

CHAPTER 165

ZONING REGULATIONS

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165.01 TITLE. The ordinance codified in this chapter is entitled “AN ORDINANCE to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards, courts, and other open spaces; to establish minimum lot areas; and regulate the density of population and the percentage of lot that may be occupied; to require off-street parking; to regulate the location, size and number of signs, to divide the City into districts for such purposes; to provide for the administration and enforcement of its provisions; to create a Board of Adjustment; to prescribe penalties for the violation of its provisions, all in accordance with Chapter 414, Code of Iowa,” and may be known and cited as “The Zoning Ordinance of the City of Indianola, Iowa.”

165.02 PURPOSE. The purpose of this chapter is to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the City, all in accordance with a comprehensive plan.

165.03 DEFINITIONS. The following terms are defined for use in this chapter:

1. “Accessory use or building” means a use or structure subordinate to the principal use of a building or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal building or use of land.

However, for purposes of this chapter, an enclosed trailer, part of an enclosed trailer, an enclosed storage cubicle or a railcar shall not be used as an accessory use or building to a principal structure, unless (i) the enclosed trailer, part of an enclosed trailer, an enclosed storage cubicle or a railcar is used in conjunction with construction work and is promptly removed upon completion of the construction work, (ii) the enclosed trailer, part of an enclosed trailer, an enclosed storage cubicle or a railcar is on the premises to be unloaded and is, in fact, unloaded and removed within thirty days, or (iii) the enclosed trailer, part of an enclosed trailer or an enclosed storage cubicle is licensed, road worthy and moved from the premises for at least ten consecutive days during every six-month period. For purposes of this chapter, an enclosed trailer is a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways, enclosed to provide protection from the weather and having an overall area of more than one hundred twenty (120) square feet.

2. “Apartment” means a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are three (3) or more such rooms or suites.

3. “Apartment house” means a building arranged, intended, or designed to be occupied by three (3) or more families living independently of each other.

4. “Alterations, structural” means any change in the supporting members of a building such as bearing walls, columns, beams or girders.

5. “Basement” means a story having part but not more than one-half (½) its height below grade. A basement is counted as a story for the purpose of height regulation.

6. “Boardinghouse/bed and breakfast” means a building other than a hotel where, for compensation and by arrangement, meals and lodging are provided for two (2) or fewer family(ies) that are overnight guests and where no food is served to the general public.

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

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

9. “Commission” means the planning and zoning commission of Indianola, Iowa.

10. “Cellar” means a story having more than one-half (½) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

11. “Dwelling” means any building or portion thereof which is designed for and used exclusively for residential purposes.

12. “Dwelling, single-family” means a building designed for or occupied by one (1) family.

13. “Dwelling, two-family” means a building designed for or occupied exclusively by two (2) families. This definition includes condominiums or individual dwelling units within the structure which may be sold or transferred individually as well as rented or leased.

14. “Dwelling, multiple” means a building designated or occupied exclusively by more than two (2) families. This definition includes condominiums or individual dwelling units within the structure which may be sold or transferred individually as well as rented or leased.

15. “Elderly dwelling unit” means a dwelling unit with one (1) or more permanent residents sixty-two (62) years of age or older.

16. “Family” means one (1) or more persons each related to the other by blood, marriage, adoption, legal guardianship or as foster parent-children who are living together in a single dwelling and maintaining a common household. Not more than four persons not so related, living together on the premises, as a common household may constitute a “family”.

(Ord. 1361 – Aug. 06 Supp.)

17. “Farm” means an area which is used for the growing of the usual farm products, such as vegetables, fruits, and grains, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term “farming” includes the operating of such area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the product; provided, however, the operation of any such accessory uses shall be secondary to that of the normal farming activities, and such accessory uses do not include the

feeding of garbage or offal to swine or other animals or commercial feeding of animals or poultry in confined lots or buildings.

18. “Frontage” means all the property on one side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

19. “Garage, private” means an accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle of not more than two-ton capacity.

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

21. “Grade” means the average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.

22. “Handicapped dwelling unit” means a dwelling unit with one (1) or more permanent residents who have impairments that, for all practical purposes, confine those persons to a wheelchair, or who have impairments that cause those persons to walk with difficulty or insecurity, including, but not limited to, persons using braces or crutches, amputees, arthritics, spastics and any person with a pulmonary or cardiac problem who is semi-ambulatory.

23. “Home occupation” means an occupation or a profession which: (i) is carried on in a dwelling unit or in an accessory building on the same lot; (ii) is carried on by a member of the family residing in the dwelling unit, employing no person outside of the immediate family residing on the premises; and (iii) is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and (iv) for which there is kept no stock in trade, nor is any commodity sold on the premises; (v) has no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building; (vi) does not occupy more than ten percent (10%) of the area of the total floor area of the dwelling unit; (vii) has not more than one exterior sign mounted flush with the face of the building, which sign shall not exceed one square foot in area; and (viii) produces no offensive noise, vibration, smoke, dust, odors, heat or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood and causes no electrical interference with radio and television reception in the neighborhood.

24. “Institution” means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.
25. “Junkyard” means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, stored, abandoned or handled, including the dismantling or “wrecking” of automobiles or other vehicles or machinery, house-wrecking yards, used lumberyards and places or yards for storage of salvage house-wrecking and structural steel materials and equipment; but not including the areas where such uses are conducted entirely within a completely enclosed building.
26. “Kennel” means an establishment where dogs are boarded for compensation or where dogs are bred or raised for commercial purposes or sale.
27. “Loading space” means a space within the main building or on the same lot providing for the standing, loading or unloading of trucks, having minimum dimension of twelve (12) by thirty-five (35) feet and vertical clearance of at least fourteen (14) feet.
28. “Lot” means a parcel of land occupied or intended for occupancy by one main building together with its accessory buildings officially approved and having its principal frontage upon a dedicated street, except that a townhome lot need not have its principal frontage upon a dedicated street. The boundaries of the lot shall be determined by its lot lines. *(Ord. 1415 – Aug. 08 Supp.)*
29. “Lot, corner” means a lot abutting upon two (2) or more streets at their intersections.
30. “Lot, depth of” means the mean horizontal distance between the front and rear lot lines.
31. “Lot, double frontage” means a lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.
32. “Lot, interior” means a lot other than a corner lot.
33. “Lot of record” means a lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Warren County, Iowa.
34. “Lot width” means the width of a lot measured at the building line and at right angles to its depth.
35. “Lot, reverse corner” means a corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.
36. “Mobile home” means a vehicle used, or so originally constructed as to permit being used, as conveyance upon the public streets or highways and duly licensed as such, and constructed in such a manner as will permit occupancy

thereof for human habitation, dwellings, or sleeping places for one or more persons, provided further that this definition refers to and includes all portable contrivances used or intended to be used generally for living and sleeping quarters and which are capable of being moved by their own power, towed, or transported by another vehicle. This definition also includes and applies to such vehicles or structures that are located on a permanent or temporary foundation but does not include mobile homes converted to real estate as defined herein.

37. “Mobile home converted to real estate” means an unencumbered mobile home which has been attached to a permanent foundation on real estate owned by the mobile home owner, which has had the vehicular frame modified or destroyed, rendering it impossible to reconvert to a mobile home and which has been inspected by the assessor, the mobile home title, registration, and license plates collected from the owner and the property entered on the tax rolls of Warren County.

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

39. “Mobile home subdivision” means a subdivision created for the purpose of, and restricted to the sale or lease of individual lots for occupancy by independent mobile homes or mobile homes converted to real estate and having public streets, utilities and other public facilities installations approved by the Council in accordance with the subdivision regulations of the City.

40. “Nursing home” means a home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept and provided with food, or shelter and care, for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

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

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

43. “Satellite receiving antenna” means an accessory structure often called a “dish” or “earth station antenna,” the purpose of which is to receive communication including but not limited to radio and television or other signals

from satellite and other extraterrestrial sources whether affixed to the ground as a permanent structure or a mobile unit such as a trailer or vehicle.

44. “Sign” means any structure or part thereof or device attached thereto or painted or represented thereon which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word “sign” includes the word “billboard” but does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

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

46. “Story, half” means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

47. “Street” means a public or private thoroughfare which affords the principal means of access to abutting property.

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

49. “Travel trailer” or “camping trailer” means a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed as to permit the vehicles to be used as a place of human habitation by one or more persons. Said vehicle may be up to eight (8) feet in width and any length provided its gross weight does not exceed 4,500 pounds, which shall be the manufacturer’s shipping or the actual weight provided its overall length does not exceed 28 feet. Such vehicle shall be customarily or ordinarily used for vacation or recreation purposes; if used as a place of human habitation for more than 90 days in any 12 month period, it shall be classed as a mobile home, regardless of the size and weight limitation provided herein. This definition also includes house cars and camp cars having motive power and designed for temporary occupancy as defined herein.

50. “Trailer camp” or “tourist camp” means an area providing spaces for two (2) or more travel trailers, camping trailers, or tent sites for temporary occupancy, with necessary incidental services, sanitation, and recreation facilities to serve the traveling public.

51. “Yard” means an open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the ground upward, except an overhang not to exceed three (3) feet plus an attached gutter, and except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot lines and the main building shall be used.

52. “Yard, front” means a yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, permitted overhangs, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where owner shall elect to front the building on the street parallel to the lot line having the greater dimension.

53. “Yard, rear” means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies, permitted overhang or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard, except that on corner lots the rear and side yard may be interchanged.

54. “Yard, side” means a yard between the main building and the sideline of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereto excluding any permitted overhang.

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

- A-1 Agricultural
- R-1 Single-Family Residential
- R-2 Single- and Two-Family Residential
- R-3 Mixed Residential
- R-4 Multiple-Family [Residential]
- R-5 Planned Residential
- R-6 Mobile Home Residential
- C-2 Highway Commercial
- C-3 General Retail and Office
- C-4 Planned Commercial District

M-1 Limited Industrial
M-2 General Industrial

The locations and boundaries of these districts are shown on the official zoning map.

(Ord. 1252 – Aug. 03 Supp.)

165.05 ADOPTION OF OFFICIAL ZONING MAP. The official zoning map, and the explanatory material thereon, is hereby adopted by reference and declared to be a part of this chapter.

165.06 IDENTIFICATION OF OFFICIAL ZONING MAP. The official zoning map shall be identified by the signature of the Mayor and attested to by the Clerk under the following statement:

This is to certify that this is the official zoning map referred to in Chapter 1, Section 1.2, of the Zoning Ordinance of Indianola, Iowa, as adopted the [1st] day of [December], 19[69] A.D.”

The official zoning map shall be on file in the office of the Clerk and shall be the final authority as to the current zoning status of land, buildings and other structures in the City.[†]

165.07 CHANGES IN OFFICIAL ZONING MAP. No changes in the official zoning map shall be made except as may be required by amendments to this chapter under Section 165.38 herein. If required, such changes shall be promptly made and the ordinance number, nature of change, and date of change shall be noted on the map, approving such change in the official zoning map. Any unauthorized change of any kind whatsoever in the official zoning map by any person or persons shall constitute a violation of this chapter and be punishable as provided in Section 165.23 of this chapter.

165.08 INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following township lines or section lines shall be construed as following township lines or section lines.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

[†] (See EDITOR’S NOTE at the end of this chapter for ordinances amending the zoning map.)

5. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines.

6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

7. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.

165.09 SCHEDULES OF DISTRICT REGULATIONS. The following schedules of district regulations are hereby adopted and declared to be a part of this ordinance:

A-1 Agricultural

R-1 Single-Family Residential

R-2 Single- and Two-Family Residential

R-3 Mixed Residential

R-4 Multiple-Family [Residential]

R-5 Planned Residential

R-6 Mobile Home Residential

C-2 Highway Commercial

C-3 General Retail and Office

C-4 Planned Commercial District

M-1 Limited Industrial

M-2 General Industrial

(Ord. 1252 – Aug. 03 Supp.)

