarily incidental and subordinate to principal permitted uses, and only permitted if there is an existing permitted principal use | |
| <ul style="list-style-type: none"> Single-family detached dwellings Multi-family dwellings Family Homes Home Occupations, per provisions of Section 02-02.04 of this Ordinance Publicly owned and operated buildings and facilities, including libraries, except repair facilities Publicly owned parks, playgrounds, & recreational areas, except recreational trails Churches & Accessory Facilities Cemeteries Public utility and public service installations & facilities, including substations & relays, but excluding business offices, repair and storage facilities Bed and Breakfast Houses Health care facilities & Nursing homes Hospitals & medical, dental, or chiropractic clinics, or similar uses Golf courses | | <ul style="list-style-type: none"> Private garages & storage sheds no larger than 40 feet X 40 feet or higher than 25 feet Temporary uses, such as buildings for uses incidental to construction work which shall be removed upon completion or abandonment of the work Private recreational facilities Fences & walls, per Section 02-02.06 Satellite Dish Antennas, lampposts, flagpoles, & other yard fixtures per Section 02-02.09 Swimming Pools, per Section 02-02.10 Keeping of domestic animals as pets, but not on a commercial basis (i.e., breeding for sale) or scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle, fowl, or horses is in this district is prohibited. Pet shelters (including doghouses), cages, fences, and runs for pets shall be considered accessory structures and shall be regulated as such. | |
| | | Special Exceptions Uses that may be authorized only by the Board of Adjustment. Specific conditions may be applied to special exceptions if they are approved. | |
| | | <ul style="list-style-type: none"> Reduction of the minimum required side yard setbacks by up to 50% if application is made, applicant shows reasonable cause for such reduction, and doing so will not cause harm to any adjacent property owners Private garages & storage sheds larger than 40' X 40' feet in size or higher than 25 feet Nursery Schools Fences as Principal Structures | |

| TABLE 02-01.02C2 | | MINIMUM SETBACK, AREA, & HEIGHT REQUIREMENTS IN THE R-3 MULTIPLE-FAMILY-RESIDENTIAL DISTRICT** | | | |
|--|--|--|--|--|--------------------------------------|
| Minimum Lot Area | Minimum Lot Width | Minimum Front Yard Setback | Minimum Side Yard Setback | Minimum Rear Yard Setback | Maximum Height |
| 7,500 square feet for 1 & 2-family dwellings; Multi-family, 7,500 sq feet plus 1,500 additional for each unit over 2 | 55 feet for 1 & 2-family dwellings; 90' for multi-family dwellings | PRINCIPAL USES | | | |
| | | 25 feet | 1 FAMILY: 5 feet one side, 15' sum both sides; MULTI FAMILY: 10 feet one side, 20' sum both sides | 15 feet for 1 & 2 family; 25' for multi-family | The lesser of 2 ½ stories or 35 feet |
| | | ACCESSORY BUILDINGS & STRUCTURES | | | |
| | | 25 feet | SAME AS FOR PRINCIPAL USES | 15 feet | 25 feet |

**See Section 01-03 for explanations regarding setback & yard measurement. See Section 02-02.07 for modifications and exceptions of setback, area, & height requirements as well as other requirements that may apply to principal and accessory uses.

* * * * *

02-01.02D R-3MH: Mobile Home Park Overlay District. This section is intended to establish regulations for mobile home parks, which are allowable in the R-3 Residential district. The section provides that mobile home parks are to be free from other uses except those that are both compatible with and convenient to the residents within the park. The following tables detail principal and accessory uses in MH districts; special exceptions, which require approval of the Board of Adjustment; and setback, area, and height requirements.

| TABLE 02-01.02D1 | | USES IN THE R-3MH: MOBILE HOME PARK DISTRICT |
|--|---|---|
| Permitted Principal Uses | Permitted Accessory Uses | Special Exceptions |
| Principal uses that are permitted in the R-3MH Mobile Home Park district. | Uses customarily incidental and subordinate to principal permitted uses, and only permitted if there is an existing permitted principal use | Uses that may be authorized only by the Board of Adjustment. Specific conditions may be applied to special exceptions if they are approved. |
| <ul style="list-style-type: none"> Mobile Homes Home Occupations, per provisions of Section 02-02.04 of this Ordinance | <ul style="list-style-type: none"> Private garages & storage sheds no larger than 10' X 12' or higher than 10' Temporary uses, such as buildings for uses incidental to construction work which shall be removed upon completion or abandonment of the work Keeping of domestic animals as pets, but not on a commercial basis (i.e., breeding for sale) or scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle, fowl, or horses in this district is prohibited. Pet shelters (including doghouses), cages, fences, and runs for pets shall be considered accessory structures and shall be regulated as such. Private recreational facilities | <ul style="list-style-type: none"> Nursery Schools Public utility and public service installations & facilities, including substations & relays, but excluding business offices, repair and storage facilities Churches & Accessory Facilities Recreational trails, public or private |

A. General Provisions.

1. No person, firm, or corporation shall establish, construct, maintain, conduct or operate, expand, remodel, or make alterations to a mobile home park within City limits without first obtaining approval from the Planning & Zoning Commission and City Council per the provisions of Section 02-02.01 of this Ordinance titled "Planned Unit Developments".
2. All mobile home parks shall be established, constructed, maintained, conducted, or operated in compliance with all provisions of this Section.

B. Bulk Regulations.

1. The minimum site for a mobile home park shall be five (5) acres.
2. Density is limited to 8 mobile homes per acre.
3. All mobile homes shall be located at least 25 feet from any park property boundary line abutting upon a public street or highway not within the park and at least 10 feet from other park property boundary lines.
4. Each mobile home site shall be provided with a stand consisting of a reinforced, 4-inch thick, poured Portland cement concrete apron not less than 8 feet wide and 45 feet long and a paved outdoor patio of at least 180 square feet located at the main entrance to the mobile home.
5. All utility wire, pipes, and tanks shall be underground.
6. Not less than 8 percent of the gross site area shall be devoted to recreation facilities, generally provided in a central location if possible. Recreation areas may include space for community buildings and community use facilities, such as indoor recreation area,

swimming pool, hobby and repair shops and service buildings. The site of centralized recreation areas shall be calculated on a basis of at least 100 square feet per lot, provided that no recreation area shall contain less than 5,000 square feet.

7. Each mobile home shall be located on a lot having an area of at least 4,000 square feet. The mobile home stand shall not occupy an area in excess of 1/3 of the respective lot area. The total occupied area of the mobile home and other accessory structures on the lot shall not exceed 2/3 of the respective lot area.
8. Each mobile home park shall be graded and drained so that rainwater will not stand in pools or puddles.
9. Each street and parking area in any mobile home park shall be bounded by a sidewalk at least 3 feet wide.
10. Trailer and boat storage shall be provided at a minimum ratio of 250 square feet of land for each mobile home lot, and such storage areas shall be surrounded, except at entry and exit points, with a wood or masonry wall fence or hedge at least 8 feet high.
11. All mobile home parks shall have a minimum of two vehicular entrances from a public street or highway. One entrance may be kept closed to the general public if provisions are made for emergency access if necessary. Minimum paved street widths in mobile home parks shall be as follows:

| TABLE 02-01.02D2 | | MINIMUM STREET WIDTHS IN MOBILE HOME PARKS | |
|--------------------------------|-----------------|--|--|
| Parking Situation on Street: | One-way Traffic | Two-way Traffic | |
| None | 14 feet | 20 feet | |
| Parallel parking on one side | 20 feet | 30 feet | |
| Parallel parking on both sides | 26 feet | 36 feet | |

12. Two (2) parking spaces shall be provided for each mobile home lot, plus one guest space for every 10 lots. Spaces located on mobile home park streets may be counted towards this requirement provided the streets meet the requirements of No. 11 above.
 13. No mobile home shall be located closer than 20 feet from any other mobile home or other permanent building (excluding accessory structures, for which a 10 foot minimum distance is required) in the mobile home park.
- C. Location of Mobile Homes. It shall be unlawful for any person, firm, or corporation to park or place any mobile home anywhere within this City, except in a mobile home park that complies with the provisions of this Section of the zoning ordinance. This section shall not apply to:
1. Dealer's Stock. Mobile homes parked upon private property as part of a dealer or manufacturer's stock not used as a place of human habitation.
 2. Manufactured Homes. Manufactured homes, or mobile homes meeting the requirements of the State Building Code and which are converted to real property in accordance with Section 435.26 of the Code of Iowa, providing that the construction, location and installation of such manufactured home meets all other zoning and building code requirements established by the City of Sac City.

