

## CHAPTER 165

# ZONING REGULATIONS

165.01 Short Title	165.16 "I-3" Heavy Industrial District
165.02 Definitions	165.17 Additional Area and Height Regulations
165.03 Validity and Severability Clause	165.18 Off-Street Parking
165.04 Conflict With Other Laws	165.19 Nonconformities
165.05 Zoning District Map	165.20 Accessory Uses
165.06 Application of Regulations	165.21 Temporary Uses
165.07 Use Classifications	165.22 Zoning of Annexed Areas
165.08 "A-1" Agricultural District	165.23 Governmental Bodies
165.09 "R-1" Single-Family Residential District	165.24 Home Occupations
165.10 "R-2" Medium Density Residential District	165.25 Bed and Breakfast Establishments
165.11 "MH" - Mobile Home Park District	165.26 Recreational Vehicle (RV) Sites
165.12 "B-1" Neighborhood Business District	165.27 Special Exception Procedures
165.13 "B-2" Commercial District	165.28 Enforcement
165.14 "I-1" Light Industrial District	165.29 Board of Adjustment
165.15 "I-2" Medium Industrial District	165.30 Changes and Amendments

**165.01 SHORT TITLE.** This chapter shall be known and may be cited as the "City of Hawarden Zoning Ordinance."

**165.02 DEFINITIONS.** For the purpose of interpreting this chapter, the following words, terms and expressions are defined.

1. "Accessory building" means a subordinate building or a portion of the main building located on the same lot as the main building (except as otherwise provided in this chapter), the use of which is clearly incidental to or customarily found in connection with the use of the main building or principal use of the land.
2. "Accessory use" means one which is customarily incidental to or customarily found in connection with and (except as otherwise provided in this chapter) on the same lot as the main use of the premises. When "accessory" is used in the text it has the same meaning as accessory use.
3. "Addition" means any construction which increases the site coverage, height, length, width or floor area of a structure.
4. "Alley" means a public thoroughfare not more than thirty feet (30') in width, for the use of vehicles, which has been dedicated or deeded to the public for its use.
5. "Alteration" means any change in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders.
6. "Attached" means having one or more walls in common with a principal building, or joined to a principal building by a covered porch or passageway.
7. "Attic" means a space under a gable, hip or gambrel or other roof, the finished floor of which is or would be at or entirely above the level of the wall plates of at least two (2) exterior walls, and the height of which, from the floor level to the highest point of the roof, does not exceed ten feet (10').
8. "Basement" means a story partly underground.
9. "Block front" means all of the property on one side of a street between two intersecting streets or between an intersecting street and the dead end of a street.

10. “Boarding or lodging house” means a building, other than a hotel, where meals are regularly served or lodging furnished for compensation to more than three (3) persons not members of the family residing therein.
11. “Building” means a structure having a roof supported by columns or walls for shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building.
12. “Building, height of” means the perpendicular distance measured in a straight line from the curb level to the highest point of the roof. Where a building is situated on ground above the curb level or where no curb grade is established, such height shall be measured from the level of the adjoining ground at the middle of the front wall.
13. “Building line” means the setback distance from the front property line, rear lot line, and side lot lines as provided in this chapter.
14. “Building wall” means the wall of a building forming a part of the main structure. The foundation walls of unenclosed porches, steps, walks and retaining wall or similar structures are not considered to be building walls under the provisions of this chapter.
15. “Building width” means the length of any one exterior side, being the extension lines from one external edge to the opposite external edge.
16. “Cellar” means a portion of a building located partly or wholly underground and having one-half or more of its floor-to-ceiling height below the average grade of the adjoining ground.
17. “Commission” means the Planning and Zoning Commission of the City.
18. “Court” means an open space fully enclosed on at least three (3) adjacent sides by walls of a building. An outer court is any court facing for its full width on a street, or on any other required open space not a court.
19. “Curb level” means the established curb grade adjacent to a lot.
20. “Detached” means fully separated from any other structure; not attached.
21. “Drive-in service” means a feature or characteristic of a use involving sale of products or provision of services to occupants in vehicles, including drive-in or drive-up windows and drive-through services such as mechanical automobile washing.
22. “Driveway” means an area providing vehicular access between a street and an off-street parking or loading area.
23. “Dwelling” means any building or portion thereof which is designed or used primarily for residential purposes but not including a tent or trailer.
24. “Dwelling, single-family” means a detached building that is arranged, designed or intended to be occupied as the residence of a single-family or housekeeping unit and having no party wall in common with an adjacent building.
25. “Dwelling, two-family” means a detached building that is arranged, designed or intended to be occupied as the residence of two (2) families or housekeeping units living independently of each other.

26. “Dwelling, multi-family” means an apartment house or dwelling used or intended to be used or occupied as the residence of three (3) or more families or housekeeping units living independently of each other.
27. “Dwelling unit” means a room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping, and cooking.
28. “Family” means a group of individuals living and cooking together on the premises as one housekeeping unit, but a family does not include more than three (3) individuals not related by blood, marriage or adoption.
29. “Floor area” means the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings but not including cellar or basement space not used for retailing and nor including accessory off-street parking or loading spaces.
30. “Garage, private” means an accessory building or portion of a building in which one or more motor vehicles are housed, but in which no business services or industry connected with the motor vehicles is carried on other than leasing of space.
31. “Garage, public” means a garage other than a private garage.
32. “Home occupation” means a business or occupation use conducted in a residential zone, which use is incidental and secondary to the residential use and which complies with the provisions of Section 165.24 of this chapter.
33. “Loading space” means an area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.
34. “Lot” means a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building together with its accessory building, and the open spaces and parking space required by this chapter, and having its principal frontage upon a street.
35. “Lot area” means the net horizontal area within bounding lot lines, but excluding any portion of a flag (panhandle) lot providing access to a street and excluding any public or private easement or right-of-way providing access to another lot.
36. “Lot coverage” or “building coverage” means the area of a lot covered by buildings or ground level paving, but excluding incidental projecting eaves, balconies, and similar features and excluding landscaping and open recreational facilities.
37. “Lot depth” means the distance from the front lot line to the rear lot line. In the case of a lot of irregular shape, the mean depth shall be the lot depth.
38. “Lot width” means the distance between the side lot lines. In the case of a lot of irregular shape, the mean width shall be the lot width.
39. “Lot, interior” means a lot other than a corner lot.
40. “Lot line, front” means, in the case of an interior lot abutting on only one street, the street line of such street. In the case of any other lot, it may be such street line as is selected by the owner as the “front lot line” for the purpose of this chapter, provided that the principal entrance to such building is on the street so selected and that it conforms to Section 165.17(2) of this chapter.
41. “Lot line, rear” means that boundary line which is opposite and most distant from the front lot line.