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A-1	AGRICULTURAL	A-1
PERMITTED PRINCIPAL USES AND STRUCTURES		MINIMUM REQUIRED OFF-STREET PARKING
1. Agriculture, horticulture, dairy farming, livestock farming, poultry farming, general farming and other agricultural activities	None	
2. Single-family dwellings	2 spaces per unit	
3. Parks, playgrounds or play fields	5 spaces for each acre developed for active usage	
4. Fairgrounds	10 spaces per acre developed for active usage	
5. Cemetery or mausoleum	10 spaces plus 1 per acre	
6. Elementary or secondary school	1 space per classroom and office plus 1 space for every 6 seats in the main auditorium or stadium	
7. Churches and temples	1 space for every 4 seats in the main auditorium	
8. Golf courses and country clubs except miniature courses or driving ranges operated for a profit	3 spaces per green or 1 space for every 100 square feet of floor area	
9. Community meeting or recreation building	1 space for every 150 square feet of floor area	
10. Railroads, public utilities and communications towers	1 space per employee plus 1 space per vehicle used by the facility	
11. Bed and Breakfast	1 space for every 2 beds with all spaces on site or on a lot adjacent to the site or directly across the street or alley from the site <i>(Ord. 1194 – Aug. 01 Supp.)</i>	
12. The above permitted principal uses and structures are allowed on existing approved subdivision lots regardless of lot width and area	Same as above <i>(Ord. 1431 – Sep. 09 Supp.)</i>	
13. Additions and general improvements to existing permitted principal uses and structures prior to the effective date of Ordinance No. 1431	Same as above <i>(Ord. 1431 – Sep. 09 Supp.)</i>	
PERMITTED ACCESSORY USES AND STRUCTURES		
<ol style="list-style-type: none"> 1. Farm buildings incidental to agricultural uses. 2. Private garages. 3. Private swimming pools. 4. Private greenhouses not operated for commercial purposes. 5. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations, and located on the same lot or a contiguous lot under the same ownership. 6. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon the completion of the construction work. 		
SPECIAL EXCEPTION USES AND STRUCTURES		
<p>Subject to Section 165.35(2) and the other requirements contained herein, the Board of Adjustment may permit the following:</p> <ol style="list-style-type: none"> 1. Sanitary landfill or waste disposal area, provided it is not used for disposal of dead animals, that refuse shall be covered with dirt daily if it contains raw garbage, that a nuisance due to smoke, odor or blowing of trash and debris shall not be created, and that the site shall be restored to a condition compatible with the adjacent area upon conclusion of the dump operation. An access road having at least a graveled surface and five (5) parking spaces shall be provided. No landfill or waste disposal area shall be located closer than one-fourth (1/4) mile to any dwelling, park, school or place of public assembly. 2. Quarry, sand or gravel pit. 		

A-1 AGRICULTURAL A-1		
MINIMUM LOT AREA AND WIDTH	MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS	MAXIMUM HEIGHT
Area: 15 acres Width: 300 feet <i>(Ord. 1431 – Sep. 09 Supp.)</i> <hr/> <p style="text-align: center;">MINIMUM FLOOR AREA</p> Dwellings: 1 story 720 square feet 1½ stories 840 square feet 2 stories 960 square feet	Dwellings and other non-institutional uses: Front: 40 feet Rear: 30 feet Side: 10 feet Side street, corner lot 30 feet Schools, Churches or Other Public or Institutional Buildings: Front: 50 feet Rear: 40 feet Side: 40 feet Side street, corner lot 40 feet	2 1/2 stories or 35 feet
SPECIAL REQUIREMENTS		
<ol style="list-style-type: none"> 1. Poultry, livestock or fur-bearing animals shall be kept a minimum distance of 300 feet from the nearest residential development. This does not apply to the usual keeping of household pets not for commercial use. 2. No building permit shall be issued for a dwelling unit in the agricultural district for any parcel of land that is designated for commercial or industrial uses on the Future Land Use Plan of the City of Indianola. 3. No building permit shall be issued for a communications tower in the agricultural district until 10 days' written notice is given to all property owners in the fall area of the tower. 4. If the Building Official does not approve an application for a building permit as presented and the applicant is unable or unwilling to meet the requirements of the A-1 (Agricultural) zoning classification relative to minimum lot area and width, the applicant shall have the option of submitting the application to the Planning and Zoning Commission and Council for their review. The Commission and Council shall give consideration to the following before making their respective recommendation and decision: topography, drainage, master street plan of the comprehensive plan, future land use plan, adjoining properties, proper planning for the extension of streets, public sewer, public water and public electric. <p style="text-align: right;"><i>(Ord. 1431 – Sep. 09 Supp.)</i></p>		

R-1 SINGLE-FAMILY RESIDENTIAL R-1	
PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING
1. Single-family dwellings	2 spaces per unit
2. Parks, playgrounds or play fields	5 spaces for each acre developed for active usage
3. Community meeting or recreation building	1 space for every 150 square feet of floor area
4. Elementary or secondary school	1 space per classroom and office plus 1 space for every 6 seats in the main auditorium or stadium
5. Churches and temples	1 space for every 4 seats in the main auditorium
6. Two-unit dwelling for members of the same family subject to the special requirements listed below	2 spaces per unit
SPECIAL EXCEPTION USES AND STRUCTURES	
<p>Subject to Section 165.35(2) and the other requirements contained herein, the Board of Adjustment may permit the following:</p> <ol style="list-style-type: none"> Hospitals; sanitariums; rest, nursing and convalescent homes; homes for orphans and aged on sites of one (1) acre or more: off-street parking and yards comparable for other institutional uses of this ordinance to be provided. Swimming pools, golf courses and country clubs, except miniature courses or driving ranges operated for a profit. Railroads and public utilities but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty-five (25) feet, and that two (2) parking spaces per substation or one (1) per employee on the site be provided. Bed and Breakfast, provided that (a) if the use ceases for more than six months or the titleholders of the property changes, the use shall revert back to a permitted principal use; (b) occupancy is limited to four guests units (e.g. families, couples or individuals); (c) required off-street parking shall be one space for each guest unit and two spaces for the resident; (d) signage is limited to a maximum of three square feet mounted flush to the building; (e) require 10 day written notification to property owners within 200' of the proposed location before Board of Adjustment hearing; (f) no meals served to people other than overnight guests; and (g) the entire property to be located within 600 feet of the Simpson College Campus bounded by Clinton Avenue, E Street, Girard Avenue and Buxton Street. <i>(Ord. 1292 – Aug. 04 Supp.)</i> 	
SPECIAL REQUIREMENTS FOR TWO-UNIT DWELLING FOR MEMBERS OF THE SAME FAMILY	
<ol style="list-style-type: none"> All permanent occupants of the two-unit dwelling must be related by blood, marriage or law. The smallest unit of the two-unit dwelling shall not have a floor area that exceeds six hundred (600) square feet. All additions and remodeling shall comply with current building code requirements for two-family dwellings and an occupancy permit will be required. 	
PERMITTED ACCESSORY USES AND STRUCTURES	
<ol style="list-style-type: none"> Private garage. Private swimming pools. Private greenhouses not operated for commercial purposes. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, and located on the same lot or a contiguous lot under the same ownership. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work. Off-street parking subject to the special requirements listed below. 	

R-1 SINGLE-FAMILY RESIDENTIAL R-1		
MINIMUM LOT AREA, WIDTH AND DEPTH	MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS	MAXIMUM HEIGHT
<p>Area: 8,400 square feet Width: 70 feet</p> <p>Where a lot is not served by a public and/or sanitary sewer system, the minimum lot area shall be not less than twenty thousand (20,000) square feet and the width not less than one hundred twenty-five (125) feet.</p> <hr/> <p style="text-align: center;">MINIMUM FLOOR AREA</p> <p>1 story720 square feet 1½ stories.....840 square feet 2 stories.....960 square feet</p>	<p>Dwellings and other non-institutional uses:</p> <p>Front: 30 feet Rear: 35 feet Side: one story 10 feet two or more stories..... 10 feet Side street, corner lot 25 feet <i>(Ord. 1255 – Aug. 03 Supp.)</i></p> <p>Schools, Churches or Other Public or Institutional Buildings:</p> <p>Front: 40 feet Rear: 40 feet Side: 20 feet Side street, corner lot 30 feet</p>	<p style="text-align: center;">2 1/2 stories</p> <p style="text-align: center;">or</p> <p style="text-align: center;">35 feet</p> <hr/> <p style="text-align: center;">MINIMUM WIDTH</p> <p>All permitted dwellings: 20 feet</p> <p>For the purpose of determining the minimum width of a dwelling unit, the shortest dimension of the dwelling unit shall be used, excluding nonhabitable spaces.</p>
SPECIAL REQUIREMENTS FOR OFF-STREET PARKING AS A PERMITTED ACCESSORY USE OR STRUCTURE		
<ol style="list-style-type: none"> 1. Before any improvements are made a building permit is required and all improvements shall comply with Chapter 166, Site Plan Review, of this Code of Ordinances. 2. All off-street parking must lie adjacent to a C-2 (Highway Commercial) zoning classification and be located within 300 feet of the right-of-way lines of U.S. Highways 65-69 (Jefferson Street) or Iowa Highway 92 (Second Avenue). 3. A public sidewalk shall be installed along the entire side or sides of the property that abut all public streets or highways. 4. A six foot high double-face opaque wooden fence or a six foot high masonry wall with face brick, stucco or a similar finished surface shall be constructed toward the remaining R-1, R-2 or R-3 zoning classifications. 5. All vehicle traffic shall enter and exit the off-street parking directly onto U.S. Highways 65-69 (Jefferson Street) and Iowa Highway 92 (Second Avenue). 6. Procedure: <ol style="list-style-type: none"> A. Twelve (12) copies of the site plan must be submitted at least twenty (20) days prior to the next regularly scheduled Planning and Zoning Commission meeting. B. Names and addresses of property owners within two hundred (200) feet of the site plan must be shown on the site plan. C. Letters of notification must be sent to property owners within two hundred (200) feet of the site plan at least 15 days prior to the next regularly scheduled Planning and Zoning meeting. D. All required information as listed under Section 166.06 of this Code of Ordinances must be shown on the site plan. E. Within forty-five (45) days after receiving the application for site plan review, the Commission shall recommend to the Council to either approve, approve subject to conditions, or disapprove the site plan. F. Within thirty (30) days after receiving the recommendation from the Commission, the Council shall hold a public hearing and first consideration of the proposed site plan. The proposed site plan must be considered and voted on for passage at two (2) Council meetings prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than three-fourths of the Council members. If the proposed site plan fails to receive sufficient votes for passage at any consideration, the proposed site plan shall be considered defeated. 		

R-2		SINGLE- AND TWO-FAMILY RESIDENTIAL	R-2
PERMITTED PRINCIPAL USES AND STRUCTURES		MINIMUM REQUIRED OFF-STREET PARKING	
1. Single-family dwellings			2 spaces per unit
2. Two-family dwelling			2 spaces per unit
3. Community meeting or recreation building			1 space for every 150 square feet of floor area
4. Parks, playgrounds or play fields			5 spaces for each acre developed for active usage
5. Elementary or secondary school or college			1 space per classroom and office plus 1 space for every 6 seats in the main auditorium or stadium
6. Private kindergartens and day nurseries			1 space plus 1 space per employee
7. Churches and temples			1 space for every 4 seats in the main auditorium
SPECIAL EXCEPTION USES AND STRUCTURES			
Subject to Section 165.35(2) and the other requirements contained herein, the Board of Adjustment may permit the following:			
<ol style="list-style-type: none"> 1. Hospitals; sanitariums; rest, nursing and convalescent homes; homes for orphans and aged on sites of one (1) acre or more: off-street parking and yards comparable for other institutional uses of this ordinance to be provided. 2. Railroads and public utilities but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty-five (25) feet, and that two (2) parking spaces per substation or one (1) per employee on the site be provided. 3. Multiple-family dwellings having not more than 12 units provided that such use will be in character with existing land uses in the area, and that a minimum lot area of 6,000 square feet for the first unit and 1,500 square feet for each additional unit be provided and that the height not exceed 3 stories or 40 feet; that a minimum floor area of 380 square feet be provided for each dwelling unit; that 2 off-street parking spaces per unit be provided; and that the minimum required front, rear, and side yards be not less than: <ul style="list-style-type: none"> Front yard 30 feet Rear yard 30 feet Side yard 15 feet Street side, corner lot 25 feet 			
MINIMUM LOT AREA, WIDTH AND DEPTH	MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS	MAXIMUM HEIGHT	
Single-family Dwelling: Area: 7,200 square feet Width: 60 feet Two-family Dwelling: Area: 8,400 square feet Width: 70 feet <hr/> MINIMUM FLOOR AREA 1 story660 square feet 1½ stories.....780 square feet 2 stories.....900 square feet 2-family600 square feet per unit	Dwellings and other non-institutional uses: Front: 25 feet Rear: 30 feet Side: 10 feet Side street, corner lot 20 feet Schools, Churches or Other Public or Institutional Buildings: Front: 35 feet Rear: 35 feet Side: 15 feet Side street, corner lot 30 feet	2 1/2 stories or 35 feet <hr/> MINIMUM WIDTH All permitted dwellings: 20 feet For the purpose of determining the minimum width of a dwelling unit, the shortest dimension of the dwelling unit shall be used, excluding nonhabitable spaces.	