* * * * *

02-01.03 C-1: Central Commercial District. This district is intended to accommodate the major business and office concentration in the City. It is characterized further by a variety of stores and related activities that occupy the central commercial area of the City. This district is intended to be the single central business district in the City, and no other use of this district designation shall be utilized other than continuously with the currently established district. The following tables detail principal and accessory uses in the C-1 district; special exceptions, which require approval of the Board of Adjustment; and setback, area, and height requirements.

| TABLE 02-01.03A | | USES IN THE C-1 CENTRAL COMMERCIAL DISTRICT | |
|---|--|--|--|
| Permitted Principal Uses Uses that are permitted in the C-1 district | | Permitted Accessory Uses Uses customarily incidental and subordinate to principal permitted uses, and only permitted if there is an existing permitted principal use | |
| <ul style="list-style-type: none"> Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products Residential dwellings (except on ground level) Single & multi-family dwellings existing on lots as of the date of adoption of this Ordinance and the replacement or reconstruction thereof on the same lot All publicly owned and operated buildings and facilities Business or Professional Offices Automobile Repair, Minor Churches & Accessory Facilities Hotels and motels Any other retail or service sales business, including food preparation for off-site sales (catering) Public utility business offices, repair, & storage facilities Hospitals & medical, dental, or chiropractic clinics, or similar uses Recreational trails, public or private Funeral Homes & Mortuaries | | <ul style="list-style-type: none"> Outdoor Sales & Service Parking Lots Private garages & storage sheds no larger than 40 feet X 40 feet or higher than 25 feet Temporary uses, such as buildings for uses incidental to construction work which shall be removed upon completion or abandonment of the work Private recreational facilities Fences & walls, per Section 02-02.06 Satellite Dish Antennas, lampposts, flagpoles, & other yard fixtures per Section 02-02.09 Keeping of domestic animals as pets, but not on a commercial basis (i.e., breeding for sale) or scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle, fowl, or horses in this district is prohibited. Pet shelters (including doghouses), cages, fences, and runs for pets shall be considered accessory structures and shall be regulated as such. Living quarters (no ground floor; basements, 2nd floor & above allowable) of persons employed on the premises or otherwise used as a separate dwelling | |
| | | Special Exceptions Uses may be authorized by the Board of Adjustment with conditions | |
| | | <ul style="list-style-type: none"> Service & filling stations, with the following minimum provisions: gasoline pumps & lubricating devices must be located at least 20 feet from any lot line or street; and, all fuel, oil, or similar products or substances must be stored at least 35 feet from any lot line or street warehousing Outdoor storage Automobile Repair, Major Ground floor residences (such as apartments or living quarters) Private garages & storage sheds larger than 40' X 40' feet in size or higher than 25 feet Other uses that, as determined by the Board of Adjustment, are of the same general character as those listed under "Principal Permitted Uses" and which will not be detrimental to the district or surrounding properties Public utility and public service installations & facilities, including substations & relays Fences as Principal Structures | |

| TABLE 02-01.03B | | MINIMUM SETBACK, AREA, & HEIGHT REQUIREMENTS IN THE C-1 CENTRAL COMMERCIAL DISTRICT** | | | |
|--|-------------------|---|---|--|---|
| Minimum Lot Area | Minimum Lot Width | Minimum Front Yard Setback | Minimum Side Yard Setback | Minimum Rear Yard Setback | Maximum Height |
| RESIDENTIAL USES | | | | | |
| <i>ALL SETBACK, AREA, WIDTH, & COVERAGE REQUIREMENTS FOR RESIDENTIAL USES THE SAME AS THE R-2 DISTRICT</i> | | | | | |
| NON-RESIDENTIAL USES | | | | | |
| None | None | PRINCIPAL USES | | | |
| | | None | None, unless adjacent to a residential district, then 5 ft. | None, unless adjacent to a residential district, then 15 ft. | 60 Feet, unless height increase approved by Board of Adjustment |
| | | ACCESSORY BUILDINGS & STRUCTURES | | | |
| | | None, except if a front yard is provided, it shall be at least equal to that of the principal structure | None, unless adjacent to a residential district, then 5 ft. | None, unless adjacent to a residential district, then 15 ft. | 25 feet |

**See Section 01-03 for explanations regarding setback & yard measurement. See Section 02-02.07 for modifications and exceptions of setback, area, & height requirements as well as other requirements that may apply to principal and accessory uses.

* * * * *

02-01.04 C-2: Arterial Commercial District. This district is intended to provide for certain areas of the city for the development of service, retail, and other non-residential uses which, because of certain locational requirements and operation characteristics, are appropriately located in close proximity to arterial and other main thoroughfares. This district is characterized by a typical need for larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares. The following tables detail principal and accessory uses in C-2 districts; special exceptions, which require approval of the Board of Adjustment; and setback, area, and height requirements.

| TABLE 02-01.04A | | USES IN THE C-2 ARTERIAL COMMERCIAL DISTRICT | |
|---|--|---|--|
| <p>Permitted Principal Uses Principal uses that are permitted in the C-2 district.</p> <ul style="list-style-type: none"> Residential uses allowed in the R-2 district Home Occupations, per provisions of Section 02-02.04 of this Ordinance Sales and display rooms and lots, including yards for the storage or display of new or used building materials, but not for any scrap or salvage operation or sales. Outdoor or open storage shall be allowed only when the material is enclosed within a solid fence at least 6 feet high. Business or Professional Offices Automobile Repair, Major & Minor, including service stations Churches & Accessory Facilities Hotels and motels Any other retail or service sales business, including food prep. for off-site sales (catering) All publicly owned and operated buildings and facilities, including storage & repair facilities Public utility business offices, repair, & storage facilities Health Care Facilities & Nursing Homes, Hospitals & medical, dental, or chiropractic clinics, or similar uses Funeral Homes Recreational trails, public or private | | <p>Permitted Accessory Uses Uses customarily incidental and subordinate to principal permitted uses, and only permitted if there is an existing permitted principal use</p> <ul style="list-style-type: none"> Outdoor Sales & Service Parking Lots Private garages & storage sheds no larger than 40 feet X 40 feet or higher than 25 feet Temporary uses, such as buildings for uses incidental to construction work which shall be removed upon completion or abandonment of the work Private recreational facilities Fences & walls, per Section 02-02.06 Satellite Dish Antennas, lampposts, flagpoles, & other yard fixtures per Section 02-02.09 Swimming Pools, per Section 02-02.10 Keeping of domestic animals as pets, but not on a commercial basis (i.e., breeding for sale) or scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle, fowl, or horses in this district is prohibited. Pet shelters (including doghouses), cages, fences, and runs for pets shall be considered accessory structures and shall be regulated as such. Living quarters of persons employed on the premises or otherwise used as a separate dwelling | |
| | | <p>Special Exceptions Uses that may be authorized only by the Board of Adjustment. Specific conditions may be applied to special exceptions if they are approved.</p> <ul style="list-style-type: none"> Reduction of the minimum required side & rear yard setbacks by up to 50% if application is made, applicant shows reasonable cause for such reduction, and doing so will not cause harm to any adjacent property owners Private garages & storage sheds larger than 40' X 40' feet in size or higher than 25 feet Public utility and public service installations & facilities, including substations & relays Commercial Kennels Fences as Principal Structures | |

| TABLE 02-01.04B | | MINIMUM SETBACK, AREA, & HEIGHT REQUIREMENTS IN THE C-2 ARTERIAL COMMERCIAL DISTRICT** | | | |
|--|-------------------|---|---|---------------------------|---|
| Minimum Lot Area | Minimum Lot Width | Minimum Front Yard Setback | Minimum Side Yard Setback | Minimum Rear Yard Setback | Maximum Height |
| RESIDENTIAL USES | | | | | |
| <i>ALL SETBACK, AREA, WIDTH, & COVERAGE REQUIREMENTS FOR RESIDENTIAL USES THE SAME AS THE R-2 DISTRICT</i> | | | | | |
| NON-RESIDENTIAL USES | | | | | |
| PRINCIPAL USES | | | | | |
| None, except that building area shall not exceed 50% of lot area | None | 25 feet | None, unless adjacent to a residential district, then 5 ft. | 15 feet | 35 Feet, unless height increase approved by Board of Adjustment |
| | | ACCESSORY BUILDINGS & STRUCTURES | | | |
| | | None, except if a front yard is provided, it shall be at least equal to that of the principal structure | None, unless adjacent to a residential district, then 5 ft. | 15 feet | 25 feet |

**See Section 01-03 for explanations regarding setback & yard measurement. See Section 02-02.07 for modifications and exceptions of setback, area, & height requirements as well as other requirements that may apply to principal and accessory uses.

02-01.05 M-1: Light Industrial District. This district is intended to provide for areas of development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses. The district regulations are designed to permit the development of any manufacturing or industrial operations which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole, by reasons of noise, dust, smoke, odor, traffic, physical appearance, or other similar factors. Outdoor storage is allowed in this district when the material is enclosed within a continuous and impenetrable fence at least 6 feet high and said fence is within required setback lines. All industrial operations must be in an enclosed building. No residential uses are permitted in the Light Industrial District. The following tables detail principal and accessory uses in the M-1 district; special exceptions, which require approval of the Board of Adjustment; and setback, area, and height requirements.