42. “Lot line, side” means any boundary line not a front line or a rear lot line.
43. “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.
44. “Mobile home park” means any site, lot, field or tract of land upon which two (2) or more occupied mobile homes are situated, either free of charge or for revenue purposes, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.
45. “Modular home” means a factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles.
46. “Mobile home space” means an area within a mobile home park which is designed for and designated as the location for a single mobile home and the exclusive use of its occupants.
47. “Nonconforming use” means a lawful use of any land, building, or structure, other than a sign, that does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.
48. “Parking facility” means an area on a lot or within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this chapter. The term “parking facility” includes parking lots, garages, and parking structures.
49. “Parking space” means an area on a lot or within a building, used or intended for use for parking of a motor vehicle, having permanent means of access to and from a public street or alley independently of any other parking space, and located in a parking facility meeting the requirements established by this chapter. The term “parking space” is equivalent to the term “parking stall” and does not include driveways, aisles, or other features comprising a parking facility.
50. “Premises” means a lot, together with all building and structures thereon.
51. “Plat, lot” means a drawing of a lot showing its dimensions, the building arrangement thereon and such other information as may be needed for the enforcement of this chapter.
52. “Public way” means an open or unoccupied public space more than thirty feet (30') in width which is permanently reserved for the purpose of access to abutting property.
53. “Porch, open” means a roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building.
54. “Public notice” means the publication of the time and place of any public hearing not less than seven (7) days or more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the City.

55. “Recreational vehicle” means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term “recreational vehicle” includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, boats and boat trailers, and snowmobiles.
56. “Residential convenience service” means a use or activity of a commercial nature conducted as an accessory use to multi-family residential or mobile home park residential use, and intended solely for the convenience of residents thereof.
57. “Setback line” means a line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures and uses on the lot.
58. “Sign” means any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration device, or representation used as, or which is in the nature of an announcement, direction, advertisement or other attention-directing device. A sign does not include a similar structure or device located within a building except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant or insignia of any nation of association of nations, or of any state, city or other political unit, or any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement or event.
59. “Sign area” means that area within a line including the outer extremities of all letters, figures, characters and delineations or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether columns, a pylon or a building or part thereof, is not included in the sign area.
60. “Site plan” means a plan, prepared to scale, showing accurately and with complete dimensions, all of the buildings, structures and uses, and principal site development features including parking, access, and landscaping and screening, proposed for a specific parcel of land.
61. “Story” means that part of any building comprised between any floor and the floor or attic next above; the first story of a building is the lowest story having at least one-half (1/2) of its height above the highest level of adjoining ground.
62. “Street, front” means the street or public place upon which a lot abuts. If a lot abuts upon more than one street or public place it means the street designated as the front street in the owner’s application for a building permit.
63. “Street line” means the dividing line between a lot and a public street, alley or place.
64. “Street, public” means a public thoroughfare more than thirty feet (30’) in width.
65. “Street wall” means the wall of the building nearest the street under consideration.
66. “Structure” means anything constructed or erected, the use of which requires permanent location on the ground.

67. "Structural alteration" means any change in structural members of a building, such as walls, columns, beams or girders.
68. "Substandard lot" means a lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the district in which it is located, but which complied with applicable requirements when it was placed on record.
69. "Townhouse" means a dwelling unit having a common wall with or abutting one or more adjoining dwelling units in a townhouse group.
70. "Townhouse group" means two (2) or more contiguous townhouses having common or abutting walls.
71. "Use" means the conduct of an activity, or the performance of a function or operation, on a site or in a structure.
- A. "Accessory use" means a use or activity which is incidental to and customarily associated with a specific principal use on the same site.
  - B. "Principal use" means a use which is a primary function of a lot or structure.
  - C. "Permitted use" means a use defined by Section 165.20 and listed by the regulations for any particular district as a permitted use within that zone, and permitted therein as a matter of right when conducted in accordance with the regulations established by this chapter.
  - D. "Special exception use" means a use defined by Section 165.20 and listed by the regulations for any particular district as a special exception use within that district and allowable therein, solely on a discretionary and conditional basis subject to a special exception use permit, and to all other regulations established by this chapter.
72. "Valuation" means the one hundred percent (100%) valuation of a building or structure, as determined by the Sioux County Assessor.
73. "Yard, front" means the required space, unobstructed to the sky, open for the whole width of the lot extending from the nearest part of any building of the lot to the front lot line excluding cornices, eaves, gutters or chimneys projecting not more than thirty inches (30"), steps, bay windows or similar features not extending through more than one story and which do not aggregate more than one-third (1/3) of the width of the frontage of the building, and vestibules not more than one story in height and extending more than three feet (3') beyond the front wall of the principal building, one story open porches eight feet (8') or less in width.
74. "Yard, rear" means the required open space, unobstructed to the sky, extending along the rear lot line (not street line), throughout the whole width of the lot to the rear of the principal building, excluding cornices, eaves, gutters, chimneys projecting not more than thirty inches (30"), uncovered steps, open porches not more than one story in height and eight feet (8') in width and accessory buildings.
75. "Yard, side" means the required open space, unobstructed to the sky, extending along the side lot line from the front yard to the rear yard, excluding cornices, eaves, gutters, chimneys, bay windows, and open porches, or similar features which project into the side yard but are thirty inches (30") or more from the side lot line.

**165.03 VALIDITY AND SEVERABILITY CLAUSE.** If any court of competent jurisdiction shall declare any part of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not specifically included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

**165.04 CONFLICT WITH OTHER LAWS.** Where any conditions imposed by any provision of this chapter upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this chapter or by the provision of an ordinance adopted under any other law, or by provision of any State statute, the provision which is more restrictive or which imposes a higher standard or requirement shall apply. This chapter is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this chapter is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this chapter shall govern.

**165.05 ZONING DISTRICT MAP.** The Council shall cause to be prepared and approved an Official Zoning District Map showing the various districts, which may be changed or corrected from time to time as recommended by the Commission and enacted by the Council. The map shall be kept up to date by the Zoning Administrator and will be placed in the City Council Chambers at City Hall. There shall also be placed a similar map prepared and placed in a convenient place in the office of the City Clerk for reference at any time.

1. Official Map. The “Official Zoning District Map” shall be that Zoning Map on file in the City Council Chambers, and all references hereafter to said official map shall mean the map just referred to, said map by reference being made part of this Zoning Ordinance. †
2. District. The City Council shall divide the Official Zoning Districts Map of the City into districts or zones as follows:
  - “A-1” Agricultural
  - “R-1” Single-Family Residential
  - “R-2” Medium Density Residential
  - “MH” Mobile Home Park District
  - “B-1” Neighborhood Business
  - “B-2” Commercial
  - “I-1” Light Industrial
  - “I-2” Medium Industrial
  - “I-3” Heavy Industrial
3. Boundaries. The zones shall show each zone in a certain place on the Zoning Districts Map and by different colors or shades, which also will show its boundaries in relation to the others and classify its uses under regulations as provided in this chapter.

---

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

**165.06 APPLICATION OF REGULATIONS.** No structures or buildings or part thereof shall be erected, constructed, reconstructed, remodeled, converted, altered, enlarged, extended, raised, moved or used, and no land shall be used except in conformity with the regulations herein prescribed for the district in which such building or land may be situated and until a zoning compliance permit has been issued by the Zoning Administrator as provided herein.