R-2

SINGLE- AND TWO-FAMILY RESIDENTIAL

R-2

PERMITTED ACCESSORY USES AND STRUCTURES

1. Private garage.
2. Private swimming pools.
3. Private greenhouses not operated for commercial purposes.
4. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations, and located on the same lot or a contiguous lot under the same ownership.
5. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
6. Off-street parking subject to the special requirements listed below.

**SPECIAL REQUIREMENTS FOR OFF-STREET PARKING
AS A PERMITTED ACCESSORY USE OR STRUCTURE**

1. Before any improvements are made a building permit is required and all improvements shall comply with Chapter 166, Site Plan Review, of this Code of Ordinances.
2. All off-street parking must lie adjacent to a C-2 (Highway Commercial) zoning classification and be located within 300 feet of the right-of-way lines of U.S. Highways 65-69 (Jefferson Street) or Iowa Highway 92 (Second Avenue).
3. A public sidewalk shall be installed along the entire side or sides of the property that abut all public streets or highways.
4. A six foot high double-face opaque wooden fence or a six foot high masonry wall with face brick, stucco or a similar finished surface shall be constructed toward the remaining R-1, R-2 or R-3 zoning classifications.
5. All vehicle traffic shall enter and exit the off-street parking directly onto U.S. Highways 65-69 (Jefferson Street) and Iowa Highway 92 (Second Avenue).
6. Procedure:
 - A. Twelve (12) copies of the site plan must be submitted at least twenty (20) days prior to the next regularly scheduled Planning and Zoning Commission meeting.
 - B. Names and addresses of property owners within two hundred (200) feet of the site plan must be shown on the site plan.
 - C. Letters of notification must be sent to property owners within two hundred (200) feet of the site plan at least 15 days prior to the next regularly scheduled Planning and Zoning meeting.
 - D. All required information as listed under Section 166.06 of this Code of Ordinances must be shown on the site plan.
 - E. Within forty-five (45) days after receiving the application for site plan review, the Commission shall recommend to the Council to either approve, approve subject to conditions, or disapprove the site plan.
 - F. Within thirty (30) days after receiving the recommendation from the Commission, the Council shall hold a public hearing and first consideration of the proposed site plan. The proposed site plan must be considered and voted on for passage at two (2) Council meetings prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than three-fourths of the Council members. If the proposed site plan fails to receive sufficient votes for passage at any consideration, the proposed site plan shall be considered defeated.

R-3		MIXED RESIDENTIAL	R-3
PERMITTED PRINCIPAL USES AND STRUCTURES		MINIMUM REQUIRED OFF-STREET PARKING	
1.	Single-family dwellings	2 spaces per unit	
2.	Mobile homes converted to real estate	2 spaces per unit	
3.	Two-family dwelling	2 spaces per unit	
4.	Multiple-family dwellings	2 spaces per unit	
5.	Elderly and persons with disabilities	1 space per unit	
6.	Boardinghouse/bed and breakfast	1 space for every 2 beds with all spaces on site or on a lot adjacent to the site or directly across the street or alley from the site	
7.	Fraternity and sorority houses	1 space for every 2 beds with all spaces on site or on a lot adjacent to the site or directly across the street or alley from the site	
8.	College dormitory	1 space for every 2 beds <i>(Ord. 1275 – May 04 Supp.)</i>	
9.	Nursing, rest and convalescent homes	1 space for every 6 beds	
10.	Hospitals and sanitariums, homes for orphans and aged on sites of one acre or more	1 space for every 6 beds	
11.	Funeral parlors	1 space for every 4 seats in the main auditorium	
12.	Churches and temples	1 space for every 4 seats in the main auditorium	
13.	Elementary or secondary school or college	1 space per classroom and office plus 1 space for every 6 seats in the main auditorium or stadium	
14.	Private kindergartens and day nurseries	1 space plus 1 space per employee	
15.	Parks, playgrounds or play fields	5 spaces for each acre developed for active usage	
16.	Community meeting or recreation building	1 space per 150 square feet of floor area	
17.	Public library	1 space per 150 square feet of floor area	
18.	Residential care facility for not more than ten (10) developmentally disabled persons and any necessary support personnel	1/2 space per developmentally disabled person	
SPECIAL EXCEPTION USES AND STRUCTURES			
<p>Subject to Section 165.35(2) and the other requirements contained herein, the Board of Adjustment may permit the following:</p> <ol style="list-style-type: none"> Mobile home park provided that the installation complies with Chapter 135D of the Code of Iowa as amended; has a water supply and sanitary sewage collection and treatment system approved by the State Board of Health; has a minimum area of 3,500 square feet for each mobile home space; has a maximum density of 10 units per acre; provides at least ten (10) parking spaces plus one parking space on each mobile home site, and that no mobile home is closer than 25 feet to any property line of the mobile home park or closer than twenty (20) feet to any adjacent mobile home. Public utilities, but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty-five (25) feet, and that two (2) parking spaces per substation or one (1) per employee on the site be provided. Railroads. Museums and art galleries compatible with the surrounding neighborhood provided that appropriate conditions and safeguards shall be required by the Board of Adjustment to protect the surrounding area from the proposed use and to protect the proposed use from future development in the vicinity. Consideration shall also be given to the anticipated traffic generated, character of the structure, noise, lighting and outside storage. A minimum of one (1) parking space for every one hundred (100) square feet of floor area, or fraction thereof shall be provided. For outdoor display areas, the Board of Adjustment shall require additional parking as deemed appropriate for the specific nature of the use. Dance studios provided there is one parking space per employee plus one space for every 4 students; and provided that no part of the building can be used as a dwelling unit. 			

R-3	MIXED RESIDENTIAL	R-3
MINIMUM LOT AREA, WIDTH AND DEPTH	MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS	MAXIMUM HEIGHT
<p>Single-family Dwelling: Area: 7,200 square feet Width: 60 feet</p> <p>Two-family Dwelling: Area: 8,400 square feet Width: 70 feet</p> <p>Multi-family Dwelling: Area: 6,000 square feet for the first unit plus 1,200 square feet for each additional unit up to 12, and 750 square feet for each additional unit over 12 Width: 80 feet</p> <p>Fraternities and Sororities: Area: 15,000 square feet Width: 80 feet</p> <hr/> <p>MINIMUM FLOOR AREA</p> <p>1 story600 square feet 1½ stories.....720 square feet 2 stories.....840 square feet 2-family520 square feet multi-family.....380 square feet</p>	<p>Dwellings and other non-institutional uses:</p> <p>Front: 25 feet Rear: 30 feet Side: one- and two-family8 feet multi-family, 3 to 12 units.... 10 feet multi-family, over 12 units.... 15 feet Side street, corner lot20 feet</p> <p>Schools, Churches or Other Public or Institutional Buildings, including dormitories:</p> <p>Front: 35 feet Rear: 35 feet Side: 15 feet Side street, corner lot 30 feet</p>	<p>4 stories</p> <p>or</p> <p>50 feet</p> <hr/> <p>MINIMUM WIDTH</p> <p>All permitted dwellings: 20 feet</p> <p>For the purpose of determining the minimum width of a dwelling unit, the shortest dimension of the dwelling unit shall be used, excluding nonhabitable spaces.</p>
PERMITTED ACCESSORY USES AND STRUCTURES		
<ol style="list-style-type: none"> 1. Private garages. 2. Private swimming pools. 3. Private greenhouses not operated for commercial purposes. 4. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations, and located on the same lot or a contiguous lot under the same ownership. 5. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work. 6. Off-street parking subject to the special requirements listed below. 		

**SPECIAL REQUIREMENTS FOR OFF-STREET PARKING
AS A PERMITTED ACCESSORY USE OR STRUCTURE**

1. Before any improvements are made a building permit is required and all improvements shall comply with Chapter 166, Site Plan Review, of this Code of Ordinances.
2. All off-street parking must lie adjacent to a C-2 (Highway Commercial) zoning classification and be located within 300 feet of the right-of-way lines of U.S. Highways 65-69 (Jefferson Street) or Iowa Highway 92 (Second Avenue).
3. A public sidewalk shall be installed along the entire side or sides of the property that abut all public streets or highways.
4. A six foot high double-face opaque wooden fence or a six foot high masonry wall with face brick, stucco or a similar finished surface shall be constructed toward the remaining R-1, R-2 or R-3 zoning classifications.
5. All vehicle traffic shall enter and exit the off-street parking directly onto U.S. Highways 65-69 (Jefferson Street) and Iowa Highway 92 (Second Avenue).
6. Procedure:
 - A. Twelve (12) copies of the site plan must be submitted at least twenty (20) days prior to the next regularly scheduled Planning and Zoning Commission meeting.
 - B. Names and addresses of property owners within two hundred (200) feet of the site plan must be shown on the site plan.
 - C. Letters of notification must be sent to property owners within two hundred (200) feet of the site plan at least 15 days prior to the next regularly scheduled Planning and Zoning meeting.
 - D. All required information as listed under Section 166.06 of this Code of Ordinances must be shown on the site plan.
 - E. Within forty-five (45) days after receiving the application for site plan review, the Commission shall recommend to the Council to either approve, approve subject to conditions, or disapprove the site plan.
 - F. Within thirty (30) days after receiving the recommendation from the Commission, the Council shall hold a public hearing and first consideration of the proposed site plan. The proposed site plan must be considered and voted on for passage at two (2) Council meetings prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than three-fourths of the Council members. If the proposed site plan fails to receive sufficient votes for passage at any consideration, the proposed site plan shall be considered defeated.

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**SPECIAL REQUIREMENTS FOR OFF-STREET PARKING
AS A PERMITTED ACCESSORY USE OR STRUCTURE (Continued)**

6. Procedure:
 - A. Twelve (12) copies of the site plan must be submitted at least twenty (20) days prior to the next regularly scheduled Planning and Zoning Commission meeting.
 - B. Names and addresses of property owners within two hundred (200) feet of the site plan must be shown on the site plan.
 - C. Letters of notification must be sent to property owners within two hundred (200) feet of the site plan at least 15 days prior to the next regularly scheduled Planning and Zoning meeting.
 - D. All required information as listed under Section 166.06 of this Code of Ordinances must be shown on the site plan.
 - E. Within forty-five (45) days after receiving the application for site plan review, the Commission shall recommend to the Council to either approve, approve subject to conditions, or disapprove the site plan.
 - F. Within thirty (30) days after receiving the recommendation from the Commission, the Council shall hold a public hearing and first consideration of the proposed site plan. The proposed site plan must be considered and voted on for passage at two (2) Council meetings prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than three-fourths of the Council members. If the proposed site plan fails to receive sufficient votes for passage at any consideration, the proposed site plan shall be considered defeated.

