

TITLE V - BUILDING AND PROPERTY REGULATIONS  
 ZONING, LAND USE AND SUBDIVISIONS

CHAPTER 121  
 ZONING REGULATIONS

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121.01 PURPOSE. The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, morals, safety and general welfare in the City.

121.02 DEFINITIONS. For the purpose of this chapter, the word "building" includes the word "structure," and the following terms and words are defined:

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

2. "Adult Entertainment Business" means an adult bookstore or adult video store, adult motion picture theaters, adult theaters, adult modeling studios, adult sexual encounter centers, adult motel, adult cabaret and all other adult entertainment establishments. *(Ord. 931 – Aug. 06 Supp.)*

3. "Adult Cabaret" means a nightclub, bar, juice bar, restaurant bottle club or similar commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear nude or semi-nude. *(Ord. 931 – Aug. 06 Supp.)*

4. "Agriculture" means the use of land for agricultural purposes, including farming, dairying, pasture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for treating or storing the produce; provided, however, the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Agriculture does not include commercial animal or poultry feeding in confined lots or buildings as defined herein.
5. "Alley" means a way which affords only a secondary means of access to property abutting thereon.
6. "Alteration" means a change in size, shape, occupancy, or use of a structure.
7. "Apartment" means a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in an apartment house or mixed occupancy building. *(Ord. 729 – Feb. 97 Supp.)*
8. "Apartment House" — See "Dwelling, multiple."
9. "Basement" means a story partly or wholly underground. Where more than one-half (½) of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for purposes of height measurement.
10. "Bed & Breakfast Home" means a private residence which provides short-term overnight lodging and meals for guests, in which the host or hostess resides, and which contains six (6) or fewer rooms for which compensation is received, and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel.
11. "Boarding or Rooming House" means a building other than a hotel where, for compensation and by arrangement, meals, rooms or rooms and meals are provided for three (3) or more persons.
12. "Building" means any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, including any additions thereto.
13. "Building, Height of" means the vertical distance from the grade (elevation of the curb, sidewalk or average elevation of the ground around the structure) 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 or gambrel roofs.
14. "Child care" means the care, supervision or guidance of a child by a person other than the child's parent, guardian or custodian for periods of less than 24 hours per day per child on a regular basis. Child care shall not mean special activity programs that

meet on a regular basis such as music or dance classes, organized athletics or sports program, scouting program, hobby or craft classes or clubs, church related programs or an instructional program administered by a school system accredited by the Department of Education or the State Board of Regents. *(Ord. 908 – Mar. 05 Supp.)*

(Code of Iowa, Sec. 237A.1.3)

15. "Child care center" means a facility providing child care or preschool services for seven or more children. *(Ord. 908 – Mar. 05 Supp.)*

(Code of Iowa, Sec. 237A.1.4)

16. "District" means any section of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the type and intensity of use are uniform.

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

18. "Dwelling, Single-family" means a building designed for or occupied exclusively by one (1) family.

19. "Dwelling, Two-family" means a building designed for or occupied exclusively by two (2) families.

20. "Dwelling, Multiple" means a building designed for or occupied exclusively by three (3) or more families.

21. "Family" means one or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel as herein defined.

22. "Farm" means an area used for the growing of the usual farm products and their storage, as well as the raising thereon of the usual farm animals and poultry.

23. "Feedlot" means a lot, yard, corral, or other area in which livestock are confined, primarily for the purpose of feeding and growth prior to slaughter. The term does not include areas which are used for the raising of crops or other vegetation and upon which livestock are allowed to graze or feed. *(Added by Ordinance No. 671)*

(Code of Iowa, Section 172D.1)

24. "Fence" means a barrier, as of wooden or metal posts, rails, wire mesh, etc. used as a boundary or means of protection or confinement. *(Added by Ordinance No. 694)*

25. "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.

26. "Funeral Establishments" means a place of business devoted to providing any aspect of mortuary science. Also, a facility where funeral arrangements, preparation, viewing of the body and funerals may be held. *(Ord. 936 – Aug. 06 Supp.)*

27. "Garage, Private" means an accessory building designed or used for the storage of not more than four (4) automobiles or light trucks 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.
28. "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.
29. "Garage, Storage" means a building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold.
30. "Hedge" means a row of closely planted shrubs, bushes, or trees forming a boundary or fence. (*Added by Ord. No. 694*)
31. "Home Occupation" means any occupation or profession conducted for gain or support which is conducted entirely within a dwelling structure and/or an accessory structure, which is secondary to the use of the structure for residential purposes; is conducted by a member or members of the immediate family residing therein and no more than one (1) non-family member; uses no more than fifty percent (50%) of the area of any one floor; does not involve the display or advertisement of any products in such a manner as to be visible from the exterior of the building; does not produce externalities such as noise, smoke, dust, heat, or traffic which would detract from the character of its immediate surroundings; and has a non-illuminated sign no more than two (2) square feet in area which is affixed to the structure itself.
32. "Hotel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment which are herein separately defined.
33. "Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.
34. "Junk Yard" means any area where waste, discarded, or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, stored, abandoned, or handled, including the dismantling or "wrecking" of automobiles or other 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.
35. "Laundromat" means a business that provides home type washing, drying and/or ironing machines for hire to be used by customers on the premises.

36. "Lot" means a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street or upon an officially approved place.

37. "Lot, Corner" means a lot abutting upon two (2) or more streets at their intersection.

38. "Lot of Record" means a lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder; or a parcel of land, the deed of which was recorded in the office of the County Recorder prior to the adoption of the Zoning Ordinance codified in this chapter.

39. "Mobile Home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals. (*Amended by Ordinance No. 682*)

(Code of Iowa, Sec. 435.1)

40. "Mobile Home Park" means any site, lot, field or tract of land upon which three or more mobile homes, manufactured homes, or modular homes, or a combination of any of these homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term "mobile home park" shall not be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students. A mobile home park must be classified as to whether it is a residential mobile home park or a recreational mobile home park or both. The mobile home park shall meet the requirements of any zoning regulations that are in effect. (*Amended by Ordinance No. 744*)

41. "Motel" means a building or group of buildings used for the temporary residence of motorists or travelers.

42. "Nonconforming Use" means the use of land or a building, or portion thereof, which use does not conform with the use regulations of the district in which it is situated.

