

CHAPTER 165

ZONING REGULATIONS

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165.01 DEFINITIONS. For the purpose of this chapter, certain terms and words are hereby defined.

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.
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 or more such rooms or suites.
3. “Apartment house” means a building arranged, intended, or designed to be occupied by three 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. “Boarding house” means a building other than a hotel where, for compensation and by arrangement, meals or lodging and meals are provided for three (3) or more persons.

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 on 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 City Planning and Zoning Commission.
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 families.
14. “Dwelling, multiple” means a building designed for or occupied exclusively by more than two (2) families.
15. “Family” means one or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel.
16. “Farm” means an area which is used for the growing of the usual farm products such as vegetables, fruits, and grains, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities and such accessory uses do not include the feeding of garbage or offal to swine or other animals, or commercial feeding of animals or poultry in confined lots or buildings.

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

18. “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 (2) ton capacity.

19. “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.

20. “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.

21. “Home occupation” means an occupation or a profession which:

- A. Is customarily carried on in a dwelling unit and,
- B. Is carried on by a member of the family residing in the dwelling unit, and,
- C. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and,
- D. Does not employ more than one person outside the immediate family, and
- E. Has no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building, and
- F. Does not occupy more than thirty percent (30%) of the area of one floor of the dwelling unit, and
- G. Has no more than one (1) exterior sign mounted flush with the face of the building, which sign shall not exceed three (3) square feet in area, and

H. 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.

1. 22. “Institution” means a building occupied by a non-profit corporation or a non-profit establishment for public use.

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

24. “Kennel” means an establishment where dogs are boarded for compensation or where dogs are bred or raised for commercial purposes or sale.

25. “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 dimensions of twelve (12) by thirty-five (35) feet and vertical clearance of at least fourteen (14) feet.

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

27. “Lot, corner” means a lot abutting upon two (2) or more streets at their intersection.

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

29. “Lot, double frontage” means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

30. “Lot, interior” means a lot other than a corner lot.

31. “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.

32. “Lot width” means the width of a lot measured at the building line and at right angles to its depth.

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

34. “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.

35. “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 and 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.

36. “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.

37. “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.

38. “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.

39. “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.

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

41. “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.

42. “Travel trailer” or “camping trailer” means a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicles to be used as a place of human habitation by one or more persons. Said vehicle may be up to eight (8) feet in width and any length provided its gross weight does not exceed four thousand five hundred (4,500) pounds, which shall be the manufacturer's shipping or the actual weight provided its overall length does not exceed twenty-eight (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 ninety (90) days in any twelve (12) month period, it shall be classed as a mobile home, regardless of the size and weight limitation provided herein. This definition shall also include house cars and camp cars having motive power and designed for temporary occupancy as defined herein.

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

44. “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 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.

45. “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, or

uncovered porch. On corner lots the front yard is considered as parallel to the street upon which the lot has its least dimension, except where the owner shall elect to front his building on the street parallel to the lot line having the greater dimension.

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

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

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

- A-1 Agricultural
- R-1 Single Family Residential
- R-2 Low Density Mixed Residential
- R-3 Mixed Residential
- M-H Manufactured Housing Park
- C-1 Highway Commercial
- C-2 General Retail
- M-1 Industrial

The locations and boundaries of these districts are shown on the official zoning map.
(*Ord. 51 – Feb. 14 Supp.*)

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

165.04 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 one of the following statements:

“This is to certify that this is the official zoning map referred to in Chapter 1, Section 1.2, of the Zoning Ordinance of Columbus Junction, Iowa, as adopted the 26th day of November, 1973 A.D.”

“This is to certify that this is the official zoning map referred to in Section 165.03 of the Zoning Ordinance of Columbus Junction, Iowa.”

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.

165.05 CHANGES IN OFFICIAL ZONING MAP. No changes in the official zoning map shall be made except as may be required by amendments to the zoning ordinance as allowed for in this chapter. 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 herein. *(See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.)*

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

1. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following township lines or section lines shall be construed as following township lines or section lines;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; 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.

165.07 AGRICULTURAL DISTRICT REGULATIONS. The following regulations are adopted pertaining to the A-1 Agricultural District.

1. Table of Permitted Principal Uses and Required Parking.

Permitted Principal Uses and Structures	Minimum Required Off-street Parking
Farms and agricultural uses	None
Single-family dwellings	2 spaces
Public and semi-public park, playgrounds or recreation areas	5 spaces per acre developed for active usage
Stable or kennel	5 spaces per acre developed for active usage
Cemetery	10 spaces plus 1 per acre
Public utilities	1 space per employee plus 1 vehicle
Railroads	None

2. Permitted Accessory Uses and Structures.

- A. Farm buildings incidental to agricultural uses.
- B. Private garages.
- C. Private swimming pools.
- D. Private greenhouses not operated for commercial purposes.
- E. 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.
- F. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.

3. Special Exception Uses and Structures. Subject to the other requirements contained herein, the Board of Adjustment may permit the following:

- A. Sanitary landfill or waste disposal area, provided it is not used for disposal of dead animals, 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 areas 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.

- B. Quarry, sand or gravel pit
- 4. Minimum Lot Area and Width.
 - A. Area: 20,000 square feet
 - B. Width: 125 feet
 - C. Depth: 150 feet
- 5. Minimum Yard Requirements.
 - A. Dwellings and Non-institutional Uses:
 - Front..... 40 feet
 - Rear 30 feet
 - Side 10 feet
 - Side street, corner lot 30 feet
 - B. Churches or Other Public or Institutional Buildings
 - Front..... 50 feet
 - Rear 40 feet
 - Side 40 feet
 - Side street, corner lot 40 feet
- 6. Maximum Height. 2½ stories or 35 feet
- 7. Permitted Signs.
 - A. Name plates attached flat against the wall of the main building not to exceed one (1) square foot in area.
 - B. Temporary signs advertising the lease or sale of the premises not to exceed six (6) square feet in area.
 - C. Billboards or advertising signs provided:
 - (1) They are not within 300 feet of an intersection, highway structure, residence or another billboard.