| TABLE 02-01.05A | | USES IN THE M-1 LIGHT INDUSTRIAL DISTRICT | |
|---|---|---|--|
| Permitted Principal Uses Uses that are permitted in the M-1 district | Permitted Accessory Uses Uses customarily incidental and subordinate to principal permitted uses, and only permitted if there is an existing permitted principal use | Special Exceptions Uses that may be authorized only by the Board of Adjustment. Specific conditions may be applied to special exceptions if they are approved. | |
| <ul style="list-style-type: none"> Any Principal Permitted Uses in the C-1 or C-2 Commercial Districts Animal Hospitals & Veterinary Clinics Any nonresidential building or use which would not be hazardous, obnoxious, offensive, or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke, or other air pollutants; and further the use must be in conformance with the Iowa Department of Natural Resources, Environmental Protection Agency, and any other applicable laws and regulations. Storage, manufacture, compounding, processing, packing and/or treatment of products, exclusive of the rendering or refining of fats and/or oils Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials Assembly of appliances and equipment, including manufacture of small parts Wholesale distribution of all standard types of prepared or packaged merchandise Sale and storage of building materials. Outdoor or open storage shall be allowed when the material is enclosed within a solid or other impenetrable (such as chain link) fence at least 6 feet high. Contractor's offices and storage of equipment Public utility and public service installations & facilities, including substations & relays | <ul style="list-style-type: none"> Accessory uses customarily incidental to any permitted principal use Living quarters for watchmen or custodians of industrial properties | <ul style="list-style-type: none"> Other uses that, as determined by the Board of Adjustment, are of the same general character as those listed under "Principal Permitted Uses" and which will not be detrimental to the district or surrounding properties | |

| TABLE 02-01.05B | | MINIMUM SETBACK, AREA, & HEIGHT REQUIREMENTS IN THE <i>M-1-LIGHT INDUSTRIAL DISTRICT</i> ** | | | |
|--|-------------------|--|---|---------------------------|---|
| Minimum Lot Area | Minimum Lot Width | Minimum Front Yard Setback | Minimum Side Yard Setback | Minimum Rear Yard Setback | Maximum Height |
| None, except that building area shall not exceed 50% of lot area without approval of the Board of Adjustment | None | PRINCIPAL USES | | | |
| | | 50 feet | None, except if adjacent to a residential district, then it shall be 25 ft. | 40 feet | 60 Feet, unless height increase approved by Board of Adjustment |
| | | ACCESSORY BUILDINGS & STRUCTURES | | | |
| | | 50 feet | None, except if adjacent to a residential district, then it shall be 25 ft. | 40 feet | 25 feet |

**See Section 01-03 for explanations regarding setback & yard measurement. See Section 02-02.07 for modifications and exceptions of setback, area, & height requirements as well as other requirements that may apply to principal and accessory uses.

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02-01.06 M-2: Heavy Industrial District. This district is intended to provide for areas for activities and uses of a heavy industrial nature. In the best interest of the City, certain uses in the M-2 district (those listed in the 3rd column below) shall be subject to final Board of Adjustment approval, conditional approval, or denial to ensure that proper safeguards are taken. No residential uses are permitted in the M-2 district. The following table details principal and accessory uses in the M-2 district and special exceptions, which require approval of the Board of Adjustment. Table 02-01.06B details setback, area, and height requirements for M-2 districts.

| TABLE 02-01.06A | | USES IN THE <i>M-2 HEAVY INDUSTRIAL</i> DISTRICT | |
|---|---|--|--|
| Permitted Principal Uses Uses that are permitted in the M-2 district | Permitted Accessory Uses Uses customarily incidental and subordinate to principal permitted uses, and only permitted if there is an existing permitted principal use | Permitted Uses Requiring Special Approval Uses may be authorized by the Board of Adjustment with conditions, per provisions and procedure as detailed in this section | |
| <ul style="list-style-type: none"> Any use, except any residential use, and except those uses listed at right that require approval of the Board of Adjustment | <ul style="list-style-type: none"> Accessory uses customarily incidental to any permitted principal use Living quarters for watchmen or custodians of industrial properties | <ul style="list-style-type: none"> Acid Manufacture Cement, lime, gypsum, or plaster of Paris manufacture Distillation of bones Explosive manufacture or storage Fat or oil rendering Fertilizer manufacture & storage Garbage, offal, or dead animals, reduction or dumping Glue manufacture Refining of petroleum or petroleum products Smelting of tin, copper, zinc, or iron ores Stockyards or slaughter of animals Junk Yards: Must be surrounded by a solid* fence at least 6 feet high located within setback lines, and the junk must not be piled higher than the fence. | |

*Fence must be constructed of a solid material so as to prevent the contents from being seen from outside the property.

A. Procedure for Review by the Board. Before granting approval for a use identified in column 3 of the table above, the Board shall refer applications to the Planning & Zoning Commission for study, investigation, and report. If no report is received in 30 days, the Board may assume approval of the application. The Board shall then hold a public hearing on the application. After said hearing, the Board shall consider all of the following provisions in its determination upon the particular use at the location requested:

- That the proposed location design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property;
- That such use shall not impair an adequate supply of light and air to the surrounding property;
- That such use shall not unduly increase congestion in the streets, or public danger of fire and safety;

4. That such use shall not diminish or impair established property values in adjoining or surrounding property;
5. That such use shall be in accord with the intent, purpose, and spirit of this Ordinance and the Comprehensive Plan of the City.

B. Required Conditions.

1. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed and subject to conformance with Iowa Department of Natural Resources, Environmental Protection Agency, and other applicable laws and regulations.
2. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least 100 feet from any residential district boundary, except where adjoining a railroad right-of-way, and 50 feet from any commercial district boundary.

| TABLE 02-01.06B | | MINIMUM SETBACK, AREA, & HEIGHT REQUIREMENTS IN THE <i>M-2 HEAVY INDUSTRIAL DISTRICT**</i> | | | |
|--|-------------------|---|---|---------------------------|---|
| Minimum Lot Area | Minimum Lot Width | Minimum Front Yard Setback | Minimum Side Yard Setback | Minimum Rear Yard Setback | Maximum Height |
| None, except that building area shall not exceed 50% of lot area without approval of the Board of Adjustment | None | PRINCIPAL USES | | | |
| | | 50 feet | None, except if adjacent to a residential district, then it shall be 25 ft. | 40 feet | 60 Feet, unless height increase approved by Board of Adjustment |
| | | ACCESSORY BUILDINGS & STRUCTURES | | | |
| | | 50 feet | None, except if adjacent to a residential district, then it shall be 25 ft. | 40 feet | 25 feet |

**See Section 01-03 for explanations regarding setback & yard measurement. See Section 02-02.07 for modifications and exceptions of setback, area, & height requirements as well as other requirements that may apply to principal and accessory uses.

* * * * *

02-01.07 F-1: Flood Plain District. This district is intended to accommodate flood water. Only uses which will not interfere with the flow of water or decrease the water storage capacity of this area are permitted. Land shall be used only for the following purposes, providing further that no buildings shall be permitted. The following tables detail permitted uses in F-1 districts; and setback, area, and height requirements.

| TABLE 02-01.07A | USES IN THE <i>F-1 FLOOD PLAIN</i> DISTRICT |
|---|---|
| Permitted Uses Uses that are permitted in the F-1 district. | |
| <ul style="list-style-type: none"> • Parking lots • Railroad right-of-way and trackage • Farming, no structures • Forests • Plant nurseries • Pastures • Parks, no structures • Golf ball driving ranges • Tennis courts & similar game areas • Nature & wildlife preserves | |

| TABLE 02-01.07B | | MINIMUM SETBACK, AREA, & HEIGHT REQUIREMENTS IN THE <i>F-1 FLOOD PLAIN</i> DISTRICT** | | | |
|------------------|-------------------|--|---------------------------|---------------------------|----------------|
| Minimum Lot Area | Minimum Lot Width | Minimum Front Yard Setback | Minimum Side Yard Setback | Minimum Rear Yard Setback | Maximum Height |
| NONE | NONE | PERMITTED USES | | | |
| | | 25 feet | 10 feet | 25 feet | NONE |

See Section **01-03 for explanations regarding setback & yard measurement. See Section **02-02.07** for modifications and exceptions of setback, area, & height requirements as well as other requirements that may apply to principal and accessory uses.

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02-01.08 F-2: Flood Fringe District. This district is intended to provide a flood hazard area between the F-1 Floodplain district and the flow line of the maximum probable flood where inundation is caused by overflow and back water which is relatively free of any current. The following tables detail permitted uses in F-1 districts; and setback, area, and height requirements.

Site plans are required for all building permits in an F-2 district. No first floor, basement floor, nor cellar floor shall be constructed at an elevation lower than the elevation designated for that particular area by the City engineer or an engineer or engineering firm so designated by the City.

| TABLE 02-01.08A | USES IN THE <i>F-2 FLOOD FRINGE</i> DISTRICT |
|--|--|
| Permitted Principal & Accessory Uses | |
| Uses that are permitted in the F-2 district. | |
| <ul style="list-style-type: none"> • Any use permitted in the F-1 district • Any use permitted in an adjacent district within 500 feet of the lot on which the use is requested or structure is to built | |

| TABLE 02-01.08B | | MINIMUM SETBACK, AREA, & HEIGHT REQUIREMENTS IN THE <i>F-2 FLOOD FRINGE</i> DISTRICT** | | | |
|------------------|-------------------|--|---------------------------|---------------------------|----------------|
| Minimum Lot Area | Minimum Lot Width | Minimum Front Yard Setback | Minimum Side Yard Setback | Minimum Rear Yard Setback | Maximum Height |
| 7,500 Sq. Feet | 55 feet | PRINCIPAL USES | | | |
| | | 25 feet | 10 feet | 25 feet | 35 feet |
| | | ACCESSORY BUILDINGS & STRUCTURES | | | |
| | | 25 feet | 10 feet | 25 feet | 25 feet |

See Section **01-03 for explanations regarding setback & yard measurement. See Section **02-02.07** for modifications and exceptions of setback, area, & height requirements as well as other requirements that may apply to principal and accessory uses.

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02-02 SUPPLEMENTARY DISTRICT REGULATIONS**02-02.01 Reserved.**

02-02.02 Planned Unit Developments. The owner or owners of any tract of land comprising an area of not less than 5 acres may submit to the City Council a plan for the use and development of the entire tract of land, commonly referred to as a “Planned Unit Development” (or P.U.D.). A P.U.D. is intended to provide a means of the development or redevelopment of tracts of ground on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single-lot method provided in other sections of the Ordinance.