43. "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.

44. "Parking Space" means a surfaced area, enclosed in the main building or in an accessory building, or unenclosed, permanently reserved for the temporary storage of one

automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

45. "Sign" means a name, identification, description, illustration, display or device which is affixed to, painted or represented upon a structure or land and which directs attention to a product, place, activity, person, institution or business. For the purpose of definition, a sign may be single face or double face. However, a sign does not include any display or any court, public or official notice, nor does it include the flag, emblem, insignia of a nation, political unit, school, religious or charitable institution or organization. A sign also includes a permanent sign located within a building in such a manner as to be viewed or intended for view primarily from the exterior of the building.

46. "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.

47. "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 four (4) 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.

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

49. "Structure" means anything constructed or erected, the use of which requires more or less permanent location on the ground, and which is designed for the support, enclosure, shelter or protection of persons, animals or property of any kind, including but not limited to buildings, mobile homes, walls, fences and billboards.

50. "Structural Alterations" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building.

51. "Tearoom" means a public dining room or small restaurant serving tea, coffee, light lunches, etc.

52. "Travel Trailer or Camping Vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home. Such vehicle shall be customarily or ordinarily used for vacation or recreation purposes and not used as a place of permanent habitation. If any such vehicle is used in the State 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 also includes house cars and camp cars having motive power, devices

such as pickup campers intended by design to be attached onto vehicles, and designed for temporary occupancy as defined herein.

53. "Yard" means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed between any portion of a structure from the ground upward, except fences and vegetative screening or 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 line and the main building shall be used.

54. "Yard, Front" means a yard extending across the front of a lot between the side lot lines, 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 shall be considered to be the yard adjacent to the street upon which the lot has its least dimension.

55. "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.

56. "Yard Sale" means a sale of used or unwanted possessions as household articles, held in the yard of a house in a residential zone.

57. "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 projections thereto.

*(Definitions renumbered by Ord. 931 & 936 – Aug. 06 Supp.)*

121.03 DISTRICTS AND GENERAL REGULATIONS. In order to classify, regulate and restrict the locations of trades, industries and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of the lot areas, and to regulate and determine the areas of yards, courts and other open spaces within and surrounding such buildings, the City is hereby divided into districts, of which there shall be nine (9) in number, known as:

- "A" Agricultural District
- "R-1" Single-family District
- "R-1A" Single-family District
- "R-2" Single and Two-family District
- "R-3" Multiple Dwelling District
- "B-1" Commercial District
- "B-2" Business District
- "M-1" Restricted Industrial District
- "M-2" General Industrial District

For the purpose of interpretation, the "A" Agricultural District is the most restrictive District, with Districts becoming progressively less restrictive as shown on the above list, with the "M-2" General Industrial District being the least restrictive District. Where reference to "more" or "less" restrictive Districts is made in this chapter, interpretation shall be made in accordance with the above listing.

121.04 DISTRICT MAP. The boundaries of the districts are shown upon the map which is made a part of this chapter, which map is designated as the "District Map." The District Map and all the notations, references and other information shown thereon are a part of the Zoning Ordinance and have the same force and effect as if the District Map and all the notations, references and other information shown thereon were all fully set forth and described herein, the original of which District Map is properly attested and is on file with the Clerk.



121.05 CLASSIFICATION. All territory which may hereafter be annexed to the City shall be automatically classified in the "A" Agricultural District until otherwise changed by Ordinance, after public hearing.

121.06 VACATION OF ALLEY OR STREET. All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public ways, or waterways and railroad rights-of-way. Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

121.07 AMENDMENTS. Amendments, supplements or changes of the boundaries of districts as shown on the official zoning map shall be made by an Ordinance amending the Zoning Ordinance. The amending ordinance shall refer to the official zoning map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the City Clerk as other ordinances and a certified copy thereof be attached to the official zoning map. Such amendatory ordinance shall, however, not repeal, or reenact said map, but only amend it. The official zoning map, together with amending ordinances, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the City. (See EDITOR'S NOTE at the end of this chapter for ordinances amending the official zoning map.)

121.08 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use, the Council may by resolution adopt a new official zoning map which shall supersede the prior map. The new official zoning map may correct drafting or other errors or omissions in the prior map, and may graphically show changes to the original map made by amendatory ordinance, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof in a manner not provided for within the ordinance. The new official zoning map shall be identified by date and the signature of the Mayor attested by the Clerk, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of the zoning ordinance of the City."

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121.09 APPLICATION OF DISTRICT REGULATIONS. Except as hereinafter provided:

1. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
2. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.
3. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
4. The minimum yards and other open spaces, including lot area per family, required by this chapter, or for any building erected after the adoption of the ordinance codified in this chapter, shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced beyond the district requirements of this chapter.
5. No building shall be erected, or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located.
6. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this chapter.

121.10 "A" AGRICULTURAL DISTRICT. A building or premises shall be used only for the following purposes:

1. Agriculture, horticulture, general farming, and other agricultural activities, but not including the raising or keeping of livestock and poultry within five hundred (500) feet of an "R" district.
2. Single-family dwellings.
3. Cemetery or mausoleum.
4. Churches and temples.

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5. Public schools, elementary, junior high and high schools.
6. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes.
7. Public buildings, public and semi-public parks, playgrounds, or community buildings.
8. Golf courses and country clubs, except miniature courses or driving ranges operated for a profit.
9. Commercial greenhouse and nurseries.
10. Dog kennels and animal hospitals.
11. Riding stables.
12. Municipal buildings and structures necessary for the general health, protection and welfare of the public, such as fire stations, police stations, water wells, pump stations, and other public utilities.
13. Roadside stands for the sale of produce, provided that access to such stand shall be so located as to afford a minimum sight distance of seven hundred fifty (750) feet to motor vehicles traveling on the adjacent road, and that no parking spaces shall be provided closer than twenty (20) feet to the road right-of-way.
14. Home occupations.
15. Mining and extraction of minerals or raw materials and the manufacturing, processing, treating and storing of materials or minerals which are extracted from any portion of the district; provided that any such operation shall be located at least fifty (50) feet from the right-of-way line of any public road, that such operation shall not be closer than five hundred (500) feet to any dwelling, park or school; that access to a public road shall not be situated in such a way as to cause real or potential traffic hazard. In addition, any person seeking a special exception for the mining or extraction of minerals or other raw materials shall submit a plan whereby the land so used would be restored by the applicant to a condition compatible with the surrounding area upon conclusion of the operation. Prior to the granting of the exception, said plan shall be referred to and approved by the Zoning Commission, and the applicant shall be required by

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the Board of Adjustment to post bond or to provide other appropriate assurance of the plan's completion.