1. The principal building on a lot shall front a street or other approved public place.
2. No yard, or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located.
3. The depths of front yards or rear yards and width of side yards shall be measured from the lot line to the nearest point of the adjacent building wall of the building under consideration.
4. No lot shall hereafter be so reduced in area that any required yard, court or other open space will be smaller than is prescribed in this chapter for the district in which it is located.
5. No accessory building in the rear of any principal building on the same interior or corner lot shall be used for residential purposes.
6. Any portion of a building which is covered by a roof shall be considered as part of the building.
7. The owner of a corner lot may elect to front the principal building on such lot on either of the two (2) streets upon which the corner lot abuts, provided that the principal entrance to such building shall open on the street so selected. Where any such election is manifestly contrary to the established character or the welfare of the neighborhood, the Zoning Administrator shall thereupon refer the case to the Board of Adjustment for determination.
8. No more than one (1) principal use building shall be permitted on any lot in any district.

These regulations are required in addition to any applicable State and City health and building codes.

**165.07 USE CLASSIFICATIONS.** The purpose of the Use Classifications shall be to provide a consistent set of terms encompassing and defining uses permitted or specifically permitted in the various districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification. In the event of any question as to the appropriate use classification of any existing or proposed use or activity, the Zoning Administrator shall have the authorization to determine the appropriate classification, subject to the right of appeal pursuant to Section 165.29. In making such determination, the Zoning Administrator shall consider the characteristics of the particular use in question, and shall consider any functional, product, service, or physical facility requirements common with or similar to uses cited as examples of use classifications.

1. General Description of Residential Use Types. Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis but exclude institutional living arrangements involving those providing 24-hour

skilled nursing or medical care and those providing forced residence, such as asylums and prisons.

- A. Single-Family Residential: The use of a site for only one dwelling unit.
  - B. Duplex Residential: The use of a site for two (2) dwelling units within a single building.
  - C. Two-Family Residential: The use of a site for two (2) dwelling units, each in a separate building.
  - D. Townhouse Residential: The use of a site for three (3) or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site, together with common area serving all dwelling units.
  - E. Condominium Residential: The use of a site for three (3) or more dwelling units intended for separate ownership, together with common area serving all dwelling units.
  - F. Multiple-Family Residential: The use of a site for three (3) or more dwelling units, within one or more buildings.
  - G. Group Residential: The residential occupancy of living accommodations by groups of more than five (5) persons not defined as a family on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, or boarding houses.
  - H. Mobile Home Residential: The residential occupancy of mobile homes by families on a weekly or longer basis. Uses only include mobile home parks or mobile home subdivisions.
2. General Description of Commercial Use Types. Commercial use types include the sale, rental, service, and distribution of goods; and the provision of services other than those classified as industrial or civic uses.
- A. Administrative and Business Offices: Office of private firms or organizations which are primarily used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.
  - B. Agricultural Animal Husbandry (Limited): The raising of cattle, swine, poultry, horses, sheep, goats or similar farm animals for reproductive stock or for slaughter. Such uses shall be conducted completely within enclosed structures and are regulated as provided in Chapter 455B, *Code of Iowa*.
  - C. Agricultural Animal Husbandry (General): The raising of cattle, swine, poultry, horses, goats or similar farm animals for reproductive stock or for slaughter. Such uses are regulated as provided in Chapter 455B, *Code of Iowa*.

D. Agricultural Crop Production: The growing of the usual farm crops for sale, storage or for the provision of feed.

E. Agricultural Sales and Services: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries; hay, feed or grain stores, and tree service firms.

F. Automotive and Equipment Services: Establishments or places of business primarily engaged in automotive-related or equipment sales or services. The following are automotive and equipment use types:

(1) Automotive Washing: Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes.

(2) Service Station: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.

(3) Commercial Off-Street Parking: Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.

(4) Automotive Rentals: Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies, trailer rental agencies and taxi parking and dispatching.

(5) Automotive Sales: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new or used car dealerships, motorcycle dealerships, and; boat, trailer and recreational vehicle dealerships.

(6) Equipment Sales: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile homes sales establishments.

(7) Automotive Repair Services: Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include new and used car dealerships, motorcycle dealerships; and boat, trailer and recreational vehicle dealerships.

(8) Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but excluding dismantling or salvage.

(9) Vehicle Storage: Long term storage of operational or non-operational vehicles. Typical uses include storage of private parking tow-aways or impound yards, but exclude dismantling or salvage.

G. Building Maintenance Services: Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

H. Business Support Services: Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but exclude automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.

I. Business or Trade School: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college, or university, or public or private educational facility.

J. Cocktail Lounge: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, and similar uses.

K. Commercial Recreation: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types.

(1) Indoor Sports and Recreation: Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, and arcades.

(2) Outdoor Sports and Recreation: Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and racquetball courts.

(3) Indoor Entertainment: Predominately spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.

(4) Outdoor Entertainment: Predominately spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities, and amusement parks.

L. Communication Services: Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as major utility facilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.

M. Construction Sales and Services: Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale, from the premises, of materials used in the construction of buildings or other structures other than retail sales of paint, fixtures and hardware; but excludes those

classified as one of the automotive and equipment service use types. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.

N. Consumer Repair Services: Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding automotive and equipment use types. Typical uses include appliance repair shops, watch or jewelry repair, or musical instrument repair firms.

O. Convenience Storage: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini warehousing.

P. Financial Services: Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities, and similar services.

Q. Food Sales: Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

R. Funeral Services: Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

S. General Retail Sales: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products, drugs, cards and stationary, notions, books, tobacco products, cosmetics, and specialty items; flowers, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories (excluding service and installation).

T. Health Services: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans, licensed for such practice by the State of Iowa.

U. Kennels: Boarding and care services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, or dog training centers.

V. Laundry Services: Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as Personal Services. Typical use types include bulk laundry and cleaning plants, diaper services, or linen supply services.

W. Liquor Sales: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales for off-site consumption.

X. Personal Improvement Services: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a non-professional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

Y. Personal Services: Establishments primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, shoe repair shops, and self-service laundry or apparel cleaning services.

Z. Pet Services: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops.

AA. Professional Office: A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions.

BB. Research Services: Establishments primarily engaged in research of an industrial or scientific nature but excludes product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.

CC. Restaurant (Convenience): A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on-premises consumption. Typical uses include soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.

DD. Restaurant (General): A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than 50 percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, coffee shops, dinner houses and similar establishments with incidental alcoholic beverage service.

EE. Riding Academy: A use engaged in the provision of equestrian riding lessons, stables for the quartering of horses. Typical uses include saddle clubs, riding stables or liverys.

FF. Scrap and Salvage Services: Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards or paper salvage yards.

GG. Veterinary Services: Veterinary services for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals.