(2) They are not within 100 feet of a park, school, or cemetery, public or semi-public building.

(3) They are not within 75 feet of the centerline of a City or County road, or 150 feet of a State or Federal highway.

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

Existing signs are excepted from the provisions of this chapter, but all new signs shall comply.

165.08 SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS.

The following regulations are adopted pertaining to the R-1 Single Family Residential District.

1. Table of Permitted Principal Uses and Required Parking.

Permitted Principal Uses and Structures	Minimum Required Off-street Parking
Single-family dwelling	2 spaces
Mobile home converted to real estate	2 spaces
Community or recreation building	1 space for each 150 square feet of floor area
Public or semi-public park, playground, swimming pool or recreation area	5 spaces per acre developed for active use
Elementary or secondary school	1 space per classroom and office plus 1 for each 6 seats in an auditorium or stadium
Church and other place of worship	1 space for each 4 seats in the main auditorium

2. Permitted Accessory Uses and Structures.

- A. Private garages.
- B. Private swimming pools.
- C. Private greenhouses not operated for commercial purposes.
- D. 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.

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

3. Special Exception Uses and Structures. Subject to other requirements contained herein, the Board of Adjustment may permit the following:

A. Public housing developments, 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 chapter be provided.

B. 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.

C. Mobile home park provided that the installation complies with Chapter 435 of the Code of Iowa, as amended; and complies with the following:

(1) Has a water supply and sanitary sewage collection and treatment system approved by the State Board of Health;

(2) Has a minimum area of 3,500 square feet for each mobile home space;

(3) Has a maximum density of 10 units per acre;

(4) Provides at least ten (10) parking spaces plus one parking space on each mobile home site; and

(5) No mobile home is closer than 25 feet to any property line of the mobile home park.

4. Minimum Lot Area and Width, Single-family Dwelling.

A. Area: 9,000 square feet

B. Width: 75 feet

Where a lot is not served by a public water and/or sanitary sewer system, the minimum lot area shall be not less than 20,000 square feet and the width not less than 125 feet.

5. Minimum Yard Requirements.

A. Dwellings and Non-institutional Uses:

Front30 feet

Rear30 feet

Side

One story7 feet

Two stories or more.....8 feet

Street side, corner lot.....20 feet

B. Schools, Churches or Other Public or Institutional Buildings

Front35 feet

Rear35 feet

Side.....15 feet

Side street, corner lot.....20 feet

6. Maximum Height. 2½ stories or 35 feet

7. Permitted Signs.

A. Name plates attached flat against the wall of the main building not to exceed three (3) square feet in area.

B. Church or public bulletin board not to exceed twelve (12) square feet in area.

C. Temporary signs advertising the lease or sale of the premises not to exceed six (6) square feet in area.

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

E. Signs and bulletin boards shall be at least 20 feet from the front lot line or not more than five (5) feet in front of the main buildings.

F. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be

promptly removed and the surrounding area restored to a condition free from refuse and rubbish.

G. Any sign not conforming to the provisions of this chapter shall be made to conform or be removed within three (3) years after adoption of the ordinance codified herein.

165.09 LOW DENSITY MIXED RESIDENTIAL DISTRICT REGULATIONS. The following regulations are adopted pertaining to the R-2 Mixed Residential District.

1. Table of Permitted Principal Uses and Required Parking.

Permitted Principal Uses and Structures	Minimum Required Off-street Parking
Single-family dwelling	2 spaces
Mobile home converted to real estate	2 spaces
Two, three and four-family dwelling	2 spaces per family
Community or recreation building	1 space for each 150 square feet of floor area
Public or semi-public park, playground, swimming pool or recreation area	5 spaces per acre developed for active use
Elementary or secondary school	1 space per classroom and office plus 1 for each 6 seats in an auditorium or stadium
Church and other place of worship	1 space for each 4 seats in the main auditorium
Funeral parlor	1 space for each 4 seats in the main chapel

2. Permitted Accessory Uses and Structures.

- A. Private garages.
- B. Private swimming pools.
- C. Private greenhouses not operated for commercial purposes.
- D. 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.

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

3. Special Exception Uses and Structures. Subject to other requirements contained herein, the Board of Adjustment may permit the following:

A. Public housing developments, rest, nursing and convalescent homes; homes for the orphan and aged on sites of one (1) acre or more; off-street parking and yards comparable for other institutional uses of this chapter be provided.

B. 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.

4. Minimum Lot Area and Width.

A. Single-family Dwelling:

Area: 7,200 square feet

Width: 60 feet

B. Two-family Dwelling:

Area: 8,000 square feet

Width: 70 feet

C. Multiple-family Dwelling:

Area: 6,500 square feet for the first unit plus 1,500 square feet for each additional unit up to 12, and 750 square feet for each additional unit over 12

Width: 80 feet

Where a lot is not served by a public water and/or sanitary sewer system, the minimum lot area shall be not less than 20,000 square feet and the width not less than 125 feet.

5. Minimum Yard Requirements.

A. Dwellings and Non-institutional Uses:

- Front..... 30 feet
- Rear 30 feet
- Side
 - One story..... 7 feet
 - Two stories or more 8 feet
- Street side, corner lot 20 feet

B. Schools, Churches or Other Public or Institutional Buildings:

- Front..... 35 feet
- Rear 35 feet
- Side 15 feet
- Side street, corner lot 20 feet

6. Maximum Height. 2½ stories or 35 feet.

(Ord. 51 – Feb. 14 Supp.)

165.10 MIXED RESIDENTIAL DISTRICT REGULATIONS. The following regulations are adopted pertaining to the R-3 Mixed Residential District.