16. 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; that the site shall be restored to a condition compatible with the adjacent area upon conclusion of the dump operation. An access road having at least a graveled surface and five (5) off-street 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.

17. Communications stations and towers, provided that they shall not be closer to a dwelling or place of public assembly than a distance equal to one-half (1/2) their height and location shall not interfere with the operation of any airport or landing strip.

18. Accessory buildings, including a private garage, and accessory uses customarily incident to the above uses.

121.11 "R-1" SINGLE-FAMILY DISTRICT. A building or premises shall be used only for the following purposes.

1. Permitted Uses.

A. Single-family dwellings.

B. Farms and Truck Gardens. Raising and keeping of animals and fowl, but not on a commercial basis or on a scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle or horses is prohibited except horses are permitted on premises containing two (2) acres or more and except within a stable at least three hundred (300) feet from any residence now existing or hereafter erected, except that of the owner.

C. (REPEALED BY ORDINANCE NO. 726)

D. Golf courses and country clubs, except miniature courses or practice driving tees operated for commercial purposes.

E. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in an "R" district, including:

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(1) Private garages up to one thousand eight (1,008) square feet and twenty (20) feet in height if compatible with the architecture and construction of similar dwellings and other buildings in the neighborhood. Metal buildings of pole type or machine shed type construction are not permitted.

*(Ord. 853 - Jan. 03 Supp.)*

(2) Satellite dishes one meter or less in diameter.

(3) Amateur radio communication antenna in compliance with any FCC and airport height restrictions provided such is installed in accordance with manufacturer's instructions and a building permit is issued where required.

(4) Yard and Garage Sales limited to four per calendar year of not more than three consecutive days each.

F. Municipal buildings and structures necessary for the general health, protection and welfare of the public, such as fire stations, police stations, water wells, pump station and other public utilities.

G. Churches or temples.

2. Conditional Uses. Certain uses may be permitted in the "R" District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

A. Private garages exceeding dimensions or conditions permitted under Section 121.11(E)(1) above but not to exceed one thousand four hundred (1,400) square feet. An application for oversize garage permit is required on form furnished by the Commission.

*(Ord. 853 - Jan. 03 Supp.)*

B. Bed and Breakfast Homes provided that there is one off-street parking space for each guest room and the residential character of the area is maintained. The conditional use applies only to the resident/applicant and is not transferred or sold with the property.

C. Home Occupations provided such permits apply only to the resident/applicant and are not transferred or sold with the property. An application form approved by the Commission must be completed and filed.

Any person submitting an application for a home occupation permit will be provided with an official temporary notice sign to be posted on the property. Such sign shall give notice that the resident/applicant has applied for a permit. The sign shall be posted from the date of application to a determination of the Commission but no more than sixty (60) days.

(1) Child Care Homes or Child Development Homes providing care to six or less children at any one time on a regular basis for profit are considered occupations under this section. *(Ord. 908 - Mar. 05 Supp.)*

D. Satellite dishes more than one meter (1.09 yards) in diameter.

121.11A "R-1A" SINGLE-FAMILY DISTRICT. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "R-1" Single-family Districts.
2. Unless there is specific reference to the "R-1A" Single-family District, all references or provisions relating to the "R-1" Single-family District shall also apply to the "R-1A" Single-family District.

121.12 "R-2" SINGLE AND TWO-FAMILY DISTRICT. A building or premises shall be used only for the following purposes:

1. Permitted Uses.
  - A. Any use permitted in the "R-1" Single-family Districts.
  - B. Two-family dwellings.
  - C. Home Occupations.
2. Conditional Uses. Certain uses may be permitted in this district subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
  - A. Bed and Breakfast homes, provided that there is one off-street parking space for each guest room and the residential character of the area is maintained.

121.13 "R-3" MULTIPLE FAMILY DISTRICT. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "R-2" Single-family and Two-family Districts.
2. Multiple dwellings.
3. Rooming and boarding houses.
4. Institutions of a religious, educational, eleemosynary or philanthropic nature, but not penal or mental institutions.
5. Hospitals, except animal, criminal or mental institutions.
6. Fraternities, sororities, private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

7. Parks, playgrounds and community buildings owned or operated by the City.
8. Public schools, elementary and high, or private schools having a curriculum the same as ordinarily given in a public elementary school or public high school, day nurseries and child care centers.
9. Public libraries and museums.
10. Churches or temples.
11. Mobile home parks.
12. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, where the lot is occupied by a multiple dwelling, rooming house, hospital or institutional building.
13. Funeral Establishments. *(Ord. 937 – Aug. 06 Supp.)*

121.14 "B-1" COMMERCIAL DISTRICT. A building or premises shall be used only for the following purposes:

1. Permitted Uses:
  - A. Any use permitted in the "R-3" Multi-family District except Single-family and Two-family dwellings.
  - B. Retail stores and shops.
  - C. Financial institutions.
  - D. Recreation facilities such as theaters (except drive-in theaters), and bowling alleys.
  - E. Public buildings.
  - F. The office or studio of a dentist, artist, musician, lawyer, architect, teacher, insurance agent, brokers, real estate agents, beauty parlors, all medical practices except for the treatment of animals, or other member of a recognized profession in his or her place of abode, provided that not more than the equivalent of one-third (1/3) of the area of the individual's apartment or living unit shall be used for such purpose.
  - G. Motels and hotels.
  - H. General service and repair establishments.

- I. Wholesale establishments and warehouses.
- J. Accessory buildings and uses customarily incidental to any of the above uses, including:
  - (1) Satellite dishes two meters in diameter or less.
- K. Aboveground petroleum tanks for retail motor vehicle fuel outlets permitted by State Fire Marshal, subject to the approval of the Council.