HH. Visitor Habitation: Establishments primarily engaged in the provision of lodging services on a less-than-weekly basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:

- (1) Campground: Campground facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.
  - (2) Hotel / Motel: Lodging services involving the provision of room and/or board. Typical uses include hotels, motels or transient boarding houses.
3. General Description of Industrial Use Types. Industrial use types include the on-site extraction or production of goods by non-agricultural methods, and storage and distribution of products.
  - A. Basic Industry: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.
  - B. Custom Manufacturing: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involve only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle making shops or custom jewelry.
  - C. Light Manufacturing: A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
  - D. Resource Extraction: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
  - E. Stockyards: Stockyard services involve the temporary keeping of livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales and auction yards.
  - F. Warehousing and Distribution: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and distribution types:
    - (1) Limited Warehousing and Distribution: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses or moving and storage firms.
    - (2) General Warehousing and Distribution: Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators or open storage yards.

4. General Description of Civic Use Types. Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance.

A. Administrative Services: Offices, administrative, clerical or public contact services that deal directly with the citizens, together with incidental storage and maintenance of necessary vehicles. Typical uses include Federal, State, County or City offices.

B. Aviation Facilities: Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

C. Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

D. Club or Lodge: A use providing meeting, recreational, or social facilities for a private or non-profit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.

E. College and University Facilities: An educational institution of higher learning which offers course of study designed to culminate in the issuance of a degree.

F. Community Recreation: A recreational facility for use by residents and guests of a particular residential development, planned unit development or limited residential neighborhood, including both indoor and outdoor facilities.

G. Convalescent Services: A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care of alcoholism, drug addiction, mental disease, or communicable disease.

H. Cultural Services: A library, museum, art gallery, or similar non-profit use affording display, preservation and exhibition of objects of permanent interest in one or more of the arts and sciences.

I. Day Care Services (Limited): A facility, or use of a building or portion thereof, for the care of six (6) or fewer individuals. This term includes nursery schools, pre-schools, day care centers for children or adults, and similar uses.

J. Day Care Services (General): A facility, or use of a dwelling unit or portion thereof, for the care of seven (7) or more individuals. This term includes nursery schools, pre-schools, day care centers for children or adults, and similar uses. General day care facilities shall be registered as required by Chapter 237A of the *Code of Iowa*. Proof of said registration shall be provided before a zoning compliance permit may be issued.

- K. Detention Facilities: A publicly operated use providing housing and care for individuals confined by law.
- L. Game Refuge: A use of land providing natural habitat for animal and plant species. Typical uses include prairies, marshes, woodlands, and wetlands.
- M. Guidance Services: A use providing counseling, guidance, recuperative, vocational, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition, either on a residential or daytime care basis.
- N. Hospital Services: A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
- O. Local Utility Services: Services which are necessary to support principal development and involve only minor structures such as lines, poles, transformers, control devices and junction boxes which are necessary to support principal development.
- P. Maintenance and Service Facilities: A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage, and similar activities, including corporation yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
- Q. Major Utility Facilities: Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants, and similar facilities of public agencies or public utility firms having potentially significant impact upon surrounding uses.
- R. Military Installations: Military facilities of the Federal or State governments.
- S. Park and Recreation Services: Publicly owned and operated parks, playgrounds, recreation areas or open spaces.
- T. Postal Facilities: Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service.
- U. Primary Educational Facilities: A public, private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools in the State of Iowa.
- V. Public Assembly: Publicly owned and operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.
- W. Railroad Facilities: Railroad yards, equipment servicing facilities, and terminal facilities.

X. Religious Assembly: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, but excluding primary or secondary educational facilities.

Y. Residential Care Services: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including over-night occupancy or care for extended periods of time.

Z. Safety Services: Facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

AA. Sanitary Landfill: A disposal project where garbage, refuse, rubbish, and other similar discarded solid or semisolid materials are buried between layers of earth.

BB. Secondary Educational Facilities: A public, private, or parochial school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the State of Iowa.

CC. Transportation Terminals: A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of transportation, including bus terminals, railroad depots, airport terminals, and public transit facilities.

[The next page is 991]

**165.08 “A-1” AGRICULTURAL DISTRICT.** This district is intended to provide for areas of agricultural use which remain compatible with the surrounding residential or commercial uses.

1. Permitted Uses. Unless specifically provided elsewhere in this chapter, only the following structures and uses shall be permitted in the “A-1” Agricultural Districts.

- A. Residential Uses.
  - Single-Family Residential
  - Duplex Residential
- B. Commercial Uses.
  - Agricultural Animal Husbandry (Limited)
  - Agricultural Crop Production
  - Riding Academy
  - Veterinary Services
  - Campground
- C. Industrial Uses. None
- D. Civic Uses.
  - Game Refuge
  - Local Utility Services
  - Park and Recreation Services

2. Special Exception Uses. The following uses and structures may be allowed in the “A-1” Agricultural District subject to review and approval of the Board of Adjustment.

- A. Residential Uses.
  - Two-Family Residential
- B. Commercial Uses.
  - Agricultural Animal Husbandry (General)
  - Agricultural Sales and Services
  - Outdoor Sports and Recreation
  - Outdoor Entertainment
  - Communication Services
  - Kennels
- C. Industrial Uses.
  - Resource Extraction
  - Stockyards
- D. Civic Uses.
  - Aviation Facilities
  - Cemetery
  - Major Utility Facility
  - Military Installations
  - Railroad Facility
  - Religious Assembly
  - Sanitary Landfill

3. Development Regulations. Each development in the “A-1” Agricultural District shall be subject to the following minimum site development regulations.

Lot Area: ..... 2 Acres

Lot Width: ..... 300 feet

Front Yard Setback:..... 50 feet

Rear Yard Setback:..... 50 feet

Side Yard Setback: ..... 30 feet

Street Side Yard Setback:..... 50 feet

Maximum Height: ..... None

Maximum Lot Coverage: ..... 20% including principal and accessory buildings.

[The next page is 995]

**165.09 “R-1” SINGLE-FAMILY RESIDENTIAL DISTRICT.** This district is intended to provide for low density residential development.

1. Permitted Uses. Unless otherwise provided in this chapter, only the following structures and uses shall be permitted in the “R-1” Single-family Residential District.

- A. Residential Uses.
  - Single-Family Residential
  - Home Occupations, pursuant to Section 165.24 of this chapter
- B. Commercial Uses. None
- C. Industrial Uses. None
- D. Civic Uses.
  - Day Care Services (Limited and General)
  - Park and Recreation Services
  - Primary Educational Facility
  - Religious Assembly
  - Secondary Educational Facilities

2. Special Exception Uses. The following uses and structures may be allowed in the “R-1” Single-Family Residential District subject to review and approval of the Board of Adjustment.

- A. Residential Uses.
  - Duplex Residential
  - Multiple Family Residential
  - Bed and Breakfast Establishments, pursuant to Section 165.25
- B. Commercial Uses. None
- C. Industrial Uses. None
- D. Civic Uses.
  - Administrative Services
  - Local Utility Services
  - Cemetery
  - Major Utility Services

3. Development Regulations. Each development in the “R-1” Single-Family Residential District shall be subject to the following minimum site development regulations.