1. Table of Permitted Principal Uses and Required Parking.

Permitted Principal Uses and Structures	Minimum Required Off-street Parking
Single-family dwelling	2 spaces
Mobile home converted to real estate	2 spaces
Two, three and four-family dwelling	2 spaces per family
Multiple-family dwellings	2 spaces per family
Community or recreation building	1 space for each 150 square feet of floor area
Public or semi-public park, playground, swimming pool or recreation area	5 spaces per acre developed for active use
Elementary or secondary school	1 space per classroom and office plus 1 for each 6 seats in an auditorium or stadium
Church and other place of worship	1 space for each 4 seats in the main auditorium
Funeral parlor	1 space for each 4 seats in the main chapel

2. Permitted Accessory Uses and Structures.
 - A. Private garages.
 - B. Private swimming pools.
 - C. Private greenhouses not operated for commercial purposes.
 - D. 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.
 - E. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
3. Special Exception Uses and Structures. Subject to other requirements contained herein, the Board of Adjustment may permit the following:
 - A. Public housing developments, rest, nursing and convalescent homes; homes for the orphan and aged on sites of one (1) acre or more; off-street parking and yards comparable for other institutional uses of this chapter be provided.
 - B. 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.
4. Minimum Lot Area and Width.
 - A. Single-family Dwelling:
Area: 7,200 square feet
Width: 60 feet
 - B. Two-family Dwelling:
Area: 8,000 square feet

Width: 70 feet

C. Multiple-family Dwelling:

Area: 6,500 square feet for the first unit plus 1,500 square feet for each additional unit up to 12, and 750 square feet for each additional unit over 12

Width: 80 feet

Where a lot is not served by a public water and/or sanitary sewer system, the minimum lot area shall be not less than 20,000 square feet and the width not less than 125 feet.

5. Minimum Yard Requirements.

A. Dwellings and Non-institutional Uses:

Front..... 30 feet

Rear..... 30 feet

Side

One story..... 7 feet

Two stories or more 8 feet

Street side, corner lot 20 feet

B. Schools, Churches or Other Public or Institutional Buildings.

Front..... 35 feet

Rear..... 35 feet

Side 15 feet

Side street, corner lot 20 feet

6. Maximum Height. 2½ stories or 35 feet.

(Ord. 51 – Feb. 14 Supp.)

165.11 MANUFACTURED HOUSING PARK DISTRICT REGULATIONS. The purpose of this section is to provide minimum standards for the design, development and improvement of all new or improved manufactured housing parks. It is further the intent of this section to provide semi-permanent single-family residences, with adequate public facilities and services, to promote development consistent with the Comprehensive Plan, and to promote, provide for the health, safety and general welfare of the citizens of the City.

1. **Applicability.** This section provides minimum standards for the design and development of all new manufactured housing parks and the alteration of all existing manufactured housing parks. Those existing manufactured housing parks not meeting the requirements set down herein shall, upon any alteration, meet all the provisions of this section for the altered use.
2. **Definitions.** For use in this section, the following additional definitions are given:
 - A. “Alteration” means any increase in the gross park area or change in the layout of an existing manufactured housing park.
 - B. “Manufactured housing” includes mobile and modular homes.
 - C. “Manufactured housing park” means a tract of land which has been planned and improved for the placement of manufactured housing on leased spaces.
 - D. “Manufactured housing space” means a plot of ground within a manufactured housing park designed for the accommodation of one manufactured housing unit and which is leased to the owner of the manufactured housing unit.
 - E. “Mobile home” means a single-family dwelling unit, built on a chassis, suitable for year-round occupancy and containing water supply, waste disposal, heating and electrical conveniences.
 - F. “Mobile home park” means any site, lot, field or tract of land upon which two 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.
 - G. “Modular home” means any single-family dwelling unit which is manufactured in whole or in components at a place other

than at the location where it is to be placed; which is assembled in whole or in components at the location where it is to be permanently located; which rests on a permanent foundation or slab; which does not have wheels or axles affixed as a part of its normal construction; and which does not require a license by any agency as a motor vehicle, special equipment, trailer, motor home or mobile home.

H. “Park” means a manufactured housing park.

I. “Parking area” means four or more parking spaces and an aisle or aisles.

J. “Patio” means a surfaced outdoor living space consisting of materials such as wood, brick, concrete or other similar solid and dust free materials, located at grade and directly adjacent and accessible from a manufactured housing unit.

K. “Recreation space” or “open space” means that portion of the park that is not covered by drives, parking spaces or aisles, and intended to provide for recreation buildings and other recreational facilities such as swimming pools, tennis courts, playgrounds and playing fields.

3. Applications. Any person who wishes to establish or alter a manufactured housing park shall submit to the City a preliminary plan meeting the requirements of this section. The preliminary plan shall be composed of two parts: an existing site plan and the development site plan.

4. Existing Site Plan. A plan of the existing conditions of the area proposed for development shall include:

- A. Location map;
- B. Development name;
- C. Outline of the tract upon which the park is to be located;
- D. Existing streets and City utilities on adjoining property.

5. Development Site Plan. The plan for development shall include:

- A. Legal description, acreage and the name of the manufactured housing park;
- B. Name and address of the owner;

- C. Names of the persons who prepared the plan, the applicant's attorney, representative or agent, if any, and date of the preparation of the site plan;
 - D. North point and graphic scale;
 - E. Contours at five-foot intervals or less;
 - F. Layout of existing and proposed street systems, lot lines, sidewalks, manufactured housing spaces and parking areas;
 - G. Location of existing and proposed water mains, sewers, drain pipes, culverts, watercourses, storm-water detention facilities and fire hydrants;
 - H. Grades of existing and proposed streets and alleys;
 - I. Location of areas proposed to be dedicated or reserved for recreation space/open space;
 - J. Location of land within the park which is not to be developed at the time of initial approval of the plan, and estimated time of development, and uses proposed for such land;
 - K. Distances between the park, and buildings and structures adjacent to the park;
 - L. A signature block for endorsement by the Clerk certifying the Council's approval of the plan.
6. Existing Park Plan. If an approved plan of existing portions is not on file with the City, the preliminary plan shall include the existing or present level of development. In order to establish the existing level of development, the plan shall include and identify:
- A. Legal description and outline of the entire manufactured housing park;
 - B. Existing street system, sidewalks and utilities;
 - C. Manufactured housing spaces;
 - D. Parking area;
 - E. Areas of land, if any, dedicated or reserved for recreational or open space areas, and storm water detention facilities;
 - F. Area within the park not presently developed.