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R-5	PLANNED RESIDENCE DISTRICT	R-5
STATEMENT OF INTENT		
<p>It is the intent of this district to permit innovative design concepts to be used in residential development where a deviation from conventional layout and development practices would result in a more appropriate use of land and subsequently promote the general health, welfare, safety and morals of future residents of the area.</p> <p>It is not the intent of this classification to permit an unrelated mixture of uses to be developed, but to permit the establishment of unified developments with uses arranged in a manner compatible with one another, the site to be developed and the surrounding area.</p> <p>It is further the intent of this district that such development adhere to recognized principles of civic design, land use planning and landscape architecture.</p>		
PERMITTED USES		
<ol style="list-style-type: none"> 1. Any use permitted in the R-3 Mixed Residential District. 		
COMMERCIAL USES AND CUSTOMARY ACCESSORY USES		
<ol style="list-style-type: none"> 1. Grocery store. 2. Meat market. 3. Retail bakery. 4. Prescription pharmacy. 5. Dry cleaners or Laundromat. 6. Barber and beauty shops. 7. Golf courses and country clubs. 		
STANDARDS AND REQUIREMENTS		
<p>Where in conflict with other provisions of this chapter, the following requirements shall prevail:</p> <ol style="list-style-type: none"> 1. <i>Lot Area.</i> The minimum lot area shall be not less than four (4) acres. 2. <i>Land Use.</i> Combinations of land uses including single-family, multiple-family and commercial uses are permitted. Only commercial uses listed in the R-5 classification may be permitted as a part of a planned residence district. Such commercial uses shall serve primarily as supporting facilities to the residential use of the proposed development. Commercial uses shall not exceed fifteen percent (15%) of the total area of the development. 3. <i>Yards, Area and Height.</i> Variations in yard requirements, lot area and height required in the R-3 district may be approved for the planned residence district; however, the minimum yards around the boundaries of the R-5 district shall not be less than required in the R-3 district. 4. <i>Density.</i> The total number of dwelling units within the planned residence district shall not exceed the average net density that would be permitted in the R-3 district for the type or types of dwellings proposed. Density shall be computed on a total area basis using private streets and drives, common open space, park areas, recreation areas, off-street parking areas, as well as building site areas, but shall not include areas occupied or used for commercial purposes or related uses. 5. <i>Open Space.</i> Planned residence districts shall take into consideration the need for open space and recreation areas to enhance the general character of the area. In the event open space land or recreation areas are to be retained under private ownership, the owner shall submit a legally binding instrument setting forth the procedures and responsibilities for maintaining said areas including the means for financing maintenance costs. 		

R-5	PLANNED RESIDENCE DISTRICT	R-5
PROCEDURE		
<p>Requests for rezoning to the R-5 Planned Residence District shall be the same as set forth in Sections 165.38 and 165.39 of this chapter; provided however, the following additional information shall be submitted by the applicant with such request.</p> <ol style="list-style-type: none"> 1. <i>Proposed Development Plan.</i> Six (6) copies of a proposed development plan showing the locations, types and arrangement of buildings, uses, streets, parks, open space, parking areas, landscaped areas, planting screens, drainage and other pertinent features. 2. <i>Reports of Commission.</i> The Commission shall review the proposal and submit its recommendations, whether for approval, disapproval, or modification thereof to the Council. A copy of the recommendations shall also be sent to the applicant. 3. <i>Approval.</i> Final action shall be by the Council as provided for in Sections 165.38 and 165.39 of this chapter. 		
CHANGES AND MODIFICATIONS		
<p>The plan as finally approved by the Council shall be filed with the Zoning Administrator and all construction compliance certificates shall be issued on the basis of conformance with said plan. Minor changes in building arrangements, streets, sidewalks, parking lots, drainage courses and accessory buildings not exceeding 200 square feet in area that do not substantially alter the character of the development are allowable. Any changes shall be considered as amendments to the approved plan and shall be considered and acted upon by the Commission and the Council as separate and additional zoning changes.</p> <p style="text-align: right;"><i>(Ord. 1276 – May 04 Supp.)</i></p>		
CONSTRUCTION COMPLIANCE CERTIFICATES		
<p>In the event commercial uses are approved as a part of a planned area development, a construction compliance certificate for said commercial facilities shall not be issued until a minimum of twenty-five percent (25%) of the housing units planned for the area have been completed or will be built simultaneously. Separate construction compliance certificates shall be obtained for the construction of housing and commercial facilities where separate buildings are used.</p>		

R-6	MOBILE HOME RESIDENTIAL DISTRICT	R-6
STATEMENT OF INTENT		
<p>The mobile home residential zone is designed to permit the location and development of mobile homes which would not normally comply with the building, electrical and plumbing codes to be located in areas of the community. Provision is made to allow such residences to be placed upon individual subdivided lots.</p>		
PERMITTED PRINCIPAL USES AND STRUCTURES		MINIMUM REQUIRED OFF-STREET PARKING
1. Single-family mobile homes		2 spaces per unit
2. Single-family dwellings		2 spaces per unit
PERMITTED ACCESSORY USES AND STRUCTURES		
<p>1. Private garage. 2. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, and located on the same lot or a contiguous lot devoted to a principal permitted use which is under the same ownership. 3. Temporary buildings used in connection with construction work, provided that such buildings are removed promptly upon completion of the construction work.</p>		
MINIMUM LOT AREA, WIDTH AND DEPTH		YARD REQUIREMENTS
<p>Single-family dwellings and mobile homes: Area: 7,200 square feet Width: 60 feet</p>		<p>Single-family dwellings and mobile homes converted to real estate: Front: 25 feet Rear: 30 feet Side: 8 feet Side street, corner lot 20 feet</p>
SPECIAL REQUIREMENTS		
<p>1. To be zoned R-6 an area must contain a total of eight (8) acres or be contiguous to other lands zoned R-6 so that the total land area zoned and to be zoned R-6 consists of not less than eight (8) acres</p>		

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(C-1 District Regulations deleted by Ord. 1252 – Aug. 03 Supp.)

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C-2 HIGHWAY COMMERCIAL C-2	
PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING
1. Automotive display, sales, service and repair	1 space per 300 square feet of sales, service or office floor area
2. Farm implement display, sales, service and repair	1 space per 300 square feet of sales, service or office floor area
3. Plant nursery and garden supplies sales	1 space per 300 square feet of sales, service or office floor area
4. Lumberyard or building materials sales	1 space per 300 square feet of sales, service or office floor area
5. Restaurant, nightclub, café or tavern	1 space per 100 square feet of floor area
6. Dance hall and skating rink	1 space per 100 square feet of floor area
7. Drive-in eating and drinking establishment	5 spaces per 100 square feet of floor area
8. Bowling alley	5 spaces per lane or alley
9. Drive-in bank	4 spaces per teller window with a minimum of 5 spaces
10. Motel, hotel or tourist campground	1 space per unit or campsite
11. Dwelling unit above a store or shop	1 space per unit
12. Bus terminal	6 spaces plus 1 off-street loading space for each bus serving the terminal
13. Funeral parlor	1 space per 4 seats in the main chapel with a minimum of 5 spaces
14. Railroads and public utilities but not including storage or maintenance yards and buildings	1 space per employee, plus 1 space per vehicle used by the facility with a minimum of 5 spaces
15. Monument and market display and sales	1 space per employee, plus 1 space per vehicle used by the facility with a minimum of 5 spaces
16. Plumbing, heating and air conditioning sales, service and repair	1 space per employee, plus 1 space per vehicle used by the facility with a minimum of 5 spaces
17. Drive-in theater	Storage lanes outside the ticket booth to accommodate 10% of theater capacity
18. Golf driving range, miniature golf	3 spaces per tee or green
19. Radio or television broadcasting station	5 spaces plus 1 space per employee
20. Dry cleaners	1 space per employee, plus 1 space for every 800 square feet with a minimum of 5 spaces
21. Clubs and lodges	1 space for every 4 places of seating capacity
22. Personal services and repair shops	1 space per employee, plus 1 space for every 300 square feet of floor area with a minimum of 5 spaces
23. Business and professional offices and studios	1 space per employee, plus 1 space for every 300 square feet of floor area with a minimum of 5 spaces
24. Wholesale ice sales	1 space per employee, plus 1 space for every 300 square feet of floor area
25. Facilities for the training or rehabilitation of mentally and/or physically handicapped individuals, even though such training involves the assembling, packaging or restoration of manufactured items, so long as the training does not involve the manufacture of an original product	1 space per employee, plus 1 space for every 300 square feet of floor area with a minimum of 5 spaces
26. Sales, service and repair of mobile homes, campers, boats, motorcycles, snowmobiles and other recreational equipment	1 space for every 300 square feet of floor area
27. Antiques, pottery or ceramic shops	1 space for every 300 square feet of floor area
28. Liquor store	1 space for every 100 square feet of floor area for the first 2,000 square feet of floor area, and 1 space for every 200 square feet of floor area in excess of 2,000 square feet
29. Frozen food locker	1 space for every 300 square feet of floor area
30. Floral shops	1 space for every 300 square feet of floor area
31. Printing shops	1 space for every 300 square feet of floor area with a minimum of 5 spaces
32. Combination motel and apartment buildings	2 spaces per unit
33. Service, repair and rental of trucks, trailers, household goods, light construction equipment and lawn and garden equipment	1 space for every 300 square feet of total floor area with a minimum of 5 spaces
34. Retail livestock feed sales exclusive of milling, mixing, storage of dry bulk feed and grain and grinding of feed	1 space for every 300 square feet of sales or service floor area

C-2 HIGHWAY COMMERCIAL C-2	
PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING
35. Grocery, apparel, appliances, hardware, toy, drug, gift and specialty shops and retail stores similar in nature	1 space per 100 square feet of floor area for the first 2,000 square feet of floor area, and 1 space per 200 square feet for the floor area in excess of 2,000 square feet
36. Dwelling unit used in conjunction with a store or shop	2 spaces per unit
37. Churches, temples and parsonage or rectory adjacent thereto	1 space for every 4 seats in the main auditorium
38. Veterinarian clinic restricted to companion animals without outside cages or runs. No such structure is permitted within 100 feet of a residentially zoned area	1 space for every 300 square feet of surface and office floor area with a minimum of 5 spaces
39. Bottle and can redemption center with all storage and activities to be conducted in a totally enclosed structure	1 space per employee, plus 1 space for every 300 square feet of total floor area with a minimum of 5 spaces
40. Auction sales which are limited to the sales of appliances, furniture, apparel, toys and products similar in nature and size, provided there is no exterior storage and provided further that there are no exterior sales after sunset	1 space for every 100 square feet of floor area
41. Self-service storage facilities	1 space for every 100 storage cubicles or a fraction thereof and one space for each employee shall be located adjacent to the project office or in a location approved by the Building Official on the same lot
42. Limited manufacturing and processing subject to the special requirements listed below	1 space per employee or 1 space per 500 square feet of floor area, whichever is greater
PERMITTED ACCESSORY USES AND STRUCTURES	
<ol style="list-style-type: none"> 1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district. 2. Storage warehouses in conjunction with the permitted uses or structures of this district. 3. Temporary buildings and equipment used in conjunction with construction work, provided that such buildings and equipment are removed promptly upon completion of the construction work. 	
SPECIAL EXCEPTION USES AND STRUCTURES	
<p>Subject to Section 165.35(2) and the other requirements contained herein, the Board of Adjustment may permit the following:</p> <ol style="list-style-type: none"> 1. Museums and art galleries compatible with the surrounding neighborhood provided that appropriate conditions and safeguards shall be required by the Board of Adjustment to protect the surrounding area from the proposed use and to protect the proposed use from future development in the vicinity. Consideration shall also be given to the anticipated traffic generated, character of the structure, noise, lighting and outside storage. A minimum of one (1) parking space for every one hundred (100) square feet of floor area, or fraction thereof shall be provided. For outdoor display areas, the Board of Adjustment shall require additional parking as deemed appropriate for the specific nature of the use. 2. Preschools or day care centers provided that no preschool or day care center shall commence operations in any building nearer than one hundred fifty (150) feet to any building wherein there is the sale of beer, wine or liquor for consumption on the premises, and all preschools or day care centers shall be licensed by the State of Iowa, and all day care and preschools centers shall have one off-street parking stall per employee. 3. Elementary or secondary schools provided that such schools shall be for grades kindergarten through eighth, shall have six-foot high fencing between the school property and adjacent commercial uses, shall have at least one vehicle access that is not a highway access, and shall have one off-street parking space per classroom and one off-street parking space per office. 	