- Lot Area: .....7,500 square feet for single-family unit  
15,000 square feet for 2 dwelling unit.
- Lot Width: .....75 feet.
- Front Yard Setback: .....20 feet.
- Rear Yard Setback: .....35 feet.
- Side Yard Setback: .....8 feet for single story structure.  
10 feet for 2 or more stories.
- Street Side Yard Setback:.....20 feet.

- Maximum Height: ..... 35 feet.
- Maximum Lot Coverage: ..... 40% including principal and accessory buildings.
- Foundation:..... All principal use structures must be erected on a foundation constructed in a manner so as to be impervious to frost. The base of any foundation must be, at a minimum, 42 inches below ground level.
- Minimum Building Width: ..... All principal use buildings shall have a minimum width of 22 feet.

[The next page is 1001]

**165.10 “R-2” MEDIUM DENSITY RESIDENTIAL DISTRICT.** This district is designed to provide residential areas of higher density than is allowed in the “R-1” district.

1. Permitted Uses. Unless provided elsewhere in this chapter, only the following structures and uses shall be permitted in the “R-2” Medium Density Residential District.

- A. Residential Uses.
  - Single-Family Residential
  - Duplex Residential
  - Multiple Family Residential
  - Home Occupations, pursuant to Section 165.24 of this chapter
- B. Commercial Uses. None
- C. Industrial Uses. None
- D. Civic Uses.
  - Day Care Services (Limited)
  - Park and Recreation Services
  - Primary Educational Facility
  - Religious Assembly

2. Special Exception Uses. The following uses and structures may be allowed in the “R-2” Medium Density Residential District subject to review and approval of the Board of Adjustment.

- A. Residential Uses.
  - Two-Family Residential
  - Bed and Breakfast Establishments, pursuant to Section 165.25
- B. Commercial Uses. None
- C. Industrial Uses. None
- D. Civic Uses.
  - College and University Facility
  - Day Care Services (General)
  - Local Utility Facility
  - Religious Assembly
  - Secondary Educational Facility
  - Convalescent Services
  - Guidance Services
  - Residential Care Services

3. Development Regulations. Each development in the “R-2” Medium Density Residential District shall be subject to the following minimum site development regulations.

- Lot Area: .....7,500 square feet for single-family unit  
15,000 square feet for 2 dwelling unit.
- Lot Width: .....75 feet.
- Front Yard Setback: .....20 feet.

- Rear Yard Setback:..... 35 feet.
- Side Yard Setback: ..... 8 feet for single story structure.  
10 feet for 2 or more stories.
- Street Side Yard Setback:..... 20 feet.
- Maximum Height: ..... 35 feet.
- Maximum Lot Coverage: ..... 40% including principal and accessory buildings.
- Foundation:..... All principal use structures must be erected on a foundation constructed in a manner so as to be impervious to frost. The base of any foundation must be, at a minimum, 42 inches below ground level.
- Minimum Building Width:..... All principal use buildings shall have a minimum width of 22 feet.

[The next page is 1007]

**165.11 “MH” - MOBILE HOME PARK DISTRICT.** The intent of this chapter is to regulate the location and placement of mobile home parks in the City.

1. Use Regulations. Within the “MH” Mobile Home Park District, unless otherwise provided in this chapter, no building or land shall be used for other than one or more of the following purposes:

- A. Residential Uses.  
Mobile Home Residential
- B. Civic Uses.  
Park and Recreation Services  
Local Utility Services  
Community Recreation  
Day Care Services
- C. Commercial Uses. None
- D. Industrial Uses. None

2. Permitted Accessory Uses and Structures. The following accessory uses and structures shall be permitted:

- A. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures permitted as exceptions;
- B. Private garage or carport;
- C. Private swimming pools and tennis courts;
- D. Private greenhouses not operated for commercial uses.

3. Special Exception Uses. Within the “MH” Mobile Home Park District, the following uses and structures may be permitted subject to review of the Board of Adjustment.

- A. Residential Uses. None
- B. Civic Uses. None
- C. Commercial Uses.  
Recreation Vehicle (RV) Parks pursuant to Section 165.26
- D. Industrial Uses. None

4. Site Development Regulations. Each Mobile Home Park shall be developed in accordance with the following regulations.

- A. Development Plan. The following information shall be shown on the development plan or submitted in writing with it:
  - (1) The name of the proposed mobile home park;
  - (2) Names, addresses and telephone numbers of the developer or the developer’s representative;
  - (3) Location of the Mobile Home Park, giving the subdivision and lot numbers;

- (4) A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding intended for subsequent development;
- (5) A location map showing the relationship of the proposed development and the adjacent tracts or parcels;
- (6) The present land uses and the existing zoning of the proposed development and the adjacent tracts or parcels;
- (7) Interior streets, streets, street names, rights-of-way and roadway widths;
- (8) All lot lines and open spaces with dimensions shown;
- (9) Delineation of all improvements required in this section.

B. Permitted Accessory Uses and Requirements.

(1) Accessory buildings or structures under park management supervision shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary service for park residents only. No accessory building or structure shall exceed 25 feet in height; and shall meet requirements of the applicable codes and ordinances.

(2) A mobile home may be displayed and offered for sale, provided that the mobile home is situated on a permanent pad within the mobile home park.

(3) One identification sign, approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than 60 square feet in surface area or have any moving parts or stand higher than 10 feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way than 30 feet.

No more than one entry or exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than two square feet in surface area, or have any moving parts, or stand higher than five feet from the ground to the top of the sign.

(5) No more than one local street sign at a local intersection of such park which identifies the local street by name, the sign approved in conjunction with the final site plan approval for the mobile home park. In no case shall the sign be larger than one square foot in surface area per local street name, or stand higher than seven feet from the ground to the top of the sign.

C. Required Development Standards:

(1) The land area of a mobile home park shall not be less than 80,000 square feet.

(2) Mobile home sites shall be at least 4,500 square feet in area.

(3) Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen

facilities and plumbing and electrical connections designed for attachment to appropriate external systems and so attached.

(4) Each mobile home site shall have side yards with each yard having a width of not less than 10 feet.

(5) Each mobile home site shall have front and rear yards with the rear yard not less than 25 feet in depth and the front yard of not less than 35 feet. Corner mobile home sites shall have front yard setbacks on each street frontage.

(6) For the purpose of this section, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary from which every point shall not be less than the minimum width herein provided. The rear yard shall be the yard opposite and having the farthest distance as measured from the street or public way.

(7) From all lots, a minimum distance of 35 feet shall be maintained from the boundary of the mobile home park.

(8) A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy the space required by yard setback dimensions.

(9) Each mobile home site shall be provided with a stand consisting of reinforced concrete runways not less than four inches thick and not less than the length of the mobile home that will use the site. These runways will be so constructed, graded and placed to be durable and adequate for support of the maximum anticipated load during all seasons.

(10) Each mobile home shall be anchored to the ground as provided in Chapter 103A, *Code of Iowa*.