The plan should clearly distinguish between the added or altered area, for which compliance with all the provisions of this section is required, and the balance of the existing park.

7. Preliminary Approval. Procedures for preliminary approval of any manufactured housing park shall be in accordance with the procedures for preliminary approval of subdivisions and large-scale residential developments. Such approval shall be done by resolution and shall be binding with regard to preparation of the final plan.
8. Final Plan Submission Requirements. The following information and materials shall be filed with the Clerk:
 - A. A copy of the final site plan containing the information required in subsection 9 of this section.
 - B. A completed application form.
 - C. An application fee payable to the City.
9. Final Site Plan Requirements.
 - A. The final site plan may include all or part of the preliminary site plan. If the final site plan does not include the entire development illustrated on the preliminary plan, the portion shown must be able to function as a separate development, including access and utilities.
 - B. The scale of the final site plan shall not be smaller than 1 inch equals 50 feet, unless the resultant drawing would be larger than 24 inches by 36 inches. In no case shall the scale of the plan be smaller than 1 inch equals 100 feet.
 - C. The final site plan shall include or have attached an accurate legal description of the boundaries of the park illustrating:
 - (1) Accurate references to known or permanent monuments, giving the bearings and distances from some corner of the park to some corner of the congressional division of which the park is a part or to some corner of a lot or block within the City;
 - (2) Accurate boundary line dimensions in feet and hundredths of feet, with angles and/or bearings, providing a survey with an unadjusted closure error not greater than 1 foot in 10,000 feet;
 - (3) Accurate location of all existing and recorded streets adjacent to the boundaries of the park;
 - (4) Acreage or square footage of the park;

(5) Certification of the survey by a registered land surveyor of the State.

D. The final site plan shall include and illustrate the following:

(1) The boundaries of the park shall be accurately drawn and annotated.

(2) Accurate dimensions and curve data for all street lines and private drive centerlines shown on the plan.

(3) Names of all street and private drives shown on the plan.

(4) Approximate dimensions of all existing manufactured housing space lines with angles to adjacent street lines.

(5) Dimensions of all proposed manufactured housing space lines with angles to adjacent street lines.

(6) Dimensions illustrating location and size of all existing and proposed walks, drives, parking areas, structures and areas reserved for other uses or future development.

(7) Location, width and purpose of all existing and proposed easements.

(8) Land for future park development and estimated time of development.

(9) Name of the development.

(10) Name and address of the owner and/or developer.

(11) Applicant's attorney, representative or agent, if any.

(12) North point, graphic scale and date.

(13) Certificate by utility companies that the utility easements as shown on the plan are adequate.

(14) A signature block for endorsement by the Mayor or designee.

(15) Certification of the park boundary description by a registered architect, engineer, landscape architect or land surveyor of the State.

E. The final plans shall also be accompanied by the following instruments:

(1) Dedication of streets, sewers and water lines and the granting of easements where required.

(2) Resolution for approval of such dedications and grantings by the Council in a form approved by the City Attorney.

10. Final Plan Approval. Final plan approval is an administrative action. No public notice or hearing is required in connection with the approval of final plans or minor changes from approved preliminary plans. Approval of final plans and reports for new manufactured housing parks shall be based on substantial compliance with the approved preliminary park plan. If the final plan complies with all plans and specifications of the City, the final plan shall be approved by the Mayor or designee.

11. Changes in Approved Final Plans. Changes in approved final manufactured housing park plans including minor changes in building or manufactured housing space arrangements may be approved by the Mayor or designee only upon findings that such changes are conceptually consistent with the preliminary plan. All other changes shall require amendment of the preliminary and final plan.

12. All building permits shall be issued on the basis of conformance with the final plan or minor amendments as provided in subsection 11.

13. Fees. A fee in an amount to be established by resolution shall be paid at the time the preliminary or final plan or combination of preliminary and final plans is submitted to the City.

14. Park Requirements. A manufactured park shall conform to the following requirements:

A. Area. The total area within the park shall not be less than two (2) acres.

B. Drainage. The park shall be graded to be free from stagnant pools of water.

C. Space Requirements. Each park shall provide manufactured housing spaces, and each shall be clearly defined or delineated. Each individual space shall meet the following requirements:

- (1) Minimum manufactured housing space: 3,500 square feet;
- (2) Minimum manufactured housing space width: 35 feet;
- (3) Minimum manufactured housing space frontage: 20 feet;
- (4) Maximum building bulk:
 - Height: 25 feet;
 - Building coverage: 40 percent (40%);
- (5) Minimum Front Yards: 15 feet (measured from the manufactured housing unit or the closest projectile from the unit to the abutting private street);
- (6) At least 20-foot clearance between manufactured housing units shall be provided, except with respect to manufactured units parked end-to-end; the end-to-end clearance shall not be less than 15 feet. A 30-foot clearance shall be provided between any manufactured housing unit and the edges of a C-1, C-2 or M-1 zone, except where abutting an arterial street, in which case a 40-foot clearance shall be required. Where public streets are platted within a manufactured housing park, a 20-foot clearance shall be required from the street right-of-way line.
- (7) Tree planting for manufactured housing parks shall meet the requirements below. Also, all spacing and location provisions shall be as required in Section 165.08 of this chapter.
 - (a) The species to be planted shall be free from nuisance-bearing materials.
 - (b) Trees shall be planted over the gross site area at a minimum ratio of one tree for every one manufactured housing space provided in the park.