C-2 HIGHWAY COMMERCIAL C-2		
MINIMUM LOT AREA, WIDTH AND DEPTH	MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS	MAXIMUM HEIGHT
Commercial Uses: None <hr/> MINIMUM FLOOR AREA Dwelling unit above a store or shop: 380 square feet	Front 15 feet No side or rear yard except where apartments are above a store or shop, a rear yard of 20 feet shall be provided and where adjacent to an "A" or "R" district, a side yard of 10 feet and a rear yard of 20 feet shall be provided	4 stories or 50 feet
SPECIAL REQUIREMENTS FOR LIMITED MANUFACTURING AND PROCESSING		
<ol style="list-style-type: none"> 1. All manufacturing and processing uses shall be wholly contained within a building with no exterior storage and shall not create offensive noise, odor, vibration or electrical interference. 2. The total number of employees shall be limited to twenty (20). 3. Products to be manufactured or processed shall be cameras and other photographic equipment, counter top appliances, electronic devices, pharmaceuticals, radios, novelties, toys and similar products in size and character. 		
SPECIAL REQUIREMENTS FOR SELF-SERVICE STORAGE FACILITIES		
<ol style="list-style-type: none"> 1. The maximum lot area shall be three (3) acres. 2. The maximum building height shall be eighteen (18) feet. 3. The maximum area per unit shall be six hundred (600) square feet. 4. When a self-service storage facility is adjacent to an A-1, R-1, R-2, R-3, R-4, R-5 or R-6 zoning district, the exterior of the building and landscaping shall be compatible to the rest of the residential area, and the facility shall use no wire fencing. 5. All areas subject to traffic shall have a hard surface. 6. The storage of radioactive materials, explosives, and flammable or hazardous chemicals is prohibited. 7. The exterior storage of all kinds is prohibited. - <i>(Ord. 1387 – Feb. 08 Supp.)</i> 		
SPECIAL REQUIREMENTS FOR AUTOMOTIVE DISPLAY, SALES, SERVICE AND REPAIR		
<ol style="list-style-type: none"> 1. All outdoor areas where two (2) or more wrecked automobiles, automobile parts, stock cars, race cars, race trucks, figure eight cars, demolition derby cars, drag race cars, off-road race cars or sprint cars are present, except new vehicles which have not been raced and are on display for sale, shall be enclosed on all sides from public view by a double faced opaque wooden or masonry fence or slatted chain link fence, all with minimum height of six (6) feet above ground. <i>(Ord. 1432 – Sep. 09 Supp.)</i> 		

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C-3	GENERAL RETAIL AND OFFICE	C-3
PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING	
1. Automotive service and repair	<i>No off-street parking is required in this District. (See Ordinance Nos. 468 and 470 for parking spaces required for specific tracts of property.)</i>	
2. Dry cleaners or laundry		
3. Bus terminal		
4. Retail stores including or similar in character to those dealing with food, beverages, clothing, dry goods, hardware, paint, drugs, furniture, appliances, sporting goods, and office supplies		
5. Specialty shops including or similar in character to those dealing with cameras, books, magazines, gifts, curios, antiques, jewelry, confectionery, flowers, music, sound equipment, electronics, hobbies and crafts		
6. Personal services including or similar in character to barbershops, beauty parlors, tailors, laundries and shoe repair		
7. Repair shops and services including electrical appliances, electronic equipment, bicycles, sporting goods, furniture, glass, plumbing, heating, air conditioning and uses similar in character		
8. Business and professional offices and studios		
9. Medical, dental, chiropractic clinics		
10. Restaurant, nightclub, café or tavern		
11. Public buildings and utilities but not including storage or maintenance yards or buildings		
12. Public garages, storage garages and parking lots		
13. Hotels and motels		
14. Printing, publishing and engraving		
15. Dance or music schools		
16. Dwelling unit above a store or shop		
17. Commercial amusements		
18. Wholesale display and salesroom		
19. Lumberyard or building material sales yard		
20. Financial institutions, including drive-up service windows		
21. Public or private museums or art galleries		
22. Facilities for the training or rehabilitation of mentally and/or physically handicapped individuals, even though such training involves the assembling, packaging or restoration of manufactured items, so long as the training does not involve the manufacture of an original product	[None specified]	
23. Farm implement and commercial truck sales, service and repair	[None specified]	
24. Limited manufacturing and processing subject to the special requirements listed below	1 space per employee or 1 space per 500 square feet of floor area, whichever is greater	
25. Multiple-family dwellings subject to the special requirements listed below	Two spaces per unit	

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Storage warehouses in conjunction with the permitted uses or structures of this district.
3. Temporary buildings and equipment used in conjunction with construction work, provided that such buildings and equipment are removed promptly upon completion of the construction work.

SPECIAL EXCEPTION USES AND STRUCTURES

- Subject to Section 165.35(2) and the other requirements contained herein, the Board of Adjustment may permit the following:
1. Preschools provided that no preschool shall have a front or side yard abutting Highway 65-69 or Highway 92; no preschool shall exist within a building fronting the City Square; and no preschool shall commence operations in any building nearer than one hundred fifty (150) feet to any building wherein there is the sale of beer, wine or liquor for consumption on the premises.
 2. Clubs and lodges.
 3. Churches and temples that existed in C-3 on the effective date of Ordinance No. 1266 (October 15, 2003).
(Ord. 1266 – Nov. 03 Supp.)
 4. Uses and structures that are clearly incidental and necessary, and are accessory uses to a college. These uses shall have the same commercial characteristics as one or more of the permitted principal uses listed within C-3 zoning.
(Ord. 1321 – Aug. 05 Supp.)

SPECIAL REQUIREMENTS FOR MULTIPLE-FAMILY DWELLINGS

1. Minimum number of four units per structure and maximum number of 12 units per structure.
2. No multi-family dwelling to be constructed within Blocks 12 and 13 and the South ½ of Blocks 7, 8, and 9 and the North ½ of Blocks 16, 18 and 17 Original Town Plat.
3. Minimum front yard of 15 feet.
4. Minimum side yard of 5 feet.
5. Two off-street parking stalls per unit, and all parking areas to be located in the rear yard.
6. A minimum of 5,000 square feet for the first unit, and 750 square feet for any additional units.

MINIMUM LOT AREA, WIDTH AND DEPTH	MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS	MAXIMUM HEIGHT
<p>Commercial Uses: No Minimum</p> <p>Dwelling units above a store or shop: Where apartments are above a store or shop, 6,000 square feet for the first unit plus 1,200 square feet for each additional unit up to twelve, and 750 square feet for each additional unit over twelve.</p> <hr style="width: 20%; margin-left: 0;"/> <p style="text-align: center;">MINIMUM FLOOR AREA</p> <p>Dwelling unit above a store or shop: 380 square feet</p>	<p>Commercial Uses: None except where apartments are above a store or shop, a rear yard of 20 feet shall be provided and where adjacent to an "R" district, a front or side yard of 10 feet and a rear yard of 20 feet shall be provided.</p> <p>Dwelling units above a store or shop: Minimum rear yard 20 feet.</p> <p>Parcels abutting Highway 65-69 or on Highway 92: A minimum front yard of 15 feet; this is applicable to parcels abutting the first 150 feet of side streets intersecting said highways.</p>	<p>4 stories</p> <p>or</p> <p>50 feet</p>

SPECIAL REQUIREMENTS FOR LIMITED MANUFACTURING AND PROCESSING

1. All manufacturing and processing uses shall be wholly contained within a building with no exterior storage and shall not create offensive noise, odor, vibration or electrical interference.
2. The total number of employees shall be limited to thirty-five (35).
3. Products to be manufactured or processed shall be cameras and other photographic equipment, counter top appliances, electronic devices, pharmaceuticals, radios, novelties, toys and similar products in size and character.
4. Maximum allowable floor space shall be 10,000 square feet.
5. Products manufactured and/or processed must be sold retail on the same site. The minimum retail area shall be 10% of the total floor area.

SPECIAL REQUIREMENTS FOR AUTOMOTIVE SERVICE AND REPAIR

1. All outdoor areas where two (2) or more wrecked automobiles or automobile parts, except new products on display, are stored shall be enclosed on all sides by fence and screened from public view.

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C-4	PLANNED COMMERCIAL DISTRICT	C-4
STATEMENT OF INTENT		
<p>The C-4 Planned Commercial District is intended to allow potential developers flexibility in development of particular tracts of land without compromising existing uses and structures by submitting a comprehensive plan of one (1) acre or more with the change of zoning application. Once this plan is approved by the Planning and Zoning Commission and Council, it cannot be changed except as provided herein.</p>		
PERMITTED PRINCIPAL USES AND STRUCTURES		
<p>Because of the likelihood of existing approved C-4 (planned commercial) areas needing to change their use or characteristics, the permitted principal uses and structures will be separated into two (2) classes, depending upon area needed, outside storage, compatibility with existing A-1 and residential districts. For the purpose of not allowing what may be considered an objectionable use, the permitted principal use approved by the Council after the effective date of the Zoning Ordinance may not be changed to another use in another class without Council approval. Exception: Class One permitted principal uses are allowed within Class Two.</p>		
CLASS ONE	MINIMUM REQUIRED OFF-STREET PARKING	
1. Retail stores including or similar in character to those dealing with food, beverages, clothing, dry goods, hardware, paint, drugs, furniture, appliances, sporting goods and office supplies	1 space per 300 square feet of floor area	
2. Specialty stores including or similar in character to those dealing with cameras, books, magazines, gifts, curios, antiques, jewelry, confectionery, flowers, music, sound equipment, electronics, hobbies and crafts	1 space per 300 square feet of floor area	
3. Personal services including or similar in character to barbershops, beauty parlors, tailors, laundries and shoe repair	1 space per 300 square feet of floor area	
4. Business and professional offices and studios		
5. Antiques, pottery or ceramic shops		
6. Retail sales of fishing supplies and fishing bait		
7. Liquor store		
8. Printing, publishing and engraving		
9. Western wear, saddlery and accessory shops		
10. Medical, dental, chiropractic clinics		
11. Repair shops and services including electrical appliances, electronic equipment, bicycles, sporting goods, furniture, glass, plumbing, heating, air conditioning and uses similar in nature		
12. Financial institutions, including drive-up service windows		
13. Plumbing, heating, air conditioning, sales, service and repair	1 space per 300 square feet of floor area plus 1 space per employee	
14. Wholesale display and salesroom	1 space per 800 square feet of floor area plus 1 space per vehicle used by business	
15. Dwelling unit above a store or shop	2 spaces per unit	
16. Restaurant, night club, café or tavern	1 space per 100 square feet of floor area	
17. Dance hall and skating rink	1 space per 300 square feet of floor area	
18. Public or private museums or art galleries	1 space per 300 square feet of floor area	
19. Dance or music schools	1 space per 300 square feet of floor area	
20. Veterinarian clinic restricted to companion animals without outside cages or runs; no structure shall be permitted within 100 feet of a residentially zoned area	1 space per 300 square feet of floor area	
21. Clubs and lodges	1 space for every 4 places of seating capacity	
22. Funeral parlor	1 space for every 4 seats in the main chapel	