It is further the intent of this section that the basic principles of good land use planning, including an orderly and graded relationship between various types of uses, be maintained and that the zoning standards as set forth in this Ordinance be preserved. Normal permitted uses are those of a primarily residential character including single-family and multiple-family dwellings; usual accessory buildings such as garages; storage space; maintenance structures; and buildings for recreational purposes. Commercial uses in such developments are limited to those that are primarily for the service and convenience of the residents of the development.

- A. Review by Planning & Zoning Commission. Any proposals for a P.U.D. received by the Council shall be referred to the Planning & Zoning Commission for study and report, and the Commission shall hold a public hearing on the proposed plan. After the public hearing, the Commission may recommend the project for approval if it finds, through its studies of the proposed project, that the project meets the following conditions:
1. That the tract of land on which the project is to be erected is of sufficient size and has appropriate topography and sufficient access to service to support the project.
 2. That the buildings are to be used primarily for residential purposes and the customary accessory uses, such as private garages, storage spaces, recreational and community activities.
 3. That the average lot area per family or dwelling unit on the site, exclusive of the area occupied by drives or streets, will not be less than the lot area per family required in the residential district in which the project is to be located.
 4. That there is to be provided within the tract, or immediately adjacent thereto, parking spaces in private garages or off-street parking areas as specified in 1.15.
 5. That there are to be provided, as a part of the project, adequate recreation facilities to serve the needs of the anticipated population to be housed therein.
 6. That drives, access ways and parking areas are developed to a standard equal to that required for public use.
 7. That such drives and access ways are protected by recorded deed covenants assuring their availability to all residents of the project.
 8. That the proposed project will constitute a residential environment of a sustained desirability and stability; that it will be in harmony with the character of the surrounding neighborhood and ensure substantially the same type of occupancy as obtained or may be expected to be obtained in said neighborhood; that it will result in intensity of land utilization no higher, and standards of open spaces at least as high as permitted or specified in the ordinance in the district in which the project is to be located.
 9. That the project will be consistent with the intent and purpose of the ordinance to promote public health, safety, and general welfare.

- B. Setback Requirements. The setback requirements of the conventional zoning districts in which the development is located do not apply, except that minimum yards specified in the conventional district for suitable screening or buffering shall be provided around the boundary of the development.
- C. Approval by City Council. After review by the Planning & Zoning Commission, the City Council may then consider the P.U.D. proposal. If the City Council approves the plan, building permits may be issued even though the use of the land, location of buildings, and yards and open spaces detailed by the plans do not conform in all respects to the district regulations of the district in which it is located. Upon approval, said area shall be designated on the official zoning map.

02-02.03 Signs. The following regulations shall apply to signs in all districts.

- A. No sign may be lighted in a manner that impairs the vision of the driver of any motor vehicle.
- B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- C. No sign may imitate or resemble an official traffic control sign, signal, or device.
- D. Signs shall not encroach or extend over public right-of-way except in the C-1 district.
- E. No sign may obscure or physically interfere with an official traffic control sign, signal, or device.
- F. No advertisement or advertising structure shall be posted, erected, or maintained that simulates any official, directional, or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- G. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
- H. No billboard, sign, banner, or other advertisement shall be constructed of such height that it interferes with any utility pole, line, or wire. Utility providers may provide restrictions regarding how close billboards, signs, banners and supporting structures may be located in relation to utility poles and wires. Such restrictions shall govern.
- H. Billboards and off-premise signs (i.e., signs not attached to businesses) shall be allowed in M-1, M-2, and C-2 districts, and only in other districts by special exception of the Board of Adjustment, and shall be subject to the following requirements:
 - 1. No billboard or similar advertising banner or signboard shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
 - 2. Billboards shall not exceed 300 square feet in area.
 - 3. No billboard or similar advertising banner or signboard shall be constructed or located where it will unreasonably interfere with the use and enjoyment of neighboring property.

4. Billboards and off-premise signs with a total sign surface area of 32 square feet or less may be located on any part of a lot provided the sign is no higher than 5 feet and does not interfere with any traffic visibility. Signs between 33 and 75 square feet may be located/constructed so that the closest edge of the sign or structure supporting the sign is a minimum of 10 feet from any adjacent property line. Height requirements in the district apply. Billboards with sign surface areas over 75 square feet shall be subject to the same height and location (setback) requirements as other structures in the respective district.
5. All billboards and off-premise signs shall require a building permit per Section 03-07 of this Ordinance.

02-02.04 Home Occupations. Within the various districts as described, certain uses are permitted, as they are mutually compatible. It is the intent of this section to restrict incompatible uses; however, it is not the intent to eliminate certain home occupations that may be compatible with residential areas. Home occupations are hereby permitted and defined as business, occupation, or profession carried on within a residential dwelling by a resident thereof, and shall be subject to the following provisions:

- A. There shall be no exterior advertising other than identification of the home occupation by a sign that shall be attached to the dwelling and shall not exceed 1 square feet in area.
- B. There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, and electrical or electronic disturbance at or beyond the property line.
- C. The activity shall employ primarily members of the immediate family of the residents of the dwelling.
- D. The use shall be clearly incidental and secondary to the use of the dwelling purposes and shall not change the character thereof.
- E. There shall not be any activity so as to cause parking and/or traffic problems annoying to adjacent property owners and the public, including the storage of materials. A home occupation shall provide additional off-street parking area in accordance with the provisions of this Ordinance. A home occupation shall also have adequate enclosed storage so as to prevent the storage of materials or equipment outside (i.e., contractors storing tools, equipment, materials, etc.)
- F. The above listed provisions shall not be construed to restrict rummage or garage sales of the sale of garden produce on the premises, provided this exception shall not extend to allow the operation of a commercial greenhouse or nursery, or the existence of stands or booths for the display of produce.

02-02.05 Off-street Parking and Loading Requirements. The intent of this section is to prevent traffic congestion and to provide for property traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. The requirements of this section are minimum requirements, and in certain circumstances, they may be inadequate. If a review of site plans or building permit applications reveals, through the application of proven standards or experience, that the requirements herein are inadequate for the specific project or land use, greater requirements for parking or off-street loading may be required by the Council.

- A. Off-Street Loading. The following off-street loading requirements shall apply in all zoning districts:
 - 1. All activities or uses allowed in any district shall be provided with adequate receiving facilities accessible by motor vehicle from any adjacent service drive or open space on the same lot.
 - 2. Loading shall not be permitted to block the public right-of-way.
- B. Specific-use Parking & Loading Requirements. The following minimum off-street parking requirements shall apply:

| TABLE 02-02.05A | | OFF-STREET PARKING REQUIREMENTS |
|---|---|--|
| GROUP A: All uses of land and buildings enumerated under Group A shall provide off-street parking and loading space on the same zoning lot as such use or building and said parking or loading space shall have convenient and unobstructed pedestrian access across said zoning lot to a principal entrance to the building or use. | | |
| USE | PARKING REQUIRED | LOADING SPACE REQUIRED |
| 1 & 2-Family Dwellings | 2 for each unit | 2 for each |
| Multi-Family Dwellings (3 and above) | 1 ½ for each unit | 1 for any building containing 10 units plus 1 additional space for each additional 20 units |
| Automotive or Machinery Sales and Service Garages | 1 for each 400 square feet of floor area | 1 for each 5,000 square feet of floor area |
| Banks, Professional & General Offices | 1 for each 400 square feet of floor area | None |
| Beauty and Barber Shops | 2 for each operator | None |
| Boarding, Rooming & Lodging Houses | 1 for each bedroom | None |
| Bowling Alleys | 5 for each alley | None, unless a restaurant or tavern is attached, then 1 space |
| Doctor's Offices, Medical & Dental Clinics | 5 spaces for each physician | None |
| Funeral Homes & Mortuaries | 1 for each 3 seats in chapels or 1 for each 50 square feet of public area, whichever is greater | 1 for each hearse, ambulance, or other non-passenger vehicle |
| Furniture & Appliance Sales & Repair | 1 for each 500 square feet of gross sales & repair space | 1 for the first 5,000 square feet plus 1 for each addition 20,000 square feet |
| Real Estate Sales Office | 2 for the first 200 square feet plus 1 for each 100 square feet of office and public space | None |
| Restaurants, Taverns, Bars, & Night Clubs | 1 for each 2 ½ seats | 1 |
| Retail Stores and Shops | 1 for each 100 square feet of gross sales space | 1 for the first 5,000 square feet plus 1 for each additional 30,000 square feet |
| Sports & Recreation Establishments, Dance Halls | 1 for each 3 fixes seats or 1 for each 100 square feet of gross floor area of public space | None |
| Small Item Service & Repair Shops | 1 for each 200 square feet of gross floor area | 1 for the first 400 square feet of gross floor area plus 1 space for each additional 5,000 square feet |

GROUP B: All uses of land and buildings enumerated under Group B shall provide off-street parking and loading space on the same zoning lot as such use or building for all customers or patrons frequenting the establishment and said parking or loading space shall have convenient and unobstructed pedestrian access across said zoning lot to a principal entrance to the building or use. That portion of the parking requirement that is attributed to employees may be provided within 330 feet of the use or building.