(Code of Iowa, Section 101.12)

- 2. Conditional Uses. The following uses may be permitted in the "B-1" District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
  - A. One and two apartment units provided adequate off-street parking is provided.
  - B. Satellite dishes more than two meters in diameter.

121.15 "B-2" CENTRAL BUSINESS DISTRICT. A building or premises shall be used only for the following purposes.

- 1. Permitted Uses. Any use permitted in the "B-1" Commercial District.
- 2. Conditional Uses. Certain uses may be permitted in the "B-2" District that add to the public welfare or convenience, subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
  - A. One and two apartment units except in the story or basement abutting street grade, provided adequate off-street parking is provided.  
(*Ord. 729 - Feb. 97 Supp.*)

121.16 "M-1" RESTRICTED INDUSTRIAL DISTRICT.

- 1. Permitted Uses.
  - A. Any use permitted in the "B-2" Business District except dwellings, churches and temples.
  - B. Any light manufacturing or industrial use, such as warehouses, research or testing laboratories, product distribution centers, woodworking shops, auto body repair and paint shops, welding shops.



- C. Grain elevator and feed mill.
- D. Licensed animal hospital, pound, shelter, kennel or public auction.
- E. Storage, handling and use of flammable liquids, liquefied petroleum gases and liquefied natural gases approved by the State Fire Marshal.

(Code of Iowa, Chapter 101)

F. Buildings and uses customary and related to an airport operation, including hangars, FBO shop, storage facilities, commercial airplanes and maintenance and utility facilities.

G. Contractor's shop and storage yard.

2. Permitted Accessory Uses and Structures. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of Section 121.19.

3. Excluded Uses.

A. All uses of land, buildings and structures or industrial processes that may be found to be a nuisance as defined in this Code of Ordinances.

B. Feedlots.

C. Manufacture of explosives.

(Ord. 683)

121.17 "M-2" INDUSTRIAL DISTRICT. A building or premises shall be used only for the following purposes, provided any use is not in conflict with any ordinance of the City regulating nuisances, and building or occupancy permit shall not be issued for any uses until approved by the Council after report by the Fire Chief and in accordance with the building code.

1. Any use permitted in the "M-1" Restricted Industrial Districts.
2. Any processing and manufacturing establishment except manufacturing of explosive or flammable products.
3. Shelters for watchmen and caretakers employed on the premises.

121.18 HEIGHT AND AREA REQUIREMENTS.

DISTRICT	MAXIMUM HEIGHT OF BUILDINGS		MINIMUM DEPTH OF FRONT YARD	MINIMUM WIDTH OF SIDE YARD	MINIMUM DEPTH OF REAR YARD	MINIMUM LOT AREA PER FAMILY	MINIMUM LOT FRONTAGE
	Stories	Feet	In Feet	In Feet	In Feet	In Square Feet	In Feet
"A" Agricultural	2½	35	40	10	35	435,600 (10 acres)	70
"R-1" Single-Family	2½	35	25	8	(3)	9,000	70
"R-1A" Single-Family	2½	35	25	8	(3)	8,712	66
"R-2" Single and Two-Family	2½	35	25	8	(3)	Single: 9,000	70
						Two: 4,500	70
"R-3" Multiple Family	3	45	25	8	(3)	Two: 4,500	70
						Multi: (5)	70
"B-1" Commercial	3	45	20	None <sup>2</sup>	None	None <sup>4</sup>	None
"B-2" Business	4	50	None	None <sup>2</sup>	None	None <sup>4</sup>	None
"M-1" Restricted Industrial	3	45	25	15 <sup>1</sup>	None	None	None
"M-2" Industrial	4	55	35	15 <sup>1</sup>	None	None	None

- (1) Where it adjoins a residential district – 30 feet.
- (2) Where it adjoins a residential district – 20 feet, and may be measured from the centerline of a street, alley, public way, waterway or railroad right-of-way where said centerline is a district boundary.
- (3) Twenty percent of length of lot or 30 feet, whichever is less.
- (4) If dwellings allowed on second stories of buildings – same as "R-3".
- (5) 2,250 square feet per unit; 9,000 square feet minimum per structure. In this section, "structure" includes any garage converted or built with living space in it.

*(Ord. 893 – Feb-04 Supp.)*

*(Ord. 734)*

121.19 HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS.

1. Height.

A. The height regulations prescribed herein shall not apply to television and radio towers, church spires,

belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors and flag poles.

B. Public, semi-public or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding sixty (60) feet and churches and temples may be erected to a height not exceeding seventy-five (75) feet when the required side and rear yards are each increased by one (1) foot for each foot of additional building height above the height regulations for the district in which the building is located.

C. The limitation on number of stories shall not apply to buildings used exclusively for storage purposes provided such buildings do not exceed the height in feet permitted in the district in which they are located.

## 2. Front Yards

A. When forty percent (40%) or more of the frontage on one side of the street between two (2) intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a front yard depth shall not be required to exceed fifty percent (50%) in excess of the front yard otherwise required in the district in which the lot is located.

B. On lots having double frontage the required front yard shall be provided on both streets.

C. In any district no fence, structure or planting higher than three and one-half (3½) feet above the established street grades shall be maintained within twenty (20) feet of any intersection of adjoining streets curb line/street edge. In the event said street does not have constructed curb, the measurement shall be from outside edge of maintained area of said street. (Amended by Ordinance No. 694)

D. An open, uncovered porch or paved terrace may project into a required front yard for a distance of not more than ten (10) feet but this shall not be interpreted to include or permit fixed canopies.

E. Filling station pumps and pump islands may be located within a required yard provided they are not less than fifteen (15) feet from any property line and not less than fifty (50) feet from the boundary of any residential district.

F. Off-street parking facilities may be located within the required front yard of any "B" or "M" district but shall not be nearer than

twenty (20) feet to any "R" district and may be measured from the centerline of a street, alley, public way, water way or railroad right-of-way where said centerline is a district boundary. No off-street parking shall be permitted in the required front yard of any "R" district. (Amended by Ordinance No. 734)

3. Side Yards.

A. On a corner lot the width of the yard along the side street shall not be less than any required front yard on such street, provided, however, that the buildable width of a lot of record shall not be reduced to less than thirty-eight (38) feet.

B. No accessory building shall project beyond a required yard line along any street.

C. Where dwelling units are erected above a commercial establishment no side yard is required except when required for the commercial building on the side of a lot adjoining a residential district.