(11) Accessory structures may be no closer to the side lot line than five feet.

(12) A permanent type material and construction compatible with the design and color of the mobile home shall be installed to enclose the open space between the bottom of the mobile home floor and the grade level of the mobile home stand, and shall be constructed to provide substantial resistance to heavy winds. Skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park. Sufficient screened ventilating areas shall be installed in the skirting to supply the combustion requirements of heating units and ventilating of the mobile home. Provisions shall be made for easy removal of a section large enough to permit access for inspection of the enclosed area under the mobile home, and for repair of sewer and water riser connections.

(13) All mobile homes within such park shall be suitably connected to common sewer and water services provided at each mobile home site. All sanitary sewer facilities, including plumbing connections to each mobile home site, shall be constructed so that all

facilities and lines are protected from freezing, from bumping or from creating any type of nuisance or health hazard. Sewage facilities shall be of such capacity to adequately serve all users of the park at peak periods. Running water from a tested and approved supply, designed for a minimum flow of 200 gallons per day per mobile home site shall be piped to each mobile home. All sanitary sewer and water facilities shall conform to minimum State and County Health regulations and other applicable sections of this Code of Ordinances. Storm drainage facilities shall be so constructed as to protect those who reside in the mobile home park as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park.

(14) All electric, telephone, and other lines from supply poles outside the park or other sources to each mobile home shall be placed underground.

(15) Any fuel storage shall be in accordance with applicable Federal, State and local regulations.

(16) All roads, driveways and motor vehicle parking spaces shall be paved and constructed so as to handle anticipated peak loads, and adequately drained and lighted for safety and ease of movement of pedestrians and vehicles.

(17) All mobile home parks shall be provided with safe and convenient vehicular access from abutting public and private streets or roads to each mobile home site. Alignment and gradient shall be properly adopted to topography. Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park streets with a public street or road shall have minimum road pavement width of 41 feet where parking is permitted on both sides, or a minimum road pavement width of 31 feet where parking is limited to one side. When primary entrance road is more than 100 feet long and does not provide access to abutting mobile home lots within such distance, the minimum road pavement width may be 24 feet; with parking limited to one side, 31 feet; with parking permitted on both sides, 41 feet.

(18) Required standards for roadways, parking, and traffic shall be as follows:

VEHICLE PARKING	TRAFFIC USE	MINIMUM PAVEMENT WIDTH
No Parking Allowed	2-Way Road	25 feet
Parallel Parking (1 Side Only)	1-Way Road	30 feet
No Parking Allowed	1-Way Road	25 feet
Parallel Parking (2 Sides)	2-Way Road	40 Feet

- (19) If any dead-end place or court is more than 250 feet in length, it shall terminate in an open space, preferably circular having a minimum dimension of 100 feet. Except in unusual instances, no dead-end street or place shall exceed 600 feet in length.
- (20) All streets of a mobile home park providing ingress and egress from an abutting public street or road shall have the location and design of intersection with said public street or road approved by the City and by any other governmental agency exercising control over such streets or roads.
- (21) All parks shall be furnished with lighting units spaced and equipped with approved fixtures, placed at mounting heights that will provide the following average maintained levels of illumination for safe movement of pedestrians and vehicles at night; all parts of the park street system 0.6 foot-candle, with a minimum of 2.5 foot-candles; potentially hazardous locations, such as major street intersections and steps or stepped ramps, individually illuminated with a minimum of 0.4 foot-candle.
- (22) All streets intended for general public use shall be dedicated as a public right-of-way and subject to such improvements as may be required by the City.
- (23) All streets intended primarily for use of park occupants, guests and services shall be owned and maintained by the mobile home park owner. Private streets shall be constructed with either hot mix asphaltic concrete or Portland cement concrete to provide for drainage and shall be constructed to specifications approved by the City. Street surfaces shall be maintained free of cracks, holes and other hazards.
- (24) Grades of all streets shall be sufficient to insure adequate surface drainage, and shall have prior approval of the City before commencing with construction.
- (25) Streets shall be at approximately right angles within 50 feet of an intersection. A distance of at least 100 feet shall be maintained between center line of off-set intersecting streets unless specifically approved by the City. Intersections of more than two streets at one point shall be avoided.
- (26) The limits of each mobile home site shall be clearly marked on the ground by permanent steel or iron rods driven into the ground with the top of said rods flush with the finished lot grade.
- (27) Location of lot limits on the ground shall be approximately the same as shown on the approved plans. The degree of accuracy obtainable by working with a scale on the plan and then a tape on the ground is acceptable. Precise engineering of lot limits is not required either on the plans or on the ground. This is not to be construed as permitting lots of a lesser size than the required minimum or permitting lesser yard or setback dimensions than set forth elsewhere in this chapter.

(28) No mobile home shall be connected to water, sewer or electrical service unless the mobile home complies with the standards and requirements prescribed by *Standards for Mobile Homes*, USAS A119.1, 1963, and amendments thereto, published by the United States of America Standards Institute as applicable, which publication is hereby adopted and by reference made a part of this chapter, a copy of which is and shall remain on file in the office of the Zoning Officer. Compliance with these standards shall be determined by the Zoning Officer. A certificate, if issued by the manufacturer of the mobile home, shall be permanently affixed on a readily visible location on the exterior of the mobile home as prima facie evidence of such compliance.

(29) The maximum ground coverage of the mobile home park shall be seventy percent (70%) with the remaining thirty percent (30%) reserved for landscaping.

[The next page is 1017]

**165.12 “B-1” NEIGHBORHOOD BUSINESS DISTRICT.** This district is designed to provide residential areas of higher density than is allowed in the “R-1” and “R-2” Districts.

1. Permitted Uses. Unless provided elsewhere in this chapter, only the following structures and uses shall be permitted in the “B-1” Neighborhood Business District.

- A. Residential Uses.
  - Single-Family Residential
  - Duplex Residential
- B. Commercial Uses.
  - Administrative and Business Offices
  - Health Services
  - Professional Offices
- C. Industrial Uses. None
- D. Civic Uses.
  - Administrative Services
  - Day Care Services (Limited)
  - Park and Recreation Services

2. Special Exception Uses. The following uses and structures may be allowed in the “B-1” Neighborhood Business District subject to review and approval of the Board of Adjustment.

- A. Residential Uses.
  - Two Family Residential
- B. Commercial Uses. None
- C. Industrial Uses. None
- D. Civic Uses.
  - Day Care Services (General)
  - Local Utility Services
  - Primary Educational Facility
  - College and University Facility
  - Secondary Educational Facility

3. Development Regulations. Each development in the “B-1” Neighborhood Business District shall be subject to the following minimum site development regulations.

- Lot Area: .....7,500 square feet for single-family unit  
15,000 square feet for 2 dwelling unit.
- Lot Width: .....75 feet.
- Front Yard Setback: .....20 feet.
- Rear Yard Setback: .....35 feet.
- Side Yard Setback: .....8 feet for single story structure  
10 feet for 2 or more stories.