| USE | PARKING REQUIRED | LOADING SPACE REQUIRED |
|---|--|---|
| Clubs, Organizations & Halls | 1 for each 100 square feet of assembly space on site, plus 1 space for each 2 employees | 1 |
| College Fraternities, Sororities | 1 for each 2 bedrooms (1/2 of the requirements may be off-site) | None |
| Hospitals & Rest Homes | 1 space for each 4 beds plus 1 space for each 2 staff physicians on site, plus 1 space for each 3 employees of all classes on the largest shift | 1 space for the first 40,000 square feet of floor area plus 1 space for each additional 150,000 square feet of floor area |
| Hotel, Apartment Hotel, Motel, Club with Guest Rooms | 1 space for each unit for the first 20 units plus 1 space for each 2 units for those in excess of 20 on site; plus 1 space for each 2 employees on the largest shift | 1 space for the first 40,000 square feet of floor area, plus 1 space for each additional 150,000 square feet of floor area |
| Single-occupancy Office Buildings of 10,000 square feet or larger | 1 space for each 500 square feet of gross floor area on site, plus 1 space for each 600 square feet | 1 space for the first 10,000 square feet plus 1 space for each additional 40,000 square feet of gross floor area |
| Warehouses | 4 spaces for the first 5,000 square feet of gross floor area, plus 1 additional space for each additional 5,000 square feet (25% of total requirements shall be on-site) | 2 spaces for the first 5,000 square feet of gross floor area plus 1 space for |
| Wholesale, Stores with Stock of Goods | 1 space for each 400 square feet of gross floor area. (50% of total requirements shall be on-site) | 1 space for the first 6,000 square feet of gross floor area plus 1 space for each additional 20,000 square feet of gross floor area |

GROUP C: All uses of land and buildings enumerated under Group C shall provide off-street loading space on the same zoning lot as such use or building and said loading space shall have convenient and unobstructed access to the building or use. Parking requirements for customers, patrons and employees may be provided within 660 feet of said use or building.

| USE | PARKING REQUIRED | LOADING SPACE REQUIRED |
|--|---|---|
| Auditoriums, Stadiums (except school), Theaters, Community Centers and similar places of public assembly | 1 space for each 5 seats in the main assembly area, or where no fixed seats are provided, 1 space for each 50 square feet of main assembly area | None |
| Churches | 1 space for each 4 seats in the main assembly area | None |
| Libraries, Museums and similar uses | 1 space for each 400 square feet of gross space to which the public has access | 1 space for the first 5,000 square feet of gross floor area plus an additional 1 space for each additional 10,000 square feet of gross floor area |
| Manufacturing & Freight Terminals | 4 spaces for each 10,000 square feet of gross floor area, plus 1 space for each employee on the largest shift | Sufficient to allow for completely off-street loading operation but in no event less than required for a warehouse |
| Senior High Schools, Junior High Schools, Elementary Schools | 1 space for each teacher or employee except that where living accommodations for such teachers or employees are provided on or near the site this requirement may be satisfied by the parking provided for the living quarters so provided, plus 1 space for each 100 square feet of seating space in the auditorium or multi-purpose room, whichever is larger | None |

C. Other Off-street Parking & Loading Provisions.

1. All parking spaces should be a minimum of 9 feet wide and 19 feet long.
2. Loading spaces shall be at least 12 feet wide and 60 feet long for industrial and warehouse type uses but may be 12 feet wide and 30 feet long for retail, service, and institutional establishments. Aisles adequate to accommodate the maneuvering into position of such vehicles shall be provided accessory to such space or spaces. Required parking spaces shall not be provided within a required front yard.
3. Adequate entrances and exits shall be provided for so as to minimize traffic congestion.
4. Parking areas shall be properly graded for drainage.
5. Parking areas shall be surfaced with Portland cement, asphaltic cement concrete, or crushed gravel.
6. New Additions: In case of new additions to existing buildings, off-street parking and loading areas shall be provided for the new floor area added in accordance with the provisions of the table above.
7. Several Uses: If several uses occupy a single structure or parcel, the total requirements for off-street parking shall be the sum of the requirements of the uses computed separately.
8. Joint Use. Owners of 2 or more uses, structures, or parcels may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap or are adequate for both uses, provided that satisfactory legal evidence is presented in the form of deeds, leases, or contracts to establish joint use.
9. Availability: Required spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business of use.
10. Plan: All applications for building permits shall include plans showing how the off-street parking and loading requirements will be met.

D. Vehicles & Trailer Parking in Residential Districts. In all residential districts, vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in completely enclosed buildings. No automotive vehicle or trailer of any kind shall be parked or stored in a required front yard on any lot in any residential district except when parked on a designated driveway. No vehicle of any kind shall be parked on public or private property so as to create a safety hazard with pedestrian or vehicular traffic.

02-02.06 Fences, Walls, Hedges, & Trees. Fences, walls (including retaining walls), hedges, and trees are permitted in all districts in accordance with the following provisions:

- A. If a sidewalk is present, fences must be constructed no closer than 2 feet from the sidewalk.
- B. No fence, wall or hedge more than 30 percent solid or more than 3 feet high may be located within 20 feet of any intersection.
- C. Fences, walls, or hedges less than 4 feet high may be located on any remaining part of a lot.

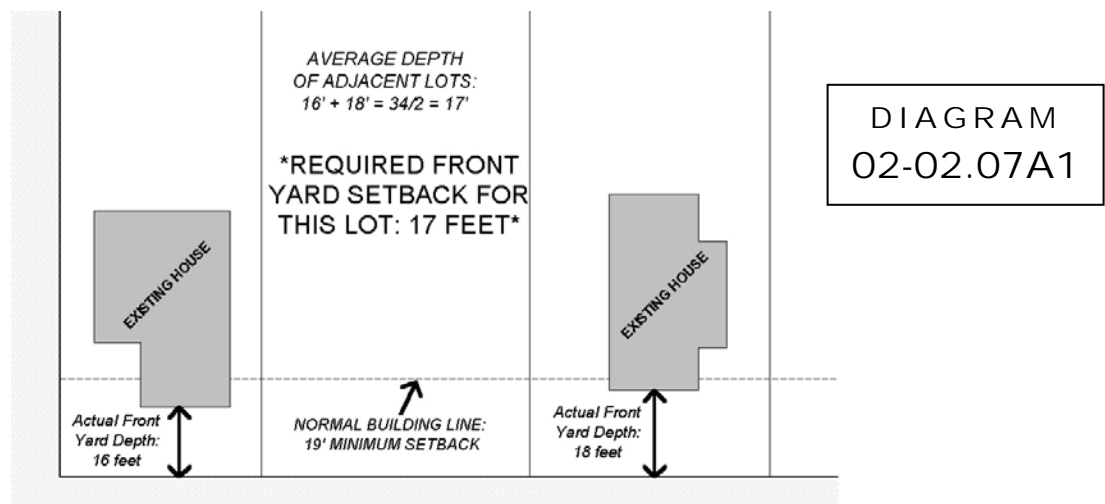
- D. Fences, walls, or hedges less than 6 feet high may be erected on those parts of a lot that are as far back or further back from a street than the main building or structure. Higher fences may be allowed by special exception by the Board of Adjustment.
- E. Fences or walls shall require a building permit per Section 03-07 of this Ordinance.
- F. Tree branches that overhang a public sidewalk shall be kept trimmed to a height of at least eight feet above the sidewalk level. Tree branches that overhang a public street shall be kept trimmed to a height of at least 16 feet above the street level.

02-02.07 Area, Height, Yard, Setback Modifications and Exceptions.

A. Front Yard Modifications & Exceptions.

1. Bay windows or balconies occupying in the aggregate not more than 1/3 of the front wall, open fire escapes, and the ordinary projection of fireplaces and flues may project 3 & 1/2 feet into a required yard if so approved and permitted by the Zoning/Building Administrator.
2. Belt courses, leaders, sills, pilasters, or other decorative features may project no more than 2 feet into a required yard.
3. Open, unenclosed and uncovered porches and stairs may extend up to 10 feet into a front yard by special exception of the board of adjustment.
2. In any district where the average depth of two or more existing front yards on lots within 100 feet of the lot in question and within the same block front is less than the minimum front yard setback prescribed, front yard setbacks may be varied.

The depth of the front yard setback on such lot shall not be less than the average of said existing front yards or the average depth on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of front yard on a lot in any residential district shall be at least 15 feet. (See Diagram 02-02.07A1 below for example)



B. Side Yard Modifications & Exceptions.

1. Along any district boundary line, any abutting side yard setback on a lot in the less restricted district shall have at least width equal to that required in the more restrictive district.
2. Side yard setbacks may be reduced by three inches from the otherwise required least width of each side yard setback for each foot by which a lot of record at the time of enactment of this Ordinance is narrower than the minimum lot width specified for the district in which the lot is located, provided the owner of record does not own any adjoining property, and provided that no side yard shall be narrower at any point than three feet.