D. A porte-cochere or canopy may project into a required side yard provided every part of such porte-cochere or canopy is unenclosed and not less than five (5) feet from any side lot line.

E. For the purpose of side yard regulations, a two-family dwelling or multiple dwelling shall be considered as one (1) building occupying one (1) lot.

F. Where a lot of record at the time of the effective date of the Zoning Ordinance codified in this chapter is less than forty (40) feet in width the required side yard may be reduced to ten percent (10%) of the width of the lot, provided, however, that no side yard shall be less than three (3) feet and a minimum of ten (10) feet from buildings on adjacent lots.

G. On a corner lot where a portion of the yard along the side street is dedicated to a cul-de-sac, the minimum depth of front yard on the side street may be measured from said side street as though the street went straight through with no cul-de-sac.

*(Ord. 909 – Mar. 05 Supp.)*

H. On a corner lot where the turning radius of the corner is so large that it would cause a front yard set back to be more than is required, the set back can be measured as though the corner was normal, provided the majority of the building is at the required set backs.

*(Ord. 909 – Mar. 05 Supp.)*

4. Rear Yards.

A. Where a lot abuts upon an alley, one-half (1/2) the alley width may be considered as part of the required rear yard.

B. An accessory building not exceeding twenty (20) feet in height may occupy not to exceed thirty percent (30%) and unenclosed parking spaces may occupy not to exceed ninety percent (90%) of the area of a required rear yard but no accessory building shall be closer than ten (10) feet to the main building nor closer than three (3) feet to any lot line.

C. The ordinary projections of sills, belt courses, cornices and ornamental features may extend to a distance not to exceed eighteen (18) inches into a required yard.

D. Open or lattice-enclosed fire escapes, outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard may be permitted by the Administrative Officer for a distance not to exceed five (5) feet when these are so placed as not to obstruct light and ventilation.

5. Lot Area Per Family. Where a lot of record at the time of the effective date of the Zoning Ordinance has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nonetheless be used for a one-family dwelling or for any non-dwelling use permitted in the district in which it is located.

6. Supplementary District Regulations. Subject to previous sections, the following provisions, regulations, or exceptions shall apply equally to all districts except as hereinafter provided.

A. Visibility at Intersection. On a corner lot in any district, except B-2, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of three and one-half (3½) feet and ten (10) feet above centerline grades of the intersecting streets shall be erected, placed or maintained within twenty (20) feet of any intersection of adjoining streets curb/street edge. In the event said street does not have constructed curb, the measurement shall be from outside edge of maintained area of said street.

(Amended by Ordinance No. 694)

B. Accessory Buildings. No accessory building except private garages shall be erected in any required front or side yard and no separate accessory buildings shall be erected within ten (10) feet of any main building or within three (3) feet of any lot line.

C. More Than One Principal Structure on 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 shall be met for each structure as though it were on an individual lot.

D. 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 purposes that would obstruct the use or maintenance of the public right-of-way.

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

F. Mobile Homes or Trailers. Mobile homes occupied as permanent or temporary places of residence shall be located only in an approved mobile home park or mobile home subdivision unless such home has been converted to real property in accordance with the provisions of Chapter 127 of this Code of Ordinances. Occupied travel trailers and camping trailers shall be located only in an approved tourist or trailer campground unless otherwise provided in this chapter. (Amended by Ord. No. 682)

(1) Emergency or Temporary Parking. Occupied travel trailers, campers and motor homes: Upon application, emergency or temporary parking is permitted on the streets, alleys, or highways or any other public or private place for a five (5) day period, subject to extended time upon reapplication, and subject to any other prohibitions or regulations imposed by traffic and parking ordinances of the City.

(2) Emergency or Temporary Parking Application. The application shall contain:

- (a) A description of the trailer, camper or motor home.
- (b) A description of the place where the trailer or motor home will be located.
- (c) Information on the sanitation facilities of the vehicle and those facilities available at the place of location.
- (d) A statement as to whether the applicant is a tourist.
- (e) The name of the owner of the premises upon which the vehicle will be located.
- (f) A written approval from the owner of the premises where the vehicle will be located.

*(Paragraphs 1 & 2 - Ord. 689)*

G. Hedges and Fences. Fences or hedges in "R-1," "R-2," and "R-3" districts shall not exceed three and one-half (3½) feet in height in any front yard, and fences in said districts shall not exceed six (6) feet in height in any side or rear yard, subject to the further restriction of subsection A above. Fencing shall be constructed with the finished side facing outward.

*(Ord. 694)*

Front yard fences may be four (4) feet in height when required by the building code as a barrier for a pool. Such barrier and pool location are subject to further restrictions of subsection A above.

*(Ord. 831 - Oct. 01 Supp.)*

H. Junk Yards. Junk yards, as defined in this chapter, shall not be allowed in any district in the City.

I. Location on Property. Exterior walls of new buildings shall have fire resistance and opening protection as set forth in Section 503 of the Uniform Building Code, which regulations shall take priority over the chart in Section 121.18 in case of conflict.

*(Ord. 754 - Jul. 98 Supp.)*

J. Shooting Ranges. Before a person improves property acquired to establish, use, and maintain a shooting range by the erection of buildings, breastworks, ramparts, or other works or before a person substantially changes the existing use of a shooting range, the person shall obtain approval of the City Zoning Commission.

*(Ord. 671)*

*(Code of Iowa, Sec. 657.9)*

K. Single Family Dwelling Buildings. Any building erected or otherwise established for use as a single family building shall meet the following requirements:

Purpose/Intent: The following regulations are intended to provide minimum standards for single family residential structures as provided for under Chapter 414.28 of the State Code of Iowa, including minimum dimension of the structure and floor area, foundation and exterior wall covering.

(1) Minimum structure dimension and floor area requirements:

(a) Have a measured minimum dimension of twenty-two (22) feet for the main body.

(b) Have a minimum floor area of 660 square feet.

(2) Have a continuous and complete frost protected perimeter foundation for the main body.

(3) Have for the exterior wall covering either:

(a) Wood or masonry finish or its appearance, and/or

(b) Vertical or horizontal grooved or lap siding, or its appearance.