C-4		PLANNED COMMERCIAL DISTRICT	C-4
CLASS TWO		MINIMUM REQUIRED OFF-STREET PARKING	
1.	Drive-in eating and drinking establishment	1 space per 100 square feet of floor area	
2.	Auction sales which are limited to the sales of appliances, furniture, apparel, toys and products similar in nature and size, provided there is no exterior storage and provided further that there are no exterior sales after sunset	1 space per 300 square feet of floor area	
3.	Automotive display, sales, service and repair	1 space per 300 square feet of floor area	
4.	Plant nursery and garden supplies sales	1 space per 300 square feet of floor area	
5.	Frozen food locker	1 space per 300 square feet of floor area	
6.	Boats, motorcycles, snowmobiles and other recreational vehicle display, sales, service and repair	1 space per 300 square feet of floor area	
7.	Service, repair and rental of trucks, trailers, household goods, light construction equipment, and lawn and garden equipment	1 space per 300 square feet of floor area	
8.	Facilities for the training or rehabilitation of mentally and/or physically handicapped individuals, even though such training involves the assembling, packaging or restoration of manufactured items, so long as the training does not involve the manufacture of an original product	1 space per 300 square feet of floor area	
9.	Bottle and can redemption center with all storage and activities to be conducted in a totally enclosed structure	1 space per 300 square feet of floor area	
10.	Bowling alley	5 spaces per lane or alley	
11.	Motel, hotel or tourist campground	1 space per unit or campsite	
12.	Bus terminal	6 spaces plus 1 off-street loading space for each bus serving the terminal	
13.	Monument and marker display and sales	2 spaces plus 1 space per employee	
14.	Railroads, public storage garage and utilities but not including outside storage or maintenance yards	1 space per employee	
15.	Churches, temples and parsonage or rectory adjacent thereto	1 space per 4 seats in the main auditorium	
16.	Farm implement display, sales, service and repair	1 space per 300 square feet of floor area	
17.	Lumberyard or building material sales yard	1 space per 300 square feet of floor area	
18.	Sales, service and repair of mobile homes and campers	1 space per 300 square feet of floor area	
19.	Retail livestock feed sales, exclusive of milling, mixing, storage of dry bulk feed and grain and grinding of feed	1 space per 300 square feet of floor area	
20.	Drive-in theater	Storage lanes outside the ticket booth to accommodate 10% of the theater capacity	
21.	Golf driving range, miniature golf	2 spaces per tee or green	
22.	Radio and television broadcasting station	5 spaces plus 1 space per employee	
PERMITTED ACCESSORY USES AND STRUCTURES			
<ol style="list-style-type: none"> 1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district. 2. Storage in conjunction with the permitted uses or structures of this district, but only when contained within the same building. 3. Temporary buildings and equipment used in conjunction with construction work, provided that such buildings and equipment are removed promptly upon completion of the construction work. 			
SPECIAL EXCEPTION USES AND STRUCTURES			
None			

C-4 PLANNED COMMERCIAL DISTRICT C-4		
MINIMUM AREA	MINIMUM FRONT, SIDE AND REAR YARDS	MAXIMUM HEIGHT
<p>Area: 1 acre</p> <p>Commercial Uses: No minimum</p> <p>Dwelling units above store or shop: Where apartments are above a store or shop, six thousand (6,000) square feet for the first unit plus one thousand two hundred (1,200) square feet for each additional unit up to twelve (12), and seven hundred fifty (750) square feet for each additional unit over twelve (12)</p>	<p>No side or rear yard except where apartments are above a store or shop, a rear yard of twenty (20) feet shall be provided and where adjacent to an "A" or "R" district, a side yard of ten (10) feet and a rear yard of twenty (20) feet shall be provided.</p> <p>Parcels abutting Highway 65-69 or on Highway 92: A minimum front yard of fifteen (15) feet; this is applicable to parcels abutting the first one hundred fifty (150) feet of side streets intersecting said highways.</p>	<p>4 stories</p> <p>or</p> <p>50 feet</p> <hr/> <p style="text-align: center;">MINIMUM FLOOR AREA</p> <p>Dwelling unit above a store or shop: 380 square feet</p>
OFF-STREET PARKING		
<p>With a change of use, the off-street parking requirement shall correspond to the requirements of the new approved use unless the proposed use parking requirement is the same as the existing parking requirements.</p>		
PROCEDURE		
<p>The request for rezoning to the C-4 Planned Commercial District shall be the same as set forth in Sections 165.38 and 165.39 of this chapter; provided, however, the following additional information shall be submitted by the applicant with such request:</p> <ol style="list-style-type: none"> 1. Proposed Development Plan. Six (6) copies and a reproducible mylar of the proposed development plan showing the location, types, uses and arrangement of buildings, streets, parks, open space, parking areas, landscaped areas, planting screens, drainage and other pertinent features. 2. Reports of Planning and Zoning Commission. The Commission shall review the proposal and submit its recommendation for approval, disapproval or modifications thereof to the Council. 3. Approval. Final action shall be by the Council as provided for in Sections 165.38 and 165.39 of this chapter. 		
CHANGES AND MODIFICATIONS		
<p>The plan as finally approved by the Council shall be filed with the Building Official, and all construction compliance certificates shall be issued on the basis of conformance with said plan. Minor changes in the building style or arrangements that do not substantially alter the character of the development are allowable, with prior approval from the Building Official. Any changes such as street locations, land or structure use or major changes in building arrangements shall be considered as amendments to the approved plan and shall be considered and acted upon by the Commission and Council as separate and additional zoning changes.</p> <p>Where the strict application of the standards or requirements established by this chapter would cause substantial hardship or impose unreasonable restrictions on development of a tract of land because of natural or physical conditions or limitations not created by the owner or developer, the Commission may recommend and the Council may grant such changes and modifications from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this chapter. These changes and modifications may include the following:</p> <ol style="list-style-type: none"> 1. Minimum floor area. 2. Maximum height. 3. Required off-street parking. 4. Minimum developed area. 		

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M-1 LIMITED INDUSTRIAL M-1		
PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING	
1. Manufacturing and processing uses that are wholly contained within a building and have no exterior storage, create no offensive noise, odor, vibration and cause no electrical interference	1 space per 3 employees during the maximum work shift with a minimum of 1 space per 500 square feet of floor area	
2. Wholesaling and warehousing but not including the bulk storage of petroleum products or liquid fertilizer under pressure	4 spaces for the first 5,000 square feet of floor area, and 1 space for every additional 5,000 square feet of floor	
3. Farm implement display, sales, service and repair	1 space per 300 square feet of floor area	
4. Truck and freight terminal		
5. Animal hospitals, kennels or veterinarian's office		
6. Truck display, sales, repair and storage		
7. Welding and repair shop		
8. Railroads and public utilities, including storage and maintenance yards, but excluding communications towers	1 space per employee plus 1 space per vehicle used by the industry	
9. Lumberyard and building material sales and storage		
10. Plumbing, heating, air conditioning and sheet metal shops		
11. Frozen food locker		
12. Appliance repair and servicing		
13. Contractor's office and shops	1 space per 300 square feet of floor area <i>(Ord. 1353 – May 06 Supp.)</i>	
14. Business offices		
<i>All uses shall provide at least one (1) loading space for every 10,000 square feet of floor area.</i>		
PERMITTED ACCESSORY USES AND STRUCTURES		
1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district. 2. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work. 3. Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants.		
SPECIAL EXCEPTION USES AND STRUCTURES		
Museums and art galleries compatible with the surrounding neighborhood provided that appropriate conditions and safeguards shall be required by the Board of Adjustment to protect the surrounding area from the proposed use and to protect the proposed use from future development in the vicinity. Consideration shall also be given to the anticipated traffic generated, character of the structure, noise, lighting and outside storage. A minimum of one (1) parking space for every one hundred (100) square feet of floor area, or fraction thereof, shall be provided. For outdoor display areas, the Board of Adjustment shall require additional parking as deemed appropriate for the specific nature of the use.		
MINIMUM LOT AREA, WIDTH AND DEPTH	MINIMUM FRONT, SIDE AND REAR YARDS	MAXIMUM HEIGHT
None	Front 35 feet Rear 35 feet Side 20 feet Side street, corner lot 35 feet	4 stories or 50 feet

SPECIAL REQUIREMENTS
None

M-2	GENERAL INDUSTRIAL	M-2
PERMITTED PRINCIPAL USES AND STRUCTURES		MINIMUM REQUIRED OFF-STREET PARKING
1. Manufacturing and processing uses that create no offensive noise, odor, vibration and cause no electrical interference <i>(Ord. 1258 – Aug. 03 Supp.)</i>	1 space per 3 employees during the maximum work shift with a minimum of 1 space per 500 square feet of floor area	
2. Wholesaling and warehousing but not including the bulk storage of petroleum products or liquid fertilizer under pressure	4 spaces for the first 5,000 square feet of floor area, and 1 space for every additional 5,000 square feet of floor area	
3. Truck and freight terminal	1 space for every 300 square feet of sales, service or office floor area	
4. Animal hospital or kennel		
5. Grain storage bins		
6. Lumberyard building material sales and storage		
7. Grain elevator and feed mill		
8. Welding and repair shop		
9. Tool, die, gauge and machine shops		
10. Railroads and public utilities, including storage and maintenance yards, but excluding communications towers		
11. Automobile paint and body shop		
12. Plumbing, heating, air conditioning and sheet metal shops		
13. Processing and handling of cheese, butter and other milk products		
14. Contractor shops and storage yards		
15. Concrete products manufacture and central mixing and proportioning plant		
16. Structural iron and steel fabrication	1 space per employee and 1 space per student or trainee	
17. Schooling and training facilities for contractors, industrial trades and other uses permitted in M-2 or similar thereto		
18. Business offices	1 space per 300 square feet of floor area <i>(Ord. 1353 – May 06 Supp.)</i>	
<i>All uses shall provide at least one (1) loading space for every 10,000 square feet of floor area.</i>		
PERMITTED ACCESSORY USES AND STRUCTURES		
<ol style="list-style-type: none"> Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work. Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants. 		
SPECIAL EXCEPTION USES AND STRUCTURES		
<p>Subject to Section 165.35(2) and other requirements contained herein, the Board of Adjustment may permit the following:</p> <ol style="list-style-type: none"> Stockyard, rendering works, loading pens, buying stations and/or sales barns and yards, provided that it is not closer than one-fourth (¼) mile to any dwelling unit other than that of the owner or operator, or any park, school, church or place of public assembly, that the provisions for drainage, sanitation, waste disposal, and fly control are approved by the City Health Officer, that it is located so that prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity; and that one (1) parking space for each employee and 1 space for each vehicle used by the industry be provided. Poultry processing plants provided that the provision for drainage, sanitation, waste disposal, and fly control are approved by the City Health Officer, that it is located so that prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity; and that one (1) parking space for each employee and 1 space for each vehicle used by the industry be provided. Sanitary landfill or waste disposal area, provided it is not used for disposal of dead animals, that refuse shall be covered with dirt daily if it contains raw garbage, that a nuisance due to smoke, odor or blowing of trash and debris shall not be created, and that the site shall be restored to a condition compatible with the adjacent area upon conclusion of the dump operation. An access road having at least a graveled surface and five (5) parking spaces shall be provided. No landfill or waste disposal area shall be located closer than one-fourth (¼) mile to any dwelling, park, school or place of public assembly. Auto wrecking and junkyards on sites of two (2) acres or more provided that front yard are maintained as an open space free of weeds and debris; and that no open burning of waste or discarded materials is conducted on the site. Bulk storage of petroleum products and liquid fertilizer under pressure not located within 300 feet of any existing dwelling, park, school, church or place of public assembly. Agricultural feed sales and associate retail items, provided that the property has frontage on U.S. Highway 65/69 or Iowa Highway 92. 		
M-2	GENERAL INDUSTRIAL	M-2

MINIMUM LOT AREA, WIDTH AND DEPTH	MINIMUM FRONT, SIDE AND REAR YARDS	MAXIMUM HEIGHT
None	Front 35 feet Rear 35 feet Side 20 feet Side street, corner lot 35 feet	60 feet
SPECIAL REQUIREMENTS		
None		

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

1. **Visibility at Intersection.** On a corner lot in any district, except the C-3 General Retail and Office District, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines. For purposes of this section, a split rail fence, chain link fence, or any other fence which consists of vision blocking material over twenty-five percent (25%) or less of its total surface area is not considered as obstructing vision.
2. **Accessory Buildings.** No accessory building shall be erected in any required front or side yard and no separate accessory building shall be erected within five (5) feet of any main buildings or any property line. No separate accessory building shall occupy more than thirty percent (30%) of the required rear yard or exceed twelve (12) feet in height.
3. **More than One Principal Structure on a Lot.** In any district, more than one (1) principal structure housing a permitted principal use shall be erected on a single lot provided that the area, yard and other requirements of this chapter are met for each structure as though it were on an individual lot.
4. **Height Regulation Exception.** The height limitations contained in the schedules of district regulations do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above the roof level and not intended for human occupancy.
5. **Use of public Right-of-way.** No portion of the public road, street or alley right-of-way shall be used or occupied by an abutting use of land or structure for storage or display purposes or to provide any parking or loading space required by this chapter, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.
6. **Proposed Use not Covered in Chapter.** Any proposed use not covered in this chapter as a permitted use or special exception shall be referred to the Commission for a recommendation as to the proper district in which such use should be permitted and the chapter amended as provided in Section 165.38 before a permit is issued for such proposed use.
7. **Buildings to Have Access.** Every building hereafter erected or structurally altered, shall be on a lot or parcel having a frontage on a public street or road.