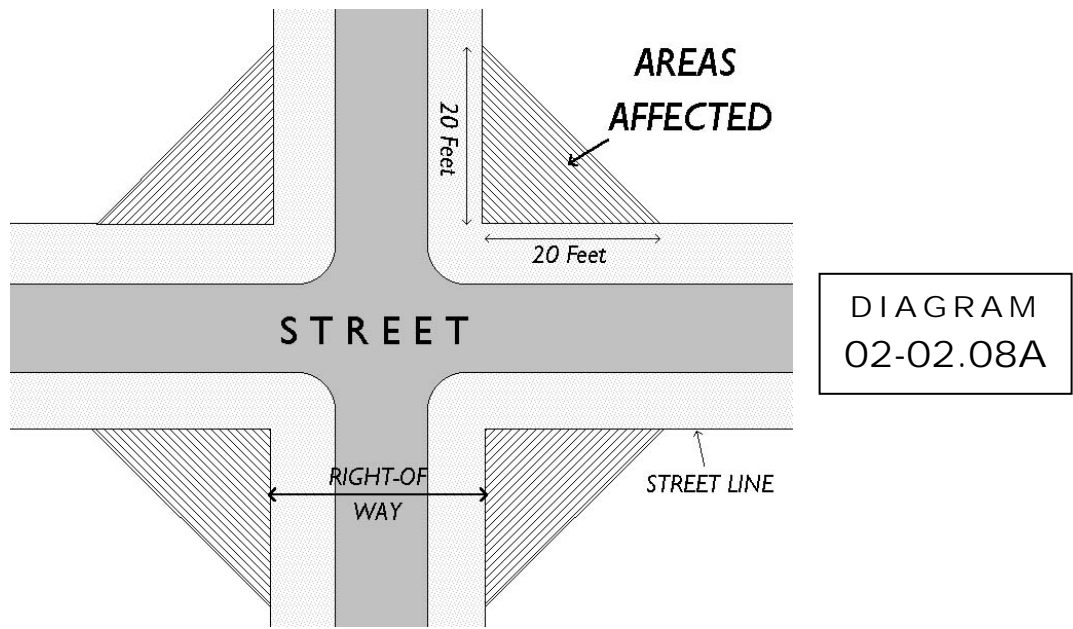
| TABLE 02-02.07B1 | | SAMPLE CALCULATION OF SIDE YARD SETBACK REDUCTIONS FOR EXISTING LOTS SMALLER THAN MINIMUM REQUIREMENTS OF THIS ORDINANCE | | |
|---------------------|---------------------|--|------------------------------------|---|
| Actual Lot Width | Minimum Required | Difference | X 3 inches = 60 inches | 60 inches ÷ 12 inches (1 foot) = 5' |
| 50 feet | 70 feet | 20 feet | | (total reduction in side yard setback, or 2 ½ feet for each side yard) |

- C. Accessory Buildings & Structures. No accessory building, including detached private garages, storage sheds, doghouses or runs, or any other such structure may be constructed in any required front yard. Such structures may be constructed in a side or rear yard provided the structure is not closer than 5 feet from any side or 3 feet from any rear lot line. Accessory buildings and structures shall be kept a minimum of 5 feet from the principal building, and the total area of all accessory buildings & structures (in aggregate) shall not occupy more than 30 percent of a required rear or side yard. Accessory buildings or structures may not exceed 15 feet in height except by special exception of the Board of Adjustment.

There shall be no more than three (3) accessory buildings or structures on any property unless so approved by special exception by the Board of Adjustment. (i.e., a detached garage, garden shed, and dog run would be considered 3 accessory structures and would constitute the maximum). All accessory buildings, including garages and storage sheds, in residential districts shall be constructed with materials and finishes that conform in style and aesthetics to the principal structure (house, apartment, etc.) on the property, and fit in with the character of the surrounding residential properties.

- D. Height Limits. Height limits specified in district regulations or elsewhere shall not apply to chimneys, church steeples, cooling towers, grain elevators, fire towers, monuments, stacks, stage towers or scenery, lofts, water towers, spires, wireless communication towers, elevator bulkheads, or other necessary mechanical appurtenances.

02-02.08 Traffic Visibility Across Corner Lots. In any residential district on any corner lot, nothing shall be erected, placed, maintained, planted, or allowed to grow in the area within 20 feet of the corner of the intersection right-of-way so as to interfere with traffic visibility across the corner (See Diagram 03.02.08A for illustration).



02-02.09 Accessory Yard Fixtures (Satellite Dishes, Lampposts, Flagpoles, etc.). Semi-permanent accessory fixtures are allowed in all districts subject to the provisions and limitations in this section. The construction or installation of any such fixture, whether listed here or not, shall require a building permit per the requirements of Section 03-07 of this Ordinance

- A. Liquid Propane Fuel Tanks. All liquid propane fuel tanks shall be placed in rear or side yards. LP fuel tanks holding under 125 gallons may be placed in any part of rear or side yards. LP fuel tanks holding between 125 and 500 gallons shall be placed a minimum of 10 feet from any property or lot line. In relation to buildings and structures, LP fuel tanks shall be sited at distances from buildings sufficient to meet Uniform Fire Code requirements.
- B. Satellite Dish Antennas. The placement of satellite dish antennas (other than those attached to a building), either permanent or temporary, is permitted in side or rear yards of any district. Satellite dish antennas shall be considered an accessory structure (except that a 72 hour temporary use is allowed), and shall be subject to provisions for accessory structures as provided in Section 02-02.07C. No satellite dish shall exceed a diameter of 12 feet, except in the case of one that is owned and operated by, and part of a public cable television system. The installation of a satellite dish antenna shall require a building permit per Section 03-07.
- C. Lampposts. Lampposts, light bollards, and other similar exterior lighting fixtures are permitted in all districts. Lampposts shall not exceed a height of 7 feet, and no lamppost or bollard exceeding 3 feet in height may be erected or placed within 20 feet of any intersection or on any public utility easement. All electrical and gas lines powering lampposts or bollards must be underground. The erection or placement of lampposts or bollards shall require a building permit per Section 03-07.
- D. Flagpoles. Flagpoles are permitted in all districts. Flagpoles shall be subject to height requirements in each district. Flagpoles may be erected in any part of a yard so long as they do not interfere with any public utility lines or create traffic visibility issues. All electrical lines powering lights for lighted flagpoles shall be underground. The erection or placement of a flagpole shall require a building permit per Section 03-07.

- E. Clotheslines. Fixtures such as clotheslines may be erected on any part of a side or rear yard as long as they meet all other requirements of this Ordinance. The installation of a clothesline shall require a building permit per Section 03-07.
- F. Basketball Hoop Poles. Basketball hoop poles may be erected on any part of a rear or side yard so long as they meet all other requirements of this Ordinance and do not interfere with any public utility lines or create visibility issues. Basketball hoop poles may be installed in a front yard only if they are adjacent to a paved driveway that leads to an enclosed garage, are no closer to the property line than the midway point between the property line and the structure, and do not interfere with any public utility lines or create visibility issues. The erection of a basketball hoop pole shall require a building permit per Section 03-07.

02-02.10 Swimming Pools in Residential Districts. Swimming pools, including those permanently constructed and those that are temporarily erected, are permitted to be constructed or placed only in a rear yard, with the following provisions:

- A. All swimming pools must be erected, constructed, or placed at least 6 feet from the nearest lot line. The maximum area of any permanently constructed swimming pool should not exceed 15 percent of the total lot area.
- B. Permanently constructed swimming pools must be enclosed by a fence at least 4 feet high and located not less than 5 feet and not more than 15 feet from the edge of the pool. Such fence may be solid or not, but must prevent unauthorized access to the pool area (i.e., a chain-linked fence is acceptable).
- C. The maximum height of all swimming pools is 4 feet above the finished grade level of the ground surrounding the pool.
- D. Swimming pools or any portion thereof may not be located directly under any electrical service wires.
- E. Temporary swimming pools, such as those not intended for permanent installation (by manufacturer's design or otherwise), shall not be subject to the fence requirements outlined herein, but shall be subject to all other provisions herein. Additionally, property owners with temporary swimming pools shall make provisions to safeguard against accidents, including taking such actions as draining or covering the pool, erecting temporary fencing, etc.

02-02.11 Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

02-02.12 Residential Dwelling Standards. In all districts permitting single-family dwellings on a single lot, the following standards shall apply to each dwelling constructed:

- A. All dwellings in residential districts must have minimum dimensions of 24 feet X 24 feet.
- B. The foundation shall meet one of the following construction type requirements:
 - 1. A continuous and complete permanent perimeter foundation on the main body of the structure;
 - 2. Slab-style, with 10-inch width by 42-inch depth perimeter frost footing;

3. Pier footing system, provided the planned footings have been designed and are constructed to be compatible with the proposed structure and the building site, and have certification to such from a structural engineer or architect
 4. Structures shall be permanently affixed to the foundation.
- C. All hitches, wheels, axles, and any other types of towing devices shall be permanently removed.
- D. All dwellings shall contain a minimum of 960 square feet of living space.

* * * * *

CHAPTER 3: ADMINISTRATION

03-01 PLANNING & ZONING COMMISSION.

03-01.01 Commission Created. There is hereby created a city Planning and Zoning Commission, hereinafter referred to as the Commission, composed of seven residents of the City, who shall be qualified by knowledge and experience to act in matters pertaining to the development of city planning and zoning, none of whom shall hold any elective position in the City or County. Such members shall be appointed by the city council.

03-01.02 Terms. The term of office of members of the commission shall be 5 years. The terms of not more than 1/3 of the commission will expire in any one year.

03-01.03 Officers. The commission shall elect at its first meeting of any year, one of its members to act as chairperson and another as vice-chair, who shall perform all the duties of the chairperson during their absence or disability.

03-01.04 Compensation. All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to approval of the Council.

03-01.05 Meetings/Quorum. Meetings of the Commission shall be open to the public. Three members of the Commission shall constitute a quorum. Without a quorum, no business will be transacted and no official action on any matter will take place. An affirmative vote of three members of the Commission will be required for the exercise of powers or functions conferred or imposed on the commission.