- Street Side Yard Setback:..... 20 feet.
- Maximum Height: ..... 35 feet.
- Maximum Lot Coverage: ..... 40% including principal and accessory buildings.
- Foundation:..... All principal use structures shall be erected on a foundation constructed in a manner so as to be impervious to frost. The base of any foundation must be, at a minimum, 42 inches below ground level.
- Minimum Building Width: ..... All principal use buildings shall have a minimum width of 22 feet.

[The next page is 1023]

**165.13 “B-2” COMMERCIAL DISTRICT.**

1. Principal Permitted Uses. Within the B-2 Commercial District, unless otherwise provided in this chapter, no building or land shall be used for other than one or more of the following purposes:

A. Commercial Uses.

Agricultural Sales and Service  
 Administrative and Business Offices  
 Building Maintenance Services  
 Business Support Services  
 Business or Trade School  
 Indoor Sports & Recreation  
 Outdoor Sports & Recreation  
 Indoor Entertainment  
 Construction Sales and Services  
 Consumer Repair Services  
 Financial Services  
 Food Sales  
 Funeral Services  
 General Retail Sales  
 Health Services  
 Laundry Services  
 Personal Improvement Services  
 Personal Services  
 Professional Offices  
 Research Services  
 Restaurant (Convenience)  
 Restaurant (General)  
 Hotel / Motel  
 Bed and Breakfast Inn  
 Commercial Off-Street Parking  
 Veterinary Services, not including animal hospitals

B. Civic Uses.

Administrative Services  
 Club or Lodge  
 Cultural Services  
 Day Care Services (Limited)  
 Day Care Services (General)  
 Guidance Services  
 Local Utility Services  
 Park & Recreation Services  
 Postal Facility  
 Public Assembly  
 Safety Services  
 Primary Educational Facility  
 Religious Assembly

- C. Industrial Uses.
    - Custom Manufacturing
    - Limited Warehousing and Distribution
    - Light Manufacturing
2. Special Exception Uses. The following uses and structures may be permitted in the B-2 Commercial District subject to review and approval of the Board of Adjustment:

- A. Residential Uses.
  - Single-Family Residential
  - Duplex Residential
  - Condominium Residential
  - Multiple Family Residential
  - Group Residential
  - Two-Family Residential
- B. Commercial Uses.
  - Automotive Washing
  - Service Station
  - Automotive Rentals
  - Automotive Sales
  - Equipment Sales
  - Automotive Repair Services
  - Equipment Repair Services
  - Vehicle Storage
  - Cocktail Lounge
  - Outdoor Entertainment
  - Communication Services
  - Convenience Storage
  - Convenience Store
  - Liquor Sales
  - Pet Services
- C. Civic Uses.
  - College & University Facility
  - Convalescent Services
  - Hospital Services
  - Maintenance & Service Facility
  - Primary Educational Facility
  - Religious Assembly
  - Residential Care Services
  - Secondary Educational Facility
  - Transportation Terminals
- D. Industrial Uses.
  - General Warehousing & Distribution

3. Site Development Regulations. Unless otherwise provided in this chapter, each development in the B-2 Commercial District shall be subject to the following regulations:

Minimum Lot Area:..... None.

Minimum Lot Width: .....None.

Maximum Height: .....75 feet.

Front Yard Setback: .....None.

Side Yard Setback: .....None, except that when a lot in the B-2 district abuts the R-1 or R-2 district the side yard setback along the abutting side shall be 5 feet.

Rear Yard Setback: .....None, except that when a lot in the B-2 district abuts a lot in the R-1 or R-2 district, the rear yard setback shall be 25 feet.

Street Side Yard Setback:.....10 feet.

[The next page is 1031]

**165.14 "I-1" LIGHT INDUSTRIAL DISTRICT.**

1. Principal Permitted Uses. Within the I-1 Industrial District, unless otherwise provided in this chapter, no building or land shall be used for other than one or more of the following uses:

- A. Residential Uses. None
- B. Commercial Uses.
  - Agricultural Sales & Service
  - Service Station
  - Automotive Rentals
  - Automotive Washing
  - Automotive Sales
  - Equipment Sales
  - Automotive Repair Services
  - Equipment Repair Services
  - Indoor Vehicle Storage
  - Building Maintenance Services
  - Business Support Services
  - Consumer Repair Services
  - Convenience Storage
  - Kennels
  - Veterinary Services, not including Animal Hospitals
  - Laundry Services
  - Transportation Terminals
  - Research Services
- C. Civic Uses.
  - Club or Lodge
  - Local Utility Services
  - Maintenance & Service Facility
  - Military Installation
  - Park & Recreation Services
  - Public Assembly
  - Safety Services
  - Transportation Terminals
- D. Industrial Uses.
  - Custom Manufacturing
  - Light Manufacturing
  - Limited Warehousing & Distribution
  - Railroad Siding

2. Special Exception Uses. The following structures and uses may be permitted in the I-1 Industrial District subject to review and approval of the Board of Adjustment:

- A. Residential Uses. None
- B. Commercial Uses.
  - Business or Trade School

Communication Services  
Veterinary Services  
Hotel/Motel

C. Civic Uses.

College & University Facility  
Detention Facility  
Major Utility Facility  
Railroad Facility

D. Industrial Uses.

General Warehousing and Distribution

3. Site Development Regulations. Unless otherwise provided in this chapter, each development in the I-1 Industrial District shall be subject to the following regulations:

Minimum Lot Area:..... 1 acre. The ground floor of buildings shall not exceed 50% of the total area of the lot.

Minimum Lot Width: ..... None.

Maximum Height: ..... 35 feet.

Front Yard Setback:..... 40 feet.

Side Yard Setback: ..... None, except that lots in the I-1 District which abut the R-1 or R-2 District shall have a side yard setback of 5 feet.

Rear Yard Setback:..... None, except that lots in the I-1 District which abut the R-1 or R-2 District shall have a rear yard setback of 25 feet.

Street Side Yard Setback:..... 10 feet.

Enclosed Structure:..... All uses shall be conducted within an enclosed structure with no open storage of raw, in process, or finished material and supplies or waste material.

Main Plant Buildings:..... All main plant buildings shall be of concrete, structural steel, or masonry construction, unless otherwise approved as provided by this chapter.

Parking and Loading Space:..... Adequate parking and loading space shall be provided off the street for all employees and traffic to the plant.

Loading Operations: ..... Loading operations shall be conducted at the side or rear of buildings.

Parking Prohibited:..... No parking shall be permitted in the required front yard setback.

Landscaping of Front Yard: ..... The required front yard shall be landscaped with trees, grass, shrubs or pedestrian walks

and maintained in a neat and attractive condition.

Fences: .....All fencing shall have a uniform and durable character, with the decorative side facing away from the lot. All fencing shall be properly maintained.

Accessory Signs: .....Accessory signs and structures shall be permitted, but no sign shall extend more than 10 feet above the roof line of the building and all signs in excess of 100 square feet in area shall be attached flush against the wall of the building.