(4) Use of flat or corrugated sheet metal for the exterior walls or roof covering is prohibited.

*(Ord. 756 - Feb-99 Supp.)*

L. Airports. Before any person constructs, activates or establishes a landing or takeoff area such as airport or heliport, the person shall obtain approval of the Council. Approval is not required for medical emergency sites. Approval is required notwithstanding the fact that such airport may be a usual and customary accessory to a permitted use.

*(Ord. 819 - Feb. 01 Supp.)*

## 121.20 PARKING AND LOADING REGULATIONS.

1. Off-street Parking. The following parking spaces shall be provided and maintained on private premises for each building or premises in any district except the "B-2" Business District which is erected or altered for use for any of the purposes mentioned below, or the use of which is changed so that such building or premises is thereafter used for any of the following purposes.

A. Dwellings.

(1) Single-family: Two (2) spaces for each dwelling unit.

(2) Two-family: Two (2) spaces for each dwelling unit.

(3) Multi-family: Two (2) spaces for each dwelling unit.



- B. Church or Temple. One (1) space for each six (6) seats in the main auditorium. If benches are used, for the purpose of this section, one (1) seat equals sixteen (16) inches.
- C. Country Club or Golf Club. Two (2) spaces per hole plus one (1) space for each one hundred (100) square feet of clubhouse floor area.
- D. Community Center. Twenty (20) spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.
- E. Schools and Public Buildings. One (1) space for each classroom or office room plus one (1) space for each six (6) seats in the main auditorium, stadium or place of public assembly.
- F. Public Parks and Playgrounds. Five (5) spaces per acre.
- G. Funeral Home. One (1) space per one hundred (100) square feet of floor area.
- H. Hospitals and Nursing Homes. One (1) space for each four (4) beds, plus one (1) space per three (3) employees.
- I. Lodging and Boarding Houses. One (1) space per two (2) beds.
- J. Religious, Educational and Charitable Institutions. One (1) space per two hundred (200) square feet of floor area.
- K. Fraternities and Sororities. One (1) space per two (2) beds.
- L. Clubs and Lodges Not Serving Liquor or Meals. One (1) space per two hundred (200) square feet of floor area.
- M. Private Day Nurseries and Kindergartens. One (1) space per employee.
- N. Medical and Dental Clinics. One (1) space per one hundred (100) square feet of floor area.
- O. Hotels and Motels. One (1) space per rental unit.
- P. Retail Stores and Banks. One (1) space for each two hundred (200) square feet of floor area.
- Q. Restaurants and Taverns. One (1) space per one hundred (100) square feet of floor area.
- R. Drive-In Restaurant. Five (5) spaces per one hundred (100) square feet of floor area.
- S. Bowling Alleys. Five (5) spaces for each lane.
- T. Miniature Golf Course. Three (3) spaces per green.

- U. Theaters. One (1) space for each three (3) seats.
  - V. Drive-In Theaters. Storage lanes outside ticket booth must accommodate ten percent (10%) theater capacity.
  - W. Laundromats and Self-Service Dry Cleaning. One (1) space per two hundred (200) square feet of floor area.
  - X. Motor Vehicle Sales and Machinery Sales. One (1) space per each three hundred (300) square feet of floor area.
  - Y. Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops. One (1) space per each six hundred (600) square feet of floor area.
  - Z. Offices - Business, Professional and Government. One (1) space for each two hundred (200) square feet of floor area.
  - AA. Wholesale Establishments (Not Including Warehouses and Storage Buildings Other Than Accessory). One (1) space for each six hundred (600) square feet of floor area.
  - BB. Establishments Engaged in Production, Processing, Cleaning, Servicing, Testing or Repair of Materials. One (1) space per employee, plus one (1) space per vehicle used in the conduct of the enterprise.
  - CC. Warehouses and Storage Buildings. One (1) space per employee, plus one (1) space per vehicle used in the conduct of the enterprise.
  - DD. Manufacturing. One (1) space per each two (2) employees, plus one (1) space per each vehicle used by the industry.
  - EE. Adult Entertainment Establishment. One (1) space per 200 square feet gross floor area. *(Ord. 932 - Aug. 06 Supp.)*
2. Parking Spaces. All parking spaces provided pursuant to this chapter may be in open or private garages, or both. A parking space shall be not less than one hundred and eighty (180) square feet of standing area.
3. Paved Parking. All parking spaces provided pursuant to this chapter shall be paved, oiled, or covered with gravel, shall be suitably drained, shall be maintained in good condition and shall have adequate means of ingress and egress.
4. Parking Adjacent. All parking spaces provided pursuant to this chapter shall be maintained adjacent to the building or premises for which such spaces are provided, except as otherwise stated in this chapter and that upon special permission by the Council all or part of such parking spaces

may be provided and maintained on premises not adjacent to the building if they are owned or controlled by the owner of such building, and if said parking spaces are within five hundred (500) feet of the main entrance of such building, provided further, that if parking spaces are not adjacent to the building, and if the building is in a business district, such parking spaces must also be in a business district.

5. Off-street Loading. Any building or structure hereafter erected or converted for any commercial uses shall provide one (1) space, with minimum dimensions of ten (10) by fifty-seven (57) feet for the loading and unloading of trucks, either within the building or upon the lot for every building containing ten thousand (10,000) square feet or less of floor area. One (1) additional loading space shall be provided for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof.

6. Driveway Slopes. The maximum slope angles of any driveway for streets shall not exceed the following:

Arterial	3 to 4 percent
Collector	5 to 6 percent
Local	8 to 9 percent

*(Ord. 941 – June 07 Supp.)*

#### 121.21A ADULT USES.

1. General. A conditional-use permit shall be obtained for all adult-use businesses.

2. Provisions.

A. No adult-use business shall be located within 2,000 feet of a park, school, day care center, library or religious or cultural activity.

B. No adult-use business shall be located within 500 feet of any other adult-use business or any agricultural or residential zone boundary.