03-01.06 Vacancies. Vacancies caused by resignation or otherwise shall be filled by a successor appointed by the Council in the same manner as the original appointee for the remainder of the original term.

03-01.07 Powers & Duties. The Commission shall have and exercise the following powers and duties:

- A. Adopt Rules & Regulations. The Commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.
- B. Comprehensive Plan. The Commission shall have full power and authority to make such surveys, studies, maps, plans or plats of the whole or any portion of the city and of any land outside thereof, which in the opinion of the Commission bears relation to a comprehensive plan, and shall submit such plan to the council with its studies and recommendations, and it may publish the same.
 1. Preparation. For the purpose of making a comprehensive plan for the physical development of the City, the Commission shall make careful and comprehensive studies of present conditions and future growth of the City and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing coordinated, adjusted, efficient, and harmonious development of the City, which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.
 2. Public Hearing. The Commission shall hold at least one public hearing before adopting a Comprehensive Plan, any part of it, or substantial amendment thereof, thereon. Notice of said public hearing(s) shall be given by one publication in a newspaper of general circulation in the City not less than 7 or more than 20 days before the date of the hearing.

3. Amendments. The Commission may recommend to the city council, from time to time, as conditions require, amendments, supplements, changes or modifications in the comprehensive plan prepared by it. When the Comprehensive Plan has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the Commission for its recommendations. If the Commission disapproves the proposed change, the Council may adopt it only by the affirmative vote of at $\frac{3}{4}$ of the members of the said Council.

C. Review & Comment on Plats. All plans, plats or re-plats of subdivision or re subdivision of land embraced in the city or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the city, shall first be submitted to the Commission and its recommendations obtained before approval by the Council.

D. Review & Comment on Street Improvements. No plan for any street, park, parkway, boulevard, traffic way, river front, or other public improvement affecting the city plan shall be finally approved by the city or the character or location thereof determined, unless such proposal shall first have been submitted to the commission and the latter shall have had thirty days within which to file its recommendations thereon.

E. Zoning. The commission shall have and exercise all the powers and duties and privileges in preparing and amending the city zoning code as provided by Chapter 414 of the Code of Iowa.

F. Review of Building Permit Applications, per Section 03-07 of this Ordinance.

03-01.08 Fiscal Responsibilities & Debts. The Commission shall have authority to expend for and on behalf of the City all sums of money appropriated to it by the Council. The Commission shall have no power to contract debts.

03-02 BOARD OF ADJUSTMENT.

03-02.01 Board Created. There is hereby created a Board of Adjustment, hereinafter referred to as the Board, composed of five residents of the City, none of whom shall hold any elective position in the City. A majority of the Board shall be persons representing the public at large and not involved in the real estate business. Board members shall be appointed by the city council.

03-02.02 Terms. The term of office of members of the Board shall be 5 years. The term of not more than one of the Board members will expire in any one year.

03-02.03 Officers. The Board shall elect annually at its first meeting of any year, one of its members to act as chairperson and another as vice-chair, who shall perform all the duties of the chairperson during their absence or disability. The Board shall also appoint a Secretary, who may be a Board member or other city official, who 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 immediately filed in the office of the City Clerk and shall be public record. All actions of the Board concerning special exceptions or variances shall also be recorded in the office of the County Recorder, and it shall be the responsibility of the appellant to record said action(s) and all corresponding stipulations and further said action shall take effect upon the Board receiving sufficient confirmation of the same.

03-02.04 Compensation. All members of the Board shall serve without compensation, except their actual expenses, which shall be subject to approval of the Council.

03-02.05 Meetings/Quorum. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Meetings of the Board shall be open to the public. Three members of the

Board shall constitute a quorum. Without a quorum, no business will be transacted and no official action on any matter will take place. An affirmative vote of three members of the Board will be required for the exercise of powers or functions conferred or imposed on the Board.

03-02.06 Vacancies. Vacancies caused by resignation or otherwise shall be filled by a successor appointed by the Council in the same manner as the original appointee for the remainder of the original term.

03-02.07 Rules & Regulations. The Board shall adopt rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance. Said rules and regulations shall be consistent with law and the provisions of this Ordinance.

03-02.08 Assistance From Municipal Departments/Staff. The Board may call on municipal departments or staff for assistance in the performance of its duties, and it shall be the duty of such departments or staff to render such assistance to the board as may reasonably be required.

03-02.09 Powers & Duties of the Board. The Board shall have the following powers and duties:

A. Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning/Building Administrator in the enforcement of this Ordinance or any amendment thereto. Appeals shall be reviewed according to the following provisions:

1. Procedure. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, or board of the City affected by any decision of the Zoning/Building Administrator. Such appeal shall be taken within 60 days by filing with the Zoning/Building administrator and the Board a notice of appeal specifying the grounds thereof. The Zoning/Building Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.
2. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning/Building Administrator certifies to the Board that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the Zoning/Building Administrator from whom the appeal was taken on due cause shown.
3. Hearing. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within 30 days. At said hearing, any party may appear in person, by agent, or by attorney.

B. Special Exceptions. To hear and decide only such special exceptions as the Board is specifically authorized to pass 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. The Board shall review requests for special exceptions according to the following provisions:

1. Application. A written application for special exception shall be submitted to the Board indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
2. Hearing. The Board shall fix a reasonable time for the hearing of the special exception, give public notice thereof, as well as due notice to the parties in interest and

decide the same within 30 days. At said hearing, any party may appear in person, by agent, or by attorney. The public hearing shall be held.

3. Finding. The special exception shall not be granted unless the Board finds 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 affect the public interest.

C. Variances. 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, and so that the spirit of this Ordinance shall be observed and substantial justice done. However, no variance shall permit the use of the property for purposes not authorized within the district. The Board shall review applications for variances according to the following provisions:

1. Initiation. A property owner or his authorized agent may initiate a request for variance. The City Council or Planning & Zoning Commission may also initiate a request where a City property is involved.
2. Application. A written application by a property owner or his authorized agent for variance, in form approved by the City Council, shall be filed with the Zoning/Building Administrator. Adequate drawings and other descriptive materials essential to understanding the variance requested shall accompany the application. The application shall include evidence demonstrating:
 - a.) That there are special, exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district.
 - b.) That the special circumstances or conditions did not result from actions of the applicant;
 - c.) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.
 - d.) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the ordinance or the public interest.
3. Hearing. The Board shall fix a reasonable time for the hearing of the variance request, give public notice thereof, as well as due notice to record owners of property abutting and within 200 feet of the lot or parcel of land on which the variance is requested or record owners of any other lot or land parcel which may be affected by the proposed variance. Any decision by the Zoning/Building Administrator as to the identity of persons affected by the proposed variance shall not be subject to appeal.

At said hearing, any party may appear in person, by agent, or by attorney. The variance may be granted, refused, or tabled subject to further investigation.

4. Findings. The Board shall make their final decision within 30 days of the hearing. The variance shall not be granted unless the Board finds beyond a reasonable doubt that the conditions detailed in the application actually exist, that 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. The Board shall, in order to grant the variance, further find 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 the variance, the Board may attach conditions that it feels are necessary to protect the public interest and carry out the purposes of this Ordinance. A concurring vote of three members of the Board shall be necessary to grant a variance and the Zoning/Building Administrator shall notify the applicant in writing of the Board's action within 7 days after the Board has rendered its decision.

5. Condition not Recurrent or Typical. No variance shall be granted unless the board specifically finds the condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment of the ordinance, for such conditions or situations.
6. No Power to Establish Variance for Non-conforming use. The board shall have no power to authorize a variance for the establishment of a non-conforming use where none previously existed.
7. Review by Council. The Council may provide for its review of variances granted by the Board of Adjustment before their effective date. The Council may remand a decision to grant a variance to the Board of Adjustment for further study. The effective date of the variance is, in such case, delayed for 30 days from the date of remand.

- D. Special Use Permits. To review applications for Special Use Permits, per the requirements and provisions of Section 03-08 of this Ordinance.

3-02.10 Judicial Review. All final administrative decisions of the board of adjustment shall be subject to judicial review pursuant to the provisions of Chapter 414, Code of Iowa, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

03-03 ZONING/BUILDING ADMINISTRATOR

03-03.01 Position Created. The Council shall designate or appoint a Zoning/Building Administrator, hereinafter referred to as Administrator to enforce this Ordinance. The Administrator may be an employee of the City, but may not be an elected official, or a member of either the Board of Adjustment or Planning & Zoning Commission. The Administrator may be provided with the assistance of the City Clerk or other such other persons as the City Council may direct.

03-03.02 Powers & Duties. The Administrator shall:

- A. Be familiar with this Zoning Ordinance and all terms and provisions contained herein;
- B. Work with the Council to review all completed building permit applications;
- C. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance, including setback provisions, and issue Certificates of Zoning Compliance for projects or uses in compliance with this Ordinance;
- D. Make preliminary reviews of applications for variances and special exceptions, and provide assistance to the Board of Adjustment in determining the validity of such requests;
- E. Initiate, direct, and review from time to time a study of the provisions of the Ordinance and make reports of recommendations to the Planning & Zoning Commission and Council;
- F. Notify, in writing, persons responsible for violations of the provision of this Ordinance, including the nature of the violation and the necessary action to correct it. The Administrator shall also notify the City Attorney, when necessary, who shall take any action necessary to remedy uncorrected violations.
- G. Review building permit applications, per Section 03-07 of this Ordinance.