D. Recreation Space/Open Space. Manufactured housing parks shall take into consideration the need to provide open space for recreational purposes and to enhance the general character of the area. Recreation space shall be provided as follows:

(1) For manufactured housing parks with an average manufactured housing space size of 3,500 square feet, recreation space shall be provided at a rate of not less than 9% of the total park area. As the average manufactured housing space size increases from 3,500 square feet, recreation space may decrease at a rate of .5% per each 100 square foot increase in the average manufactured housing space size. The minimum size of any one required area of recreation space shall be equivalent to the smallest manufactured housing space provided in the park.

(2) In the provisions of recreation space, the following planning criteria should be considered:

(a) Recreation space should be readily accessible to residents of the manufactured housing park. If a single area of recreation space is provided, it should be located within 800 feet of each manufactured housing space.

(b) Recreation space may be provided in conjunction with storm water detention.

E. Streets. Manufactured housing parks shall be provided with safe and convenient vehicular access from a collector or arterial public street abutting the park to each manufactured housing space, service building or other common facility, in a manner more particularly described in subsection 15 of this section.

F. Driveways. Hard-surfaced driveways shall be provided for each manufactured housing space, service building, delivery and collection point, and elsewhere as needed. The driveways shall be a minimum of ten (10) feet in width.

G. Parking. Nine (9) x twenty (20) foot hard-surfaced off-street parking spaces shall be provided at the rate of two parking spaces per unit. At least one off-street parking space shall be located on each manufactured housing space. The other required parking space may be located in a common parking area within convenient access to the manufactured housing unit. Parking spaces may be provided in the front yard area; however, they shall not be allowed within ten (10) feet of an adjoining manufactured housing unit.

- H. Sidewalks. Individual sidewalks shall be provided to each manufactured housing entrance from the street or from a driveway or parking space connected to the street. Also, common walks shall be provided in locations where pedestrian traffic is concentrated. Sidewalk widths shall be at least two and one-half (2½) feet for sidewalks on individual spaces and at least four (4) feet for sidewalks in common areas or along public streets. Gradients for all sidewalks shall be not greater than twelve percent (12%), cross-slopes shall be at a rate of one-fourth (¼) inch per foot and the street edge of the sidewalk surface shall be located above the curb one-third (1/3) inch for every foot horizontally from the curb.
- I. Patios/Decks. Each manufactured housing space shall be provided with a patio/deck of at least 100 square feet, and with a minimum dimension of ten (10) feet.
- J. Public Lighting. Outdoor lighting shall be provided for all streets, walkways, buildings and other facilities subject to nighttime use.
15. Streets. All public streets within the park shall meet the following standards:
- A. Continuation and Extension. Within manufactured housing parks, provisions shall be made for the continuation and extension of public streets, which shall be platted in accordance with the current subdivision regulations and constructed in accordance with current City standards.
- B. Street Width. All private street widths shall be measured back-to-back of curb. Minimum street pavement widths shall be provided as follows:
- (1) 24 feet without parking, and so posted;
 - (2) 28 feet with parking on one side, and so posted; or
 - (3) 36 feet with parking on both sides.
- C. Pavement. All private streets shall be constructed with either nonreinforced Portland cement concrete with a six-inch (6") pavement thickness, or full depth asphaltic concrete with a pavement thickness of eight and one-half (8½) inches, except that during the first five years following the park's approval by the City, the streets may be constructed of six (6) inches of compacted

gravel. Curb shall be provided in accordance with good engineering standards.

D. Grades. No street grade shall be less than one-half of one percent and shall not exceed twelve percent.

16. Utilities. Private utilities shall be designed and constructed as follows:

A. Sanitary Sewers. The sewerage system shall be designed, constructed and maintained in accordance with applicable City codes or specifications approved by the City. Each manufactured housing space shall be provided with at least a four-inch diameter sewer riser pipe terminating at least four (4) inches above the ground surface and located such that the sewer connection to the manufactured housing unit drain outlet will approximate a vertical position. Provision shall be made for plugging the drain when a manufactured housing unit does not occupy the space.

B. Storm Drainage. The manufactured housing park shall be provided with drains, ditches, culverts, bridges, storm sewers, intakes and manholes adequate to provide for the collection and removal of all surface waters. Such drainage shall be provided in accordance with applicable City codes or specifications approved by the City.

C. Water Supply. An adequate supply of potable water for drinking and domestic purposes shall be supplied by pipes to all buildings used for human occupancy and manufactured housing spaces within the park. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with applicable City codes or specifications approved by the City. Individual water riser pipes shall be located at a point where the water connection to the manufactured housing unit will approximate a vertical position. Water riser pipes shall either terminate at least four (4) inches above the ground surface, or be located in a recessed opening with extension pipes provided which terminate at least four (4) inches above the ground surface, with at least a $\frac{3}{4}$ -inch valve outlet. In addition, a curb stop shall be installed for each manufactured housing space between the main and said riser pipe.

D. Electrical Outlet. An electrical outlet supply of at least 220 volts shall be provided for each manufactured housing space with a minimum of 100 ampere individual service.

17. Refuse and Garbage Handling. The storage, collection and disposal of refuse in the manufactured housing park shall not create health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

A. Collection Stations. Unless individual garbage and trash collection is provided, dumpsters or refuse collection stands consisting of a holder or rack on an impervious slab shall be provided within 300 feet from any manufactured housing space they serve. Container stands shall be designed to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

B. Collection Receptacles. Collection receptacles shall be provided in quantities adequate to permit disposal of all garbage and rubbish.

C. Collection. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

18. Permanent Structures and Facilities. The requirements of this subsection apply to service buildings, recreation buildings and other park service facilities which follow, as provided in Section 165.08(2), Permitted Accessory Uses:

A. Manufactured Housing Sales. Manufactured housing sales shall be allowed as an accessory use in conjunction with the management office, provided that the number of manufactured housing units displayed for sale does not exceed 25% of the manufactured housing spaces.

B. Equipment and Materials Storage. Maintenance materials and equipment shall be stored either in a permanent structure or in yards fenced in with a minimum six-foot fence of solid construction.

C. Tenant Storage. Storage facilities for park tenants may be provided on the space or in compounds located within the park.