8. Mobile Homes or Trailers. Mobile homes occupied as a permanent or temporary place of residence shall be located only in an approved mobile home park or mobile home subdivision unless otherwise provided in this chapter and occupied travel trailers and camping trailers shall be located only in an approved tourist or trailer campground.

9. Hedges and Fences. Fences or hedges in residential districts shall not exceed four (4) feet in height in any required front yard and fences shall not exceed six (6) feet in height in any required side or rear yard, subject to the further restriction of subsection 1 above. Fences shall be built wholly on the owner's property unless it is otherwise agreed with the owner of the adjacent property, and hedges shall not be planted closer than two and one-half (2½) feet to any property line. All outdoor swimming pools shall be fenced to prevent unauthorized access by small children and to provide a degree of security. Such fence shall be an "unclimbable fence," which means a solid wall, chain-link fence, or other fence of sufficient strength and durability and design to render such pool inaccessible to children. In the case of in-ground pools, this shall be accomplished using a fence or wall not less than six (6) feet in height, located not less than five (5) feet from each side of such pool. In the case of above-ground pools, a combination of fence or wall and the water-enclosing wall of the swimming pool may be used, providing that the pool is reasonably secure and the effective enclosure height is not less than six (6) feet. For all swimming pools, any opening to the swimming pool shall be equipped with a self-closing and self-latching device with locking provisions for keeping the gate or door securely closed at all times when not in actual use. This section is applicable to pools in excess of five thousand (5,000) gallons.

10. Floodplain Construction. No building shall be located in a floodplain or waterway within the City if, after due consideration has been given to (i) the reasonable anticipated volume of water delivery to the proposed site, (ii) modifications made to provide for the disposal of excess water, and (iii) the type of structure to be erected, the Zoning Administrative Officer determines that special and unnecessary risks and hazards to the proposed structure would exist.

11. Satellite Receiving Antenna.

A. No person shall place, erect, construct, or install any satellite dish without first obtaining a building permit.

B. Any satellite receiving antenna hereafter constructed in a residential zoning district shall be mounted on the ground at a height no greater than the peak of the roof of the residence located on the lot on which the antenna is to be located. If there is no residence on the lot in which the antenna is to be located, the height shall be controlled by the residence on the lot nearest to the lot on which the antenna will be located. In no event shall the height be greater than fifteen (15) feet. The height of the antenna shall be measured vertically from the

highest point of the signal receiving apparatus, when positioned for operation, to the bottom of the base which supports the antenna.

C. No satellite receiving antenna shall be mounted, located or placed permanently or temporarily in any residential zoning districts in any front yard and the portion of the side yard that is adjacent to the principal structure on the lot, and not within five (5) feet of the lot lines in the remaining side yard and rear yards.

D. No satellite receiving antenna in residential districts shall be greater than twelve (12) feet in diameter.

E. Satellite receiving antennas mounted on trailers or vehicles may be allowed for a period not to exceed fifteen (15) days. All others shall be permanently placed.

F. Notwithstanding the provisions of this section, a satellite receiving antenna may be mounted to a residential dwelling so long as any and all structural requirements of the currently adopted edition of the Uniform Building Code are adhered to and followed. However, the top of the building mounted antenna shall not be higher than the peak of the roof of such building, and the antenna shall not be located on the side or front of the residence.

12. Parking regulations.

A. For use in this subsection, the following definitions are given:

(1) "Front yard" means a yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, and on corner lots the front yard shall be considered the yard adjacent to the street upon which the lot has its least dimension.

(2) "Vehicle" includes, but is not limited to, motorized vehicle, travel trailer, camping trailer and boat.

B. No person shall park, store or permit the parking or storage of any vehicle in the front yard of a one- or two-family dwelling for more than forty-eight (48) consecutive hours except on a driveway.

C. No person shall park, store or permit the parking or storage of more than four (4) vehicles in the combined side and rear yards of a one- or two-family dwelling unless such parking or storage is on a driveway or in an enclosed building or garage.

D. No one- or two-family dwelling with a one- or two-car garage shall have more than twenty-five percent (25%) of the front yard used for driveway parking purposes. However, this restriction shall not prohibit the construction of a twenty (20) foot wide driveway. One- and two-family dwellings that have a three (3) or more car garage shall be subject to the discretion of the Building Official.

13. Outdoor Storage of Race Cars.

A. For purposes of this subsection "race car" means stock car, race car, race truck, figure eight car, demolition derby car, drag race car, off-road race car or

sprint car. In any residential or agricultural zoning district it is unlawful for any person to store outside, accumulate outside or allow to remain outside any race car, whether on or off a trailer, on any private property within the corporate limits of the City. Notwithstanding the foregoing, race cars are allowed to be parked outside on private property for a period of no more than twenty-four (24) consecutive hours.

B. The provisions of this subsection do not apply to one, two, three or four operable race cars which can be moved under their own power if they are in a rear yard as defined by Section 165.03(53) or if they are in a side yard as defined by Section 165.03(54) and they are completely covered by a factory designed and manufactured fitted car cover. In no event shall the number of covered race cars and other vehicles permitted by Section 165.10(12)(C) exceed a total of four in the combined side and rear yards.

C. The provisions of this subsection do not apply to one operable race car which can be moved under its own power if it is parked in a front yard as defined by Section 165.03(52) and it is completely covered by a factory designed and manufactured fitted car cover as long as the race car is parked on a driveway.
(Ord. 1432 – Sep. 09 Supp.)

14. Townhome lots are allowed only in R-3 (Mixed Residential) and R-5 (Planned Residence Development) and must be associated with multi-family uses and in conjunction with a townhome association.

(Ord. 1415 – Aug. 08 Supp.)

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

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

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

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

4. Separate Yards, Open Space and Off-street Parking Required. 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 chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

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

6. New Areas Annexed to City. All territory which may hereafter become a part of the incorporated area of the City shall be reviewed by the Planning and Zoning Commission prior to annexation for the most appropriate use. The proposed zoning classification may be determined by reviewing the existing uses of the land provided such uses are listed as a permitted principal use within the zoning ordinance. The future land use map within the current comprehensive plan should be used for land that is undeveloped as well as the availability of public water and sanitary sewer services. The Commission may recommend the appropriate zoning district classification prior to such territory becoming a part of the City and upon the holding of a public hearing and approval by the Council, the territory, upon becoming part of the City, may be immediately so classified.

(Ord. 1272 – Feb. 04 Supp.)

7. Parking Spaces. No parking space required by this chapter shall be provided in any required front yard in a residential district and no required parking space, driveway, or any merchandise display or exterior storage

shall be provided in any required front yard or in the first five (5) feet inside the property line of any required side or rear yard in a C-2 district.

(Ord. 1252 – Aug. 03 Supp.)

8. Off-street Parking. All off-street parking for new one- and two-family dwellings shall conform with Section 166.04(2)(F) of this Code of Ordinances.

9. Vegetation. All new one- and two-family dwellings are required to plant and maintain four (4) shrubs and two (2) trees. Also, if there is curb and gutter, sod is required in the front yard from the home to the curb for the entire width of the lot, and if there is no curb and gutter, sod is required from the home to the front property line for the entire width of the lot. All other areas shall be seeded or sodded. All areas shall have an established lawn 95% weed free within ninety days of occupancy. The sod requirement of this section may be met with seed on lots of 2 or more acres in A-1 (agricultural) zoning districts.

(Ord. 1380 – Aug. 07 Supp.)

165.12 NONCONFORMING USES. Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before the Zoning Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment. Subject to Section 165.09, it is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. To avoid undue hardship, nothing in this chapter 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 chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

165.13 NONCONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted the single-family dwelling and customary accessory buildings may be erected as a variance on a single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding that such fails to meet the requirements for area or width or both that are generally applicable in the district where it is located. Yard dimensions and other requirements not involving area or width shall conform to the

regulations for the district in which the lot is located. Such variance of area or width shall be permitted only after approval by the Board of Adjustment.

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

1. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
3. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

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

1. No such structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

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

1. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

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

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

5. When a nonconforming use of a structure, or structure and premises in combination is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, thereafter, shall not be used except in conformance with the regulations of the district in which it is located.

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

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

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

165.19 NONCONFORMING USES TO REGISTER. The owner or operator of any use of land or use of a structure or use of land and structure in combination, which shall become nonconforming on the effective date of this chapter shall complete and file with the Administrative Officer a nonconforming use registration form, describing the use, the nature of its nonconformity, and the area of land or structure occupied on said date.

165.20 ADMINISTRATION AND ENFORCEMENT. An Administrative Officer designated by the Council shall administer and enforce this chapter. Said officer may be provided with the assistance of such other persons as the Council may direct. If the Administrative Officer finds that any of the provisions of this chapter are being violated, said

officer shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Administrative Officer shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions.

165.21 APPEALS FROM DECISION OF ADMINISTRATIVE OFFICER. Appeals from any decision of the Administrative Officer may be taken to the Board of Adjustment as provided in section 165.32.

165.22 INTERPRETATION OF PROVISIONS. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion and protection of the public health, safety, morals and general welfare. Wherever the requirements of this chapter 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.

165.23 VIOLATION AND PENALTIES. Any person who violates or fails to comply with the provisions of this chapter is guilty of a misdemeanor and upon conviction shall be subject to the standard penalty for violation of this Code of Ordinances and shall pay all costs and expenses involved in the prosecution of the violation. Each day such violation continues shall constitute a separate offense.

165.24 SEPARATE OFFENSES MAY BE CHARGED. The owners or tenants of any building, structure, land or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

165.25 INJUNCTION; MANDAMUS. If any building or structure is erected, constructed, reconstructed, altered, repaired or land is used in violation of this chapter, the City may, in addition to other remedies, institute injunction, mandamus, or other appropriate, lawful action necessary to prevent, correct, or abate such violation.

165.26 CONSTRUCTION COMPLIANCE CERTIFICATE. Subsequent to the adoption of this chapter a construction compliance certificate shall be obtained from the Administrative Officer before any building or structure shall be erected, reconstructed, or structurally altered to increase the exterior dimensions, height, or floor area, or remodeled to increase the exterior dimensions, height, or floor area, or remodeled to increase the number of dwelling units or accommodate a change in use of the building and/or premises or part thereof. The construction compliance certificate shall state that the proposed construction complies with all provisions of this chapter, and no subsequent modifications shall be made to plans or to actual construction that would be in violation of this chapter. A construction compliance certificate issued under this section shall lapse six (6) months from the date of its issuance unless construction has begun within that period and shall also lapse if construction is stopped after it is initiated for a period of time in excess of one hundred twenty (120) days.