03-04 CITY CLERK/ADMINISTRATOR

03-04.01 Powers & Responsibilities in Regards to Zoning. In regards to the administration of this Zoning Ordinance, the City Clerk/Administrator shall:

- A. Make available to the public applications for appeals, building permits, variances, special exceptions, special uses, and zoning changes;
- B. Accept all completed applications as described in the preceding paragraph and forward as appropriate per the provisions of this ordinance to the Zoning/Building Administrator, City Council, Planning & Zoning Commission, Corridor Design Review Commission, and/or the Board of Adjustment for review;
- C. Assist the Zoning/Building Administrator, City Council, Planning & Zoning Commission, Corridor Design Review Commission, and/or the Board of Adjustment in the scheduling of meetings or inspections and with the necessary mailing, posting, and publishing of notices as relating to said meetings or inspections;
- D. Maintain permanent and correct records of the Ordinance, including, but not limited to, all maps, amendments, uses on review, variances, appeals, and applications thereof;
- E. Provide and maintain a public information service relative to all matters rising out the Ordinance.

03-05 RESERVED.

03-06 ENFORCEMENT & PENALTY

03-06.01 Interpretation & Enforcement. The Zoning/Building Administrator shall have the power and duty to interpret and enforce the provisions of this Ordinance. Any appeal from a ruling of the Zoning/Building Administrator shall be made to the Board of Adjustment. It is the intent of this Ordinance that all questions on interpretations and enforcement shall first be presented to the Zoning/Building Administrator.

03-06.02 Penalties. Violations of the provisions of this Ordinance, or with any of its requirements (including violations of conditions established in connection with grants of variances or special exceptions) shall constitute a misdemeanor, and any person upon conviction thereof shall be fined not more than \$100.00 or imprisoned for a term not to exceed 30 days. Each day that the violation continues shall be considered a separate offense.

03-06.03 Complaints Regarding Violations. Any person may file a written complaint when a violation of this Ordinance has occurred or is alleged to have occurred. Such complaint shall state fully the causes and basis thereof, and be filed with the Zoning/Building Administrator, who shall properly record said complaint, immediately investigate, and take appropriate action thereon as provided by this Ordinance.

03-06.04 Remedies. In case any building, structure, or other physical improvement is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the provisions of the ordinance, the municipal attorney, in addition to other remedies under the Code of Iowa is hereby authorized to institute an action to enjoin, or any other appropriate action or proceeding to prevent, stop, or reverse such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.

03-07 BUILDING PERMITS.

- 03-07.01 Application Required.** No building, structure, or other physical improvement (i.e., fences, sidewalks, driveways, porches, decks, gazebos, dog runs, lamp posts, etc.) shall be erected, constructed, moved, added to, or demolished without a building permit. Said building permit shall be approved as specified below **before** any work commences on any project. Any person commencing work without an approved permit shall be subject to penalties as defined in Section 03-06.02 ABOVE in addition to the required permit application fees.
- 03-07.02 Application Form Approved/Information Required.** Building permits in a form so approved by the City Council and the Zoning/Building Administrator shall be available from City Hall or the Zoning/Building Administrator directly. Every application for a permit shall be accompanied by a detailed drawing or plan drawn to scale in ink or blueprint, showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the building or structure to be erected or altered, the location of all lot/property lines, streets, and alleys, the required setbacks (based on the zoning district requirements), the existing and intended use of each building or part, the proposed number of units, the approximate cost of the project; types and kinds of material to be used. Building permit applicants shall be required, at the discretion of the Zoning/Building Administrator, to set stakes showing their property line boundaries, and stakes where the proposed building will be placed, prior to the inspection and before any action on the permit is taken. Such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of the ordinance shall also be provided.
- 3-07.03 Procedure for Application.** Applications shall be submitted to City Hall or directly to the Zoning/Building Administrator. Incomplete applications will be returned to the applicant with instructions for providing the appropriate information. Once all information and required fees have been submitted, the Administrator will review the application and plans for compliance with all provisions of this Ordinance, including applicable setbacks, use requirements, lot area coverage, etc. If the application meets all requirements, the Administrator will issue the permit and assign a project number. In addition to signing the permit, the Administrator will issue a placard that must be displayed on the project site until all construction is complete.
- 03-08 SPECIAL USE PERMITS.** Allowable special uses may be permitted, enlarged, or altered upon submission of an application for a special use permit to the Board of Adjustment. The Board may grant or deny a special use permit in accordance with the standards set forth herein and the intent and purposes of this ordinance. In granting special use permits, the Board shall authorize the issuance of a special use permit and may prescribe and impose appropriate conditions and safeguards for the performance of the special use permit. Special use permits shall always have specified time limits, and therefore may also be referred to as “temporary use permits”.
- 03-08.01 Application Form/Information Required.** A request for a special use permit for a special use or modification of a special use may be initiated by a property owner or his authorized agent by filing an application with the City Clerk upon forms prescribed for the purpose. The application shall be accompanied by a site plan and such other plans and data showing the dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use or proposed modification in relation to the standards set forth herein.
- 03-08.02 Meeting.** Before issuance of any special use permit, the Board of Adjustment will consider the application at a meeting held at the call of the Chairperson within 30 days after the filing of the application.
- 03-08.03 Decisions.** The concurring vote of 3 members of the Board of Adjustment shall be necessary to grant a special use permit. Special use permits may generally be granted by the Board for no longer than 6

months, unless the Board specifically grants a longer period of time or a building permit is obtained within the 6 month period and construction is started.

03-08.04 Standards. No special use permit shall be granted by the Board unless the Board finds:

- A. That the establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare of the community.
- B. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property valued within the neighborhood.
- C. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- D. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided, but that the use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustment.
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, and that the use will not involve any activity substantially increasing the movement on public streets unless procedures are instituted to limit traffic hazards and congestion.
- F. The use shall not include any activity involving the use or storage of flammable, or explosive materials unless protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
- G. The use shall not include noise that is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled, nor vibration that is discernable without measuring instruments on any adjoining lot or property.
- H. The use shall not involve any malodorous gas or matter which is discernable on any adjoining lot or property, nor any pollution of the air by fly ash, dust, vapors, or other substance which may be harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
- I. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.

03-09 FEES. The Council may establish, by resolution, fees for various matters relating to this Ordinance including, but not limited to, the following:

- Building Permit Applications
- Application for Variance
- Application for Special Exception
- Application for Special Use
- Application for Change in Zoning Classification
- Appeals

The schedule of fees shall be available in the offices of City Administrator and Zoning/Building Administrator. The schedule may be altered or amended only by the Council, although the Planning & Zoning Commission may make recommendations. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or other action.

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CHAPTER 4: AMENDMENTS & CHANGES

04-01 AMENDMENTS.

- 04-01.01 Amendments & Changes.** The City Council may, from time to time, on its own initiative, on petition, or on recommendation by the Planning & Zoning Commission, after public notice and public hearings as provided by law and after report by the Planning & Zoning Commission or after 30 days notice to said Commission, amend, supplement, or change the regulations or districts herein or subsequently established.
- 04-01.02 Petition.** Whenever the owners of 50% or more of the area of the lots in any district or part thereof desire any amendment, supplement, or change in any of the provisions of this Ordinance applicable to the area, they may file a petition with the City Clerk requesting the City Council to make such amendment, supplement, or change.
- 04-01.03 Application.** Petitions shall be accompanied by a map or diagram showing the area affected by the proposed amendment, supplement, or change, together with the boundaries of the said area and the names and addresses of all the owners of record in the office of the County Recorder, of lots therein and within a distance of 200 feet outside of the boundaries in said area. The Council shall approve all zoning amendment application forms. All applications and petitions shall be submitted with the appropriate fee as established by the Council for said application.
- 04-01.04 Planning & Zoning Commission Study.** All applications & petitions for Zoning Ordinance or district changes shall be immediately forwarded to the Planning & Zoning Commission for study. The Commission shall, within 30 days, make and submit a report to the City Council detailing its recommendations approving, disapproving, or modifying the proposed amendment, supplement, or change.
- 04-01.05 Protest.** If a written protest against any proposed amendment, supplement, or change is presented to the City Council signed by 20% or more of the owners, either of the area of the lots included in such proposed change or those immediately adjacent to the area, such amendments shall not become immediately effective except by the favorable vote of at least $\frac{3}{4}$ of the members of the City Council.
- 04-01.06 Limitation.** Whenever a petition requesting an amendment, supplement, or change of any regulation prescribed by this Ordinance has been denied by the City Council, such petition cannot be re-submitted for review for 6 months thereafter. This provision, however, shall not prevent the City Council from acting on its own initiative in any case or at any time as provided in this Ordinance.
- 04-01.07 Record.** The Zoning/Building Administrator shall maintain a record of amendments to the text, the land use plans, and zoning maps in a form convenient for the use of the public and shall provide the City Clerk with a copy of each amendment to the text of this Ordinance and change to the maps and shall keep them as part of the public record.
- 04-02 REPEALER.** All ordinances or parts of ordinances in conflict with this Zoning Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.
- 04-03 SEVERABILITY.** If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

04-04 **EFFECTIVE DATE.** This Ordinance shall become effective upon its passage, approval, and posting or publication as provided by law.

ADOPTED AND APPROVED by Ordinance Number 2006-179 by the City Council of the City of Sac City, Iowa, May 30, 2006.

1ST READING: April 24, 2006

2ND READING: May 8, 2006

3RD READING: May 22, 2006
(FINAL)

PUBLICATION DATE (DATE EFFECTIVE): May 30, 2006

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