19. Fire Safety Standards.

A. Water Supply Facilities. Standard City hydrants shall be located within 300 feet of all manufactured housing spaces, measured along the driveways or streets. The water supply system shall meet the minimum standards for fire-fighting purposes as required or recommended by the Fire Department.

B. Storage and Handling of Fuel. In parks where liquefied petroleum gasses, gasoline, fuel oil or other flammable liquids are stored and/or dispensed, their handling and storage shall comply with applicable City, State and Federal regulations.

20. Special Exception Uses and Structures. Subject to other requirements contained herein, the Board of Adjustment may permit the following:

A. Public housing developments, 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 chapter be provided.

B. 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.

C. Mobile home park provided that the installation complies with Chapter 435 of the Code of Iowa, as amended; and complies with the following:

- (1) Has a water supply and sanitary sewage collection and treatment system approved by the State Board of Health;
- (2) Has a minimum area of 3,500 square feet for each mobile home space;
- (3) Has a maximum density of 10 units per acre;
- (4) Provides at least ten (10) parking spaces plus one parking space on each mobile home site; and
- (5) No mobile home is closer than 25 feet to any property line of the mobile home park.

(Ord. 51 – Feb. 14 Supp.)

165.12 HIGHWAY COMMERCIAL DISTRICT REGULATIONS. The following regulations are adopted pertaining to the C-1 Highway Commercial District.

1. Table of Permitted Principal Uses and Required Parking.

Permitted Principal Uses and Structures	Minimum Required Off-street Parking
Automotive display, sales, service and repair	1 space for each 300 square feet of sales, service or office floor area
Farm implement display, sales, service and repair	
Animal hospital or kennel	
Mobile home or travel trailer display and sales	
Restaurant or night club	1 space per 100 square feet of floor area
Drive-in eating and drinking establishment	5 spaces per 100 square feet of floor area
Motel or tourist camp	1 space per unit or campsite
Dwelling unit above a store or shop	1 space per unit
Railroads and public utilities but not including storage or maintenance yards and buildings	1 space per employee plus 1 vehicle used by the facility

2. Permitted Accessory Uses and Structures.

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

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

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

3. Special Exception Uses and Structures. None.

4. Minimum Lot Area and Width. None.

5. Minimum Yard Requirements.

6. Front.....15 feet

7. No side or rear yard except where a dwelling is above a store or shop, a rear area of 20 feet shall be provided and where

adjacent to an “A” or “R” District, a side area of 10 feet and a rear area of 15 feet shall be provided.

8. Maximum Height. 2½ stories or 35 feet.
9. Permitted Signs.
 - A. Advertising signs, billboard and trade, business or industry identification signs provided that:
 - (1) Free-standing signs do not exceed 25 feet in height;
 - (2) Signs attached to a building shall no project above the height of the building or more than four (4) feet from the wall of the building;
 - (3) No sign shall exceed 150 square feet in area nor shall any sign cover more than ten percent (10%) of the building face which it covers;
 - (4) No sign or billboard shall be located in, overhang or project into a required yard;
 - (5) All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.

Existing signs are excepted from the provisions of this chapter, but all new signs shall comply.

165.13 GENERAL RETAIL DISTRICT REGULATIONS. The following regulations are adopted pertaining to the C-2 General Retail District.

1. Table of Permitted Principal Uses and Required Parking.

Permitted Principal Uses and Structures	Minimum Required Off-street Parking
Automotive sales, service and repair	No off-street parking is required in this District.
Farm implement sales, service and repair	
Financial institution	
Clubs and lodges	
Retail businesses	
Personal service and repair shops	
Business and professional offices and studios	
Medical, dental, chiropractic clinics	
Restaurant, night club, cafe or tavern	
Public buildings and utilities	
Public and private parking lots	
Plumbing, heating and air conditioning shops	
Printing, publishing and engraving	
Dwelling unit above a store or shop	
Wholesale display and salesroom	
Lumber yard or building material sales or storage	

2. Permitted Accessory Uses and Structures.

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

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

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

D. Food sales, preparation, production, and processing for human consumption, both retail and wholesale, but only where the processing uses are wholly contained within a building, and have no exterior storage, create no offensive noise, dust, odor, vibration, or visual or electrical interference.

(Ord. 46 – Oct. 10 Supp.)

3. Special Exception Uses and Structures. None.
4. Minimum Lot Area and Width. None.
5. Minimum Yard Requirements. None except where apartments are above a store or shop, a rear area of 20 feet shall be provided and where adjacent to an “R” District, a front or side area of 10 feet and a rear area of 20 feet shall be provided.
6. Maximum Height. 2½ stories or 35 feet.
7. Permitted Signs.
 - A. Advertising signs, billboard and trade, business or industry identification signs provided that:
 - (1) Free standing signs do not exceed 25 feet in height;
 - (2) Signs attached to a building shall not project above the height of the building or more than four (4) feet from the wall of the building;
 - (3) No sign shall exceed 150 square feet in area nor shall any sign cover more than ten (10) percent of the building face which it covers.
 - (4) No sign or billboard shall be located in, overhang or project into a required yard.
 - (5) All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.

Existing signs are excepted from the provisions of this chapter, but all new signs shall comply.

165.14 INDUSTRIAL DISTRICT REGULATIONS. The following regulations are adopted pertaining to the M-1 Industrial District.

1. Table of Permitted Principal Uses and Required Parking.

Permitted Principal Uses and Structures	Minimum Required Off-street Parking
Manufacturing and processing uses that are wholly contained within a building and have no exterior storage, create no offensive noise, dust, odor, vibration or electrical interference	1 space for every 2 employees plus 1 space per vehicle used by the industry
Wholesaling and warehousing but not including the bulk storage of petroleum products or liquid fertilizer under pressure	1 space for every 200 square feet of floor area
Frozen food locker	1 space for every 300 square feet of sales, service or office floor area
Farm implement display, sales, service and repair	
Truck and freight terminal	
Animal hospital or kennel	
Welding and repair shop	
Lumber yard and building material sales and storage	1 space per employee plus 1 space per vehicle used by the industry
Machine shops	
Plumbing, heating, air conditioning and sheet metal shops	
Grain elevator and feed mill	
Public buildings and utilities	1 space for every 200 square feet of floor area
All uses shall provide at least one loading space for each 10,000 square feet of floor area.	