In the event that a construction compliance certificate lapses for either of the above reasons, a new certificate shall be required before construction can resume. This amendment shall apply to all outstanding building permits at the time of its adoption so that if construction is not commenced within six (6) months after the date of this amendment, the rights under the building permit shall lapse.

165.27 MULTIPLE-DWELLING CONSTRUCTION COMPLIANCE CERTIFICATES. Requests for construction of multiple-dwelling compliance certificates shall be examined by the Fire Chief or the designee of the Fire Chief, who shall make a recommendation for approval or disapproval to the Zoning Administrator who shall finally either approve or disapprove the request.

165.28 OCCUPANCY COMPLIANCE CERTIFICATE. Subsequent to the effective date of this chapter, no change in the use or occupancy of land nor any change in use or occupancy in an existing building, other than for single-family dwelling purposes, shall be made, nor shall any new building be occupied for any purpose other than a single-family dwelling until an occupancy compliance certificate has been issued by the Administrative Officer. Every occupancy compliance certificate shall state that the new occupancy complies with all provisions of this chapter and no subsequent modifications shall be made to the occupancy, use, or method of operation that would be in violation of this chapter. No single-, two-, or multiple-family dwelling or other structure designed for human use or occupancy shall be occupied nor shall any occupancy compliance certificate be issued for any of the foregoing until and unless all improvements and installations required by the subdivision regulation ordinance of the City of Indianola (Chapter 170) have been made and accepted by the City.

165.29 APPLICATION FOR COMPLIANCE CERTIFICATES. Applications for compliance certificates shall be made prior to beginning construction or assuming occupancy on fully completed application forms obtained from the Administrative Officer, accompanied by such plans and information necessary to determine that the proposed construction or occupancy complies with all applicable provisions of this chapter.

165.30 FEES. The Administrative Officer is directed to issue a construction compliance certificate and/or occupancy compliance certificate as required by this chapter for proposed construction, reconstruction or alteration which complies with all provisions contained herein and to charge a fee of five dollars (\$5.00) for each construction compliance certificate or occupancy compliance certificate issued separately. Only one (1) five dollar (\$5.00) fee shall be charged for a construction compliance certificate and certificate of occupancy issued jointly. There shall be no fees charged to the United States Government, the State of Iowa, or any political subdivision thereof. All fees are required and shall be paid to the Administrative Officer, who shall keep a complete and accurate record of fees received and shall forthwith deposit them to the credit of the General Revenue Fund of the City.

165.31 BOARD OF ADJUSTMENT CREATED. A Board of Adjustment is hereby established. The board shall consist of five (5) members to be appointed by the Council for staggered terms of five (5) years. Members of the Board of Adjustment may be removed from office by the Council for cause upon written charges and after public hearing. Vacancies shall be filled by the Council for the unexpired term of the member.

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

165.33 HEARINGS, APPEALS AND NOTICE. Appeals to the Board of Adjustment concerning interpretation or administration of this chapter may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Administrative Officer. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days, by filing with the Administrative Officer and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney. A fee of one hundred dollars (\$100.00) shall be paid to the Administrative Officer at the time the notice of appeals is filed, which the Administrative Officer shall forthwith pay over to the credit of the General Revenue Fund of the City.

(Ord. 1262 – Aug. 03 Supp.)

165.34 STAY OF PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with said officer, that by reason of facts stated in the certificate, a stay would, in such officer's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Administrative Officer from whom the appeal is taken and on due cause shown.

165.35 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT. The Board of Adjustment has the following powers and duties:

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

2. Special Exceptions;. Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specially authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions with such conditions and safeguards as are

appropriate under this chapter and to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:

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

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

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

D. The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter and punishable under Section 165.23 of this chapter. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

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

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

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

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

(3) That the special conditions and circumstances do not result from the actions of the applicant;

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

B. Notice of public hearing shall be given as in subsection 2(B) above.

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

D. The Board of Adjustment shall make findings that the requirements of paragraph A of this subsection have been met by the applicant for a variance.

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

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

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under Section 165.23 of this chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

165.36 DECISIONS OF THE BOARD OF ADJUSTMENT. In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken. The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Officer, or to decide in

favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in application of this chapter.

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

165.38 CHANGES AND AMENDMENTS. The regulations imposed in the districts created by this chapter may be amended from time to time by the Council, but no such amendment shall be made without public hearing before the Council and after a report has been made upon the amendment by the Commission. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper having general circulation in the City. The Commission shall not make any recommendation to the Council until a sign eighteen (18) inches by twenty-four (24) inches indicating the zoning change requested has been prepared and posted by the City in a visible location on the premises for a period of fifteen (15) days. In case the Commission does not approve the change or, in the case of a protest filed with the Council against a change in district boundaries signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change or of those immediately adjacent thereto and within two hundred (200) feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all the members of the Council.

165.39 APPLICATION FOR CHANGE OF ZONING DISTRICT BOUNDARIES. Any person may submit to the Council an application requesting a change in the zoning district boundaries as shown on the official zoning district map. Such application shall be filed with the Administrative Officer accompanied by a fee of two hundred dollars (\$200.00) and shall contain the following information: *(Ord. 1262 - Aug. 03 Supp.)*

1. The legal description and local address of the property.
2. The present zoning classification and the zoning classification requested for the property.
3. The existing use and proposed use of the property.
4. The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested.
5. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.

6. A plat showing the locations, dimensions and use of the applicant's property and all property within two hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.

7. If the requested zoning change is from A-1 (Agricultural) to any other classification, the application shall contain the number of acres in each soil type for which a rezoning change is requested and the crop suitability rating of each. The soil type and its crop suitability rating shall be determined by the latest cooperative soil survey and accompanying data.

8. Prior to rezoning any property the Planning and Zoning Commission and the City Council shall consider the following relative to orderly regulated development: adequate size and location of public sanitary sewer, adequate size and location of public water and the presence of existing hard surfaced streets. Nothing in this chapter shall be construed to mean the City has any regulatory power for property used for agricultural purposes outside the City limits.

(Ord. 1431 – Sep. 09 Supp.)

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

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map described in Section 165.06 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.

ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED
344	March 2,1970	497	September 2, 1975
346	April 6, 1970	498	September 2, 1975
347	April 6, 1970	502	January 5, 1976
350	April 20, 1970	503	January 5, 1976
352	July 27, 1970	505	March 1, 1976
355	November 2, 1970	507	April 5, 1976
356	December 7, 1970	510	May 17,1976
357	December 7, 1970	512	June 21, 1976
358	December 7, 1970	513	July 6, 1976
359	December 7, 1970	514	July 19, 1976
360	January 4, 1971	515	August 16, 1976
362	January 18, 1971	516	August 16,1976
363	January 18, 1971	521	September 7, 1976
364	February 15, 1971	522	September 7, 1976
365	April 5, 1971	524	November 15,1976
373	June 21, 1971	525	November 15, 1976
375	July 6,1971	526	November 15,1976
376	August 2, 1971	529	December 6, 1976
377	October 4, 1971	538	May 2,1977
380	October 4, 1971	539	May 2,1977
396	March 6,1972	543	May 16, 1977
398	April 3, 1972	544	June 6, 1977
404	August 7, 1972	545	June 6, 1977
428	May 21,1973	546	June 6,1977
429	May 21, 1973	547	June 6, 1977
430	May 21, 1973	553	July 5, 1977
437	June 18, 1973	555	August 1, 1977
438	June 18,1973	556	August 1, 1977
439	June 18, 1973	557	August 1, 1977
449	September 17, 1973	558	August 1, 1977
464	June 3, 1974	559	August 1, 1977
465	June 17,1974	561	October 10, 1977
468	July 1, 1974	562	November 7, 1977
469	July 15, 1974	571	January 16, 1978
470	July 15,1974	572	February 6, 1978
481	January 20, 1975	573	February 6, 1978
484	April 7, 1975	574	February 6, 1978
487	May 19, 1975	577	March 20, 1978

SCHEDULE OF ORDINANCES AMENDING ZONING MAP

ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED
580	June 5, 1978	722	July 18, 1983
583	June 19, 1978	723	September 19, 1983
584	June 19, 1978	724	September 19, 1983
591	July 17, 1978	728	January 16, 1984
601	October 16, 1978	730	February 6, 1984
602	October 16, 1978	733	February 21, 1984
603	October 16, 1978	753	April 16, 1984
604	October 16, 1978	764	September 17, 1984
606	November 6, 1978	768	March 18, 1985
608	December 18, 1978	775	June 17, 1985
614	March 19, 1979	776	July 1, 1985
615	April 16, 1979	778	July 17, 1985
616	April 16, 1979	779	July 17, 1985
617	May 7, 1979	782	October 21, 1985
618	May 7, 1979	788	February 18, 1986
619	May 7, 1979	789	March 3, 1986
625	July 2, 1979	799	August 18, 1986
626	July 16, 1979	811	May 18, 1987
629	August 20, 1979	819	October 19, 1987
630	August 20, 1979	822	November 16, 1987
631	August 20, 1979	826	December 7, 1987
652	February 19, 1980	842	August 1, 1988
653	February 19, 1980	853	January 3, 1989
654	February 19, 1980	854	January 3, 1989
657	April 7, 1980	864	May 1, 1989
661	April 7, 1980	867	June 5, 1989
663	September 15, 1980	868	June 5, 1989
665	November 11, 1980	869	June 19, 1989
668	January 5, 1981	880	October 30, 1989
673	April 20, 1981	882	November 6, 1989
676	May 18, 1981	883	November 6, 1989
677	May 18, 1981	899	August 6, 1990
680	August 17, 1981	900	August 20, 1990
682	August 17, 1981	906	September 17, 1990
686	October 19, 1981	915	December 3, 1990
687	October 19, 1981	921	February 11, 1991
690	December 7, 1981	922	March 25, 1991
691	December 7, 1981	931	June 3, 1991
695	January 18, 1982	934	July 15, 1991
696	January 18, 1982	937	August 5, 1991
697	February 16, 1982	944	September 16, 1991
709	March 10, 1983	964	April 20, 1992
712	May 2, 1983	972	July 20, 1992

SCHEDULE OF ORDINANCES AMENDING ZONING MAP

ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED
973	August 4, 1992	1210	August 20, 2001
980	October 19, 1992	1233	September 16, 2002
1004	March 15, 1993	1236	October 7, 2002
1005	April 19, 1993	1251	June 16, 2003
1010	August 16, 1993	1253	July 7, 2003
1019	February 22, 1994	1256	July 21, 2003
1032	September 19, 1994	1264	September 15, 2003
1033	October 3, 1994	1270	December 1, 2003
1038	January 3, 1995	1273	December 15, 2003
1040	January 16, 1995	1274	January 5, 2004
1046	May 1, 1995	1283	May 17, 2004
1052	August 21, 1995	1311	February 22, 2005
1054	September 19, 1995	1312	February 22, 2005
1056	October 2, 1995	1324	March 21, 2005
1061	December 18, 1995	1332	June 6, 2005
1062	December 18, 1995	1335	July 18, 2005
1078	June 17, 1996	1341	November 7, 2005
1083	August 5, 1996	1342	November 7, 2005
1089	October 21, 1996	1357	May 1, 2006
1095	January 6, 1997	1377	March 19, 2007
1096	January 6, 1997	1378	March 19, 2007
1105	July 21, 1997	1383	July 2, 2007
1110	August 18, 1997	1423	February 2, 2009
1122	January 12, 1998	1433	June 1, 2009
1123	January 12, 1998	1436	July 6, 2009
1131	June 8, 1998		
1132	July 20, 1998		
1134	August 17, 1998		
1139	December 7, 1998		
1149	June 21, 1999		
1152	August 2, 1999		
1155	September 7, 1999		
1157	September 20, 1999		
1163	January 18, 2000		
1166	February 22, 2000		
1171	June 5, 2000		
1172	June 5, 2000		
1178	August 21, 2000		
1179	August 21, 2000		
1185	December 18, 2000		
1193	April 16, 2001		
1207	June 4, 2001		
1208	August 6, 2001		