C. Such distances shall be measured in a straight line without regard to intervening structures, topography and zoning.

D. Said businesses shall be located in B-1 zones and shall not be permitted as a home occupation.

*(Ord. 933 – Aug. 06 Supp.)*

121.21 CAMPAIGN SIGNS.

1. Campaign signs may be placed with permission of the property owner on any property permitted by Section 68A.406B of the Code of Iowa.
2. Campaign signs shall not be placed on any of the following:
  - A. Any property owned by the City, including all property considered the public right-of-way. Upon a determination by the board that a sign has been improperly placed, the sign shall be removed by the Street Department or City Law Enforcement authorities in a manner consistent with Section 319.13 of the Code of Iowa.
  - B. On any property without the permission of the property owner.  
(Code of Iowa, Sec. 68A.406B)

*(Ord. 903 - Mar. 05 Supp.)*

121.22 NONCONFORMING USES. The lawful use of a building existing at the time of the adoption of the ordinance codified in this chapter or upon subsequent publication of a listing of such uses by the City may be continued even though such use does not conform with the provisions herein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. The foregoing provisions shall also apply to nonconforming uses in districts as may be hereafter changed. Whenever a nonconforming use of building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

1. **Damaged Building.** No building or structure which has been damaged by fire, explosion, act of God, neglect, or the public enemy, to the extent of more than sixty-five percent (65%) of its current fair market value shall be restored unless such building or structure is made to conform with all regulations for new buildings in the district in which it is located. If no repair or reconstruction is made within a period of one (1) year of the time of damage, the residual building or structure shall be removed by the owner thereof, at the owner's expense.
2. **Nonuse.** In the event that the nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.
3. **Extension.** A nonconforming use occupying only a portion of a building may be extended throughout the building if the same has been lawfully acquired and actually devoted to such use previous to the adoption of the Zoning Ordinance or to any affecting amendment thereof.

*(Ord. 752 - Jul. 98 Supp.)*

121.23 SPECIAL USES. The Board of Adjustment as established under Section 121.29 of this chapter may, by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this chapter. Notice of time and place of hearing shall be given to all affected property owners in advance of the hearing by publication of said notice in not less than two consecutive issues of a newspaper of general circulation in the City.

1. Amusement parks.
2. Cemetery or mausoleum.
3. Circus or carnival grounds.
4. Commercial, recreational or amusement development for temporary or seasonal periods.
5. Hospital, clinic or institution, provided that any hospital or institution permitted in any "R" district shall be located on a site of not less than five (5) acres, shall not occupy more than ten percent (10%) of the total lot area and shall be set back from all yard lines at least two (2) feet for each foot of building height.
6. Office building of a civic, religious or charitable organization, conducting activities primarily by mail and not handling merchandise or rendering services on the premises, but only within the "R-3" District.
7. Privately operated community building or recreation field.
8. Any public or government building.
9. Erection and use of building or the use of premises or vary the height and the regulations in any location for a public service corporation for public utility proposes or for purposes of public communication which the Board determines is reasonably necessary for the public convenience or welfare, including telecommunication broadcast tower or station. *(Ord. 726)*
10. Drive-in theater in the "B-2" Business District.
11. Gift Shop and/or Tearoom exceeding dimensions or conditions permitted under "Home Occupations" in conjunction with "Bed and Breakfast Homes." *(Ord. 726)*
12. Extension of a use into a district where it would be otherwise prohibited in a case where a district boundary line is so located that a lot or plot is in more than one district. *(Ord. 726)*
13. Restoration of single-family and two-family dwellings in a "B-1" Commercial District damaged more than sixty-five percent (65%) as

provided in Section 121.22(1), provided repair or reconstruction is made within a period of one (1) year of the time of damage. *(Ord. 726)*

*(Ord. 829 – Jul. 01 Supp.)*

Before issuance of any special permit of any of the above buildings or uses, the Planning and Zoning Commission shall be given forty-five (45) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matter pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the Zoning Commission has been filed; provided, however, that if no report is received from the Zoning Commission within forty-five (45) days, it shall be assumed that approval of the application has been given by the said Commission. *(Ord. 752 - Jul. 98 Supp.)*

121.24 ADMINISTRATION AND ENFORCEMENT. An administrative official designated by the Council shall administer and enforce this chapter. The administrative official may be provided with the assistance of such other persons as the Council may direct. If the administrative official shall find that any of the provisions of this chapter are being violated, said official 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 official shall order discontinuance of illegal use of land, buildings, or structures, removal 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. *(Ord. 752 - Jul. 98 Supp.)*

121.25 ADMINISTRATIVE REVIEWS AND PERMITS.

1. Review of Building Permits. All applications for building permits shall be submitted to the administrative official for review and approved prior to permit issuance. Each application shall include a set of building plans and all data necessary to show that the requirements of this chapter are met.

2. Site Plan Reviews. The administrative official shall receive all applications for site plan review and review for completeness and prepare submittals for review by the appropriate body. A plot plan shall include site size, streets, footages, yards and boundaries, drainage, contours and all proposed and existing buildings.

3. Conditional Use Permits. The administrative official shall review all applications for conditional use, review for completeness and prepare submittals for review by the appropriate body.

*(Ord. 752 - Jul. 98 Supp.)*

121.26 RESERVED.

121.27 RESERVED.

121.28 RESERVED.

121.29 BOARD OF ADJUSTMENT.

1. Board Created. A Board of Adjustment is hereby established which shall consist of five (5) members unless extraterritorial zoning is extended by ordinance to unincorporated areas beyond the City limits, in which case the Board of Adjustment will consist of seven (7) members, two (2) of whom shall be residents of the zoned unincorporated area.

(Code of Iowa, Sec. 414.8)

2. Meetings. Meetings of the Board shall be held at the call of the Chairperson, and at such other times as the Board may determine. Such Chairperson, or in the absence of the Chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three (3) members of a five (5) member Board or four (4) members of a seven (7) Board shall be necessary to constitute a quorum.

3. Appeals. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within ten (10) days by filing with the administrative officer and with the Board 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 is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official certifies to the Board after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed unless otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the administrative officer, and on due cause shown.

4. Fee For Appeal. See Section 121.31 for schedule of fees.

5. Hearings; Notice. The Board shall fix a reasonable time for the hearing on the 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 by attorney. Before an appeal is filed with the Board, the appellant shall pay the fee for appeal which shall be credited to the General Fund of the City.

6. Powers - Administrative Review. The Board shall 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.

7. Powers - Special Exceptions. The Board may permit special exceptions to the district regulations set forth in this chapter subject to the requirements of this section.