2. Permitted Accessory Uses and Structures.

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

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

- C. Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants.
3. Special Exception Uses and Structures. Subject to other requirements contained herein, the Board of Adjustment may permit the following:
- A. Stockyards, rendering works, loading pens, buying stations and/or sale barns and yards, provided that
- (1) It is not closer than one-fourth ($\frac{1}{4}$) mile to any dwelling unit other than that of the owner or operator, or any park, school, church or place of public assembly;
 - (2) The provisions for drainage, sanitation, waste disposal, and fly control are approved by the City Health Officer;
 - (3) 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 one (1) space for each vehicle used by the industry be provided.
- B. Auto wrecking and junkyards on sites of two (2) acres or more provided that a front yard is 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.
- C. Bulk storage of petroleum products and liquid fertilizer under pressure, provided that such use shall not be located within 300 feet of any existing dwelling, park, school, church or place of public assembly.
4. Minimum Lot Area and Width. None.
5. Minimum Yard Requirements. None except where adjacent to an "R" District, a front or side area of 10 feet and a rear area of 20 feet shall be provided.
6. Maximum Height. 4 stories or 50 feet.
7. Permitted Signs.
- A. Advertising signs, billboard and trade, business or industry identification signs provided that:
- (1) Free standing signs do not exceed 25 feet in height;

- (2) Signs attached to a building shall not project above the height of the building or more than four (4) feet from the wall of the building;
- (3) No sign shall exceed 150 square feet in area nor shall any sign cover more than ten (10) percent of the building face which it covers.
- (4) No sign or billboard shall be located in, overhang or project into a required yard.
- (5) All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.

Existing signs are excepted from the provisions of this chapter, but all new signs shall comply.

165.15 SUPPLEMENTARY DISTRICT REGULATIONS. The following provisions, regulations or exceptions apply equally to all districts except as hereinafter provided:

1. Bed and Breakfast Operations. A bed and breakfast home provides accommodation to two or less families at one time. All accommodations are provided in the family home which the host or hostess is in residence. Regulations governing bed and breakfast operations are as follows:
 - A. No food service to the general public except for the family(ies) that are overnight guests;
 - B. May advertise as a bed and breakfast home, but not as hotel, motel, or restaurant.
 - C. Exempt from licensing and inspection as a food service establishment and as a hotel;
 - D. Must have a smoke detector in working order in each sleeping room;
 - E. A fire extinguisher must be maintained in working order on each floor;
 - F. If water is not received from a public water supply, the water must be tested annually by the State Hygienic Laboratory or local board of health;

- G. No more than one person who is not a resident on the premises shall be employed;
 - H. No alteration of the principal residential building shall be made which changes its character and appearance as a dwelling;
 - I. No stock of goods shall be displayed or sold on the premises in excess of storage area available;
 - J. No sign, other than one unlighted sign not over three square feet in area, and attached flat against the dwelling;
 - K. One additional off-street parking space be provided for each guest room.
2. **Visibility at Intersection.** On a corner lot in any district except the C-2 General Retail 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.
3. **Accessory Buildings.** No accessory building shall be erected in any required front or side yard and no separate accessory buildings shall be erected within five (5) feet of any main buildings or within five (5) feet of a rear or side lot line.
4. **More Than One Principal Structure on a Lot.** In any district, more than one (1) principal structure housing a permitted principal use may 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.
5. **Height Regulation Exception.** The height limitations contained in the Schedules of District Regulations do not apply to grain storage bins, grain elevators or feed mills or to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above the roof level and not intended for human occupancy.
6. **Use of Public Right-of-way.** No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this chapter, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.

7. Proposed Use Not Covered in This 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 herein before a permit is issued for such proposed use.
8. 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.
9. Hedges and Fences. Fences or hedges shall not exceed four (4) feet in height in any required front yard and shall not exceed six (6) feet in height in any required side or rear yard, subject to further restrictions herein.
10. Residential Dwelling Standards. All single-family dwelling units shall meet the following minimum standards:
 - A. The minimum width of a dwelling structure or principal building shall be twenty-two (22) feet at the exterior dimension of three (3) or more exterior walls, exclusive of attached garages, porches or other accessory structures.
 - B. All dwelling units including attached garages shall be placed on a permanent frost-free foundation.
 - C. All dwelling units shall provide for a minimum of nine hundred (900) square feet of floor space.
 - D. All dwelling units shall have a minimum roof pitch of 3:12.

165.16 APPLICATION OF DISTRICT REGULATIONS. Subject to other provisions shown in the district regulations given in this chapter, the regulations and restrictions of this chapter 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 ordinance codified in this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

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

165.17 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 district regulations provided in this chapter, 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 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 used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of the zoning ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. To avoid undue hardship, nothing in this 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 the zoning ordinance contained herein 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.

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

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

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

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 said effective date.
3. If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

165.20 NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of the zoning ordinance that could not be built under the terms of the zoning ordinance 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 (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

165.21 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 the zoning ordinance, that would not be allowed in the district under the terms of such ordinance, 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 accord 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.

165.22 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 (10) percent of the current replacement value of the building provided that the cubic content of the building as it existed at the time of passage or amendment of the zoning ordinance codified in 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.

165.23 USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES. 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.

165.24 CONSTRUCTION AND/OR PLACEMENT OF LIVING UNITS. No structure, whether constructed on site or off site, which is used as a place for human habitation by one or more persons shall be placed on any lot or lots within the City unless said structure is set upon a foundation, with footings at least four (4) feet below the ground surface, which foundation shall be no less than eight (8) inches above the surface of the ground and with a width of no less

than six (6) inches. Said structure shall be attached to the foundation with metal bolts no less than one-half inch in diameter, said fastener occurring no less than one every eight (8) feet. The provisions of this section do not apply to mobile homes or other structures similar to mobile homes which are located in a mobile home park. The Council, upon application of a structure owner, may issue special permits for the location of the structure, without a foundation. However, such special permit shall only be issued when it appears that the location of the proposed construction or location is impractical for the construction of the foundation and the public health, safety and welfare will not be seriously affected by granting the permit. Special permits may not be granted for periods in excess of one year. Application for the permit shall include:

1. A statement concerning the practicality of location within a local mobile home park;
2. A description of sanitation facilities contained within the proposed structure and the facilities available at the proposed location;
3. A statement of the desired duration of the special permit;
4. A statement specifying how the owner proposes to anchor said structure.

165.25 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 person 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 violations, 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. Appeals from any decision of the enforcing officer may be taken to the Board of Adjustment as provided in Section 165.31 of this chapter.

165.26 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.

165.27 VIOLATION AND PENALTIES. Any person who violates, or fails to comply with the provisions of this chapter is guilty of a misdemeanor and in addition to the standard penalty shall pay all costs and expenses involved in the prosecution of the violation. Each day such violation continues shall constitute a separate offense. 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.

165.28 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.

165.29 BUILDING PERMIT REQUIRED. A building permit 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 number of dwelling units or accommodate a change in use of the building and/or premises or part thereof. The building permit shall state that the proposed construction complies with all provisions of the zoning ordinance, and no subsequent modifications shall be made to plans or to actual construction that would be in violation of this chapter.

165.30 OCCUPANCY PERMIT. No change in the use or occupancy of land or any change in use of 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 permit has been issued by the Administrative Officer. Every occupancy permit shall state that the new occupancy complies with all provisions of the zoning ordinance, and no subsequent modifications shall be made to the occupancy, use or method of operation that would be in violation of this chapter.

165.31 FEES. The Administrative Officer is directed to issue a building permit and/or occupancy permit as required by this chapter for proposed construction, reconstruction or alteration which complies with all provisions contained herein and to charge fees as follows for each construction permit or certificate of occupancy issued separately.

1. \$15.00 for work costing less than \$1,000.
2. \$25.00 for work costing \$1,000 but less than \$5,000.

3. \$35.00 for work costing \$5,000 but less than \$10,000.
4. \$45.00 for work costing \$10,000 but less than \$20,000.
5. \$55.00 for work costing \$20,000 but less than \$40,000.
6. \$65.00 for work costing \$40,000 but less than \$60,000.
7. \$75.00 for work costing \$60,000 but less than \$80,000.
8. \$85.00 for work costing \$80,000 but less than \$100,000.
9. \$100.00 for work costing \$100,000 but less than \$200,000.
10. \$125.00 for work costing \$200,000 but less than \$500,000.
11. \$150.00 for work costing \$500,000 and above.

Permits are specifically required for the following buildings or structures.

- Garage or carport;
- Porch, patio or deck;
- Any storage building larger than 10 feet by 10 feet;
- Any storage building permanently fixed.

There shall be no fees charged to the United States Government, the State of Iowa, or any political subdivision thereof. All fees as are required shall be paid to the Administrative Officer, who shall keep a complete and accurate record of fees received and shall forthwith deposit them to the credit of the General Revenue Fund of the City.

(Ord. 6 - Jun. 98 Supp.)

165.32 BOARD OF ADJUSTMENT.

1. Board 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.

2. Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this 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 Chair, 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.

3. Hearings, Appeals, 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 of 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 ten dollars (\$10.00) shall be paid to the Administrative Officer at the time the notice of appeal is filed, which the Administrative Officer shall forthwith pay over to the credit of the General Revenue Fund of the City.

4. 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, that by reason of facts stated in the certificate, a stay would, in the opinion of the Administrative Officer, 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.

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

A. 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.

B. Special Exceptions: Conditions Governing Applications Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by

the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this 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:

(1) 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.

(2) Notice shall be given at least seven (7) days in advance of the public hearing by publication in a newspaper of general circulation in the City.

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

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

(5) 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 165.27 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.

C. Variances: Conditions Governing Application: Procedures. To authorize upon appeal in specific cases such variance from the terms of the zoning ordinance codified in this chapter as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of such ordinance would result in unnecessary hardship. A variance from

the terms of the zoning ordinance shall not be granted by the Board of Adjustment unless and until:

- (1) A written application for a variance is submitted demonstrating that:
 - (a) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - (b) 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.
 - (c) The special conditions and circumstances do not result from the actions of the applicant.
 - (d) 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.
- (2) Notice of public hearing shall be given as provided above.
- (3) The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
- (4) The Board of Adjustment shall make findings that the requirements of Section 165.32(5)(C) have been met by the applicant for a variance.
- (5) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (6) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this 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 as provided herein. 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.

6. Decisions of the Board of Adjustment. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this 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 members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in application of this chapter.

7. Appeals from the Board of Adjustment. Any person or any board, taxpayer, department, 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.

165.33 CHANGES AND AMENDMENTS. The regulations imposed and the districts created by this chapter may be amended from time to time by the Council but no such amendments shall be made without public hearing before the Council and after a report has been made upon the amendment by the Commission. At least seven (7) days' notice of the time and place of such hearing shall be published in a newspaper having a general circulation in the City. 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.

165.34 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 fifteen dollars (\$15.00) and shall contain the following information:

1. The legal description and local address of the property.
2. The present zoning classification and the zoning classification requested for the property.
3. The existing use and proposed use of the property.
4. The names and addresses of the owners of all property within 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.

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		
<p>The following ordinances have been adopted amending the Official Zoning Map described in Section 165.04 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.</p>		
ORDINANCE NO.	DATE ADOPTED	DESCRIPTION
901 Sec. I, d, 1	March 13, 1989	Reclassifying property and Amending Zoning Map