*(Ord. 726)*



8. Conditions for Special Exceptions. The Board shall hear and decide only such other special exceptions as the Board is specifically authorized to pass on by the terms of this chapter, decide such questions as are involved in determining whether special exceptions should be granted, and grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or 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 unless and until:

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

B. Notice of public hearing shall be given in advance of public hearing. The owner of the property for which special exception is sought or an agent and any other affected property owners shall be notified by mail. Notice of hearing shall also be posted on the property for which special exception is sought.

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

D. The Board shall make a finding that it is empowered under the Section of this chapter described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

In granting any special exception, the Board 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 special exception is granted, shall be deemed a violation of this chapter and punishable under Section 121.34 of this chapter. The Board may 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.

9. Powers - Variances. The Board may authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the

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provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board unless and until:

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

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

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

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

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

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

B. Notice of public hearing shall be given in advance of public hearing. The owner of the property for which the variance is sought or an agent and any other affected property owner shall be notified by mail.

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

D. The Board shall make findings that all requirements have been met by the applicant for a variance.

E. The Board 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.

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F. The Board 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 may prescribe conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under Section 121.34 of this chapter. Under no circumstances shall the Board 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.

10. Power – Special Uses. The Board may permit special uses as listed in Section 121.23. *(Ord. 876 – Oct-03 Supp.)*

11. Decisions of the Board of Adjustment. In exercising the above mentioned powers, the Board may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken. The concurring vote of three (3) members of a five (5) member Board or four (4) members of a seven (7) member 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 the application of this chapter.

12. Appeal from Decision of the Board of Adjustment. Any taxpayer, or any officer, department, board or bureau of the City or any person or persons jointly or severally aggrieved by any decision the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review.

121.30 DUTIES OF THE ADMINISTRATIVE OFFICIAL, BOARD OF ADJUSTMENT, COUNCIL AND COURTS ON MATTERS OF APPEAL. It is the intent of this chapter that all questions of interpretation and enforcement shall

be first presented to the administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Adjustment shall be to the court, as provided by law and particularly by statute. It is further the intent of this chapter that the duties of the Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this chapter. Under this chapter, the Council shall have only the duties of (1) considering and adopting or rejecting proposed amendments or the repeal of this chapter, as provided by law, and (2) establishing a schedule of fees and charges as stated in Section 121.31, and (3) the Council may remand a decision to grant a variance to the Board of Adjustment for further study. The effective date of the variance is delayed for thirty days from the date of the remand as provided in Section 414.7 of the Code of Iowa. *(Ord. 876 – Oct-03 Supp.)*

121.31 SCHEDULE OF FEES. The Council shall establish a schedule of fees, charges and expenses, and a collection procedure for occupancy permits, appeals and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the Council. No certificate, special exception or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full in accordance with the following schedule:

1. Occupancy Permit. The building permit fee shall include the occupancy permit.
2. Board of Adjustments:
  - Application for Special Use Permit — \$18.00
  - Appeal for Variance, Exception, Interpretation or Review - \$50.00  
*(Ord. 969–Dec. 08 Supp.)*
3. Petition for Rezoning — \$50.00. *(Ord. 969–Dec. 08 Supp.)*
4. Application: Home Occupation Permit in R-1 District — \$3.00.

121.32 AMENDMENTS.

1. The Council may, from time to time, on its own action or on petition, after public notice and hearings as provided by law, and after report by the Zoning Commission, amend, supplement or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the Council. Whenever any person desires that

any amendment or change be made in this chapter, including the text and/or map, as to any property in the City, and there shall be presented to the Council a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty percent (50%) of the area of all real estate lying outside of said tract but within two hundred (200) feet of the boundaries thereof, and intervening streets and alleys not to be included in computing such two hundred (200) feet, it shall be the duty of the Council to vote upon such petition within ninety (90) days after the filing of such petition with the Clerk. In case the proposed amendment, supplement or change be disapproved by the Zoning Commission, or a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of twenty percent (20%) or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by favorable vote of at least three-fourths (3/4) of all members of the Council. The protest, if filed, must be filed before or at the public hearing.

(Code of Iowa, Sec. 414.5)

Whenever any petition for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been denied by the Council, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the Council until one (1) year shall have elapsed from the date of the filing of the first petition.

*(Ord. 825--Jul. 01 Supp.)*

2. Temporary Notice Sign. Any person submitting a petition for rezoning will be provided with an official notice sign to be posted on the property visible from the public street. Such sign shall be posted within 25 feet of the public right-of-way and shall give notice that the property is proposed to be rezoned. The sign shall be posted from the date of petition to at least the Council public hearing date but no more than 60 days.

121.33 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof, shall be filed with the administrative official. The administrative official shall record properly

such complaint, immediately investigate, and take action thereon as provided by this chapter.

121.34 ENFORCEMENT AND VIOLATIONS. All departments, officials, and employees of the City who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure, or purpose if the same would not conform to the provisions of this chapter. Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a violation of this Code of Ordinances. Each day such violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. *(Ord. 793 – Nov. 99 Supp.)*

<b>EDITOR'S NOTE</b>			
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The following ordinances have been adopted amending the Official Zoning Map described in Section 121.04 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.			
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ORDINANCE	ADOPTED	ORDINANCE	ADOPTED
504	August 28, 1980	918	July 28, 2005
507	December 22, 1980	923	November 10, 2005
521	June 10, 1982	938	July 13, 2006
533	August 11, 1983	951	June 28, 2007
536	November 10, 1983	952	July 2, 2007
577	December 27, 1990	955	October 25, 2007
581	May 9, 1991	956	January 10, 2008
598	November 26, 1991		
606	January 23, 1992		
615	July 29, 1992		
632	November 24, 1992		
638	February 11, 1993		
640	April 8, 1993		
641	May 13, 1993		
644	June 24, 1993		
645	June 24, 1993		
648	August 26, 1993		
662	June 1, 1994		
681	December 8, 1994		
697	May 25, 1995		
701	July 13, 1995		
718	November 9, 1995		
736	April 24, 1997		
745	November 15, 1997		
746	November 24, 1997		
776	March 11, 1999		
783	April 22, 1999		
792	October 28, 1999		
818	December 14, 2000		
852	August 8, 2002		
902	September 23, 2004		

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