[The next page is 1039]

**165.15 "I-2" MEDIUM INDUSTRIAL DISTRICT.**

1. Principal Permitted Uses. Within the I-2 Industrial District, unless otherwise provided in this chapter, no building or land shall be used for other than one or more of the following uses:

- A. Residential Uses. None
- B. Commercial Uses.
  - Agricultural Sales and Service
  - Automotive Washing
  - Service Station
  - Automotive Rentals
  - Automotive Sales
  - Equipment Sales
  - Automotive Repair Services
  - Equipment Repair Services
  - Indoor Vehicle Storage
  - Building Maintenance Services
  - Business Support Services
  - Consumer Repair Services
  - Convenience Storage
  - Kennels
  - Laundry Services
  - Research Services
- C. Civic Uses.
  - Club or Lodge
  - Local Utility Services
  - Maintenance and Service Facility
  - Military Installation
  - Park and Recreation Services
  - Public Assembly
  - Safety Services
  - Transportation Terminals
- D. Industrial Uses.
  - Custom Manufacturing
  - Light Manufacturing
  - Railroad Facilities
  - Limited Warehousing & Distribution
  - General Warehousing and Distribution
  - Railroad Siding

2. Special Exception Uses. The following structures and uses may be permitted in the I-2 Industrial District subject to review and approval of the Board of Adjustment:

- A. Residential Uses. None
- B. Commercial Uses.
  - Business or Trade School

Communication Services  
Veterinary Services  
Hotel/Motel

C. Civic Uses.

College and University Facility  
Detention Facility  
Major Utility Facility  
Railroad Facility

3. Site Development Regulations. Unless otherwise provided in this chapter, each development in the I-2 Industrial District shall be subject to the following regulations:

Minimum Lot Area:..... 1 acre. The ground floor of buildings shall not exceed fifty percent (50%) of the total area of the lot.

Minimum Lot Width: ..... None.

Maximum Height: ..... 35 feet.

Front Yard Setback:..... 40 feet.

Side Yard Setback: ..... None, except that lots in the I-2 district which abut the R-1 or R-2 district shall have a side yard setback of 5 feet.

Rear Yard Setback:..... None, except that lots in the I-2 district which abut the R-1 or R-2 district shall have a rear yard setback of 25 feet.

Street Side Yard Setback:..... 10 feet.

Enclosed Structure:..... All uses shall be conducted within an enclosed structure with no open storage of raw, in process, or finished material and supplies or waste material.

Main Plant Buildings:..... All main plant buildings shall be of concrete, structural steel, or masonry construction, unless otherwise approved as provided by this chapter.

Parking and Loading Space:..... Adequate parking and loading space shall be provided off the street for all employees and traffic to the plant.

Loading Operations: ..... Loading operations shall be conducted at the side or rear of buildings.

Parking Prohibited:..... No parking shall be permitted in the required front yard setback.

Landscaping of Front Yard: ..... The required front yard shall be landscaped with trees, grass, shrubs or pedestrian walks and maintained in a neat and attractive condition.

Fences: .....All fencing shall have a uniform and durable character, with the decorative side facing away from the lot. All fencing shall be properly maintained.

Accessory Signs: .....Accessory signs and structures shall be permitted, but no sign shall extend more than 10 feet above the roof line of the building and all signs in excess of 100 square feet in area shall be attached flush against the wall of the building.

[The next page is 1047]

**165.16 "I-3" HEAVY INDUSTRIAL DISTRICT.**

1. Principal Permitted Uses. Within the I-3 Industrial District, unless otherwise provided in this chapter, no building or land shall be used for other than one or more of the following uses:

- A. Residential Uses. None
- B. Commercial Uses.
  - Agricultural Sales & Service
  - Automotive Washing
  - Service Station
  - Automotive Rentals
  - Automotive Sales
  - Equipment Sales
  - Automotive Repair Services
  - Equipment Repair Services
  - Vehicle Storage
  - Building Maintenance Services
  - Business Support Services
  - Consumer Repair Services
  - Convenience Storage
  - Kennels
  - Laundry Services
  - Research Services
- C. Civic Uses.
  - Local Utility Services
  - Maintenance & Service Facility
  - Military Installation
  - Park & Recreation Services
  - Public Assembly
  - Safety Services
  - Transportation Terminals
- D. Industrial Uses.
  - Basic Industry
  - Custom Manufacturing
  - Light Manufacturing
  - Railroad Facilities
  - Limited Warehousing & Distribution
  - General Warehousing and Distribution
  - Railroad Siding

2. Special Exception Uses. The following structures and uses may be permitted in the I-3 Industrial District subject to review and approval of the Board of Adjustment:

- A. Residential Uses. None
- B. Commercial Uses.
  - Communication Services

Veterinary Services

C. Civic Uses.

Major Utility Facility

Railroad Facility

3. Site Development Regulations. Unless otherwise provided in this chapter, each development in the I-3 Industrial District shall be subject to the following regulations:

Minimum Lot Area:..... 1 acre. The ground floor of buildings shall not exceed forty percent (40%) of the total area of the lot.

Minimum Lot Width: ..... None.

Maximum Height: ..... 30 feet.

Front Yard Setback:..... 40 feet.

Side Yard Setback: ..... None, except that lots in the I-2 district which abut the R-1 or R-2 district shall have a side yard setback of 5 feet.

Rear Yard Setback:..... None, except that lots in the I-2 district which abut the R-1 or R-2 district shall have a rear yard setback of 25 feet.

Street Side Yard Setback:..... 10 feet.

Enclosed Structure:..... All uses shall be conducted within an enclosed structure with no open storage of raw, in process, or finished material and supplies or waste material.

Main Plant Buildings:..... All main plant buildings shall be of concrete, structural steel, or masonry construction, unless otherwise approved as provided by this chapter.

Parking and Loading Space:..... Adequate parking and loading space shall be provided off the street for all employees and traffic to the plant.

Loading Operations:..... Loading operations shall be conducted at the side or rear of buildings.

Parking Prohibited in

Front Yard: ..... No parking shall be permitted in the required front yard setback.

Landscaping of Front Yard: ..... The required front yard shall be landscaped with trees, grass, shrubs or pedestrian walks and maintained in a neat and attractive condition.

Fences:..... All fencing shall have a uniform and durable character, with the decorative side facing

away from the lot. All fencing shall be properly maintained.

Accessory Signs: .....Accessory signs and structures shall be permitted, but no sign shall extend more than 10 feet above the roof line of the building and all signs in excess of 100 square feet in area shall be attached flush against the wall of the building.

4. Additional Regulations. The following uses having accompanying hazards such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, or toxic gases may, if not in conflict with any law or ordinance in the City or the State, be located in the I-3 district only after the location of such use has been approved by the Council after public hearing and report of the Commission provided in this chapter. The Council shall review the plans and statements and shall not permit such buildings, structures, or uses until it has been shown that the public health, safety, morals and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons. The Council in reviewing the plans and statements shall consult with other agencies created for the promotion of the public health and safety:

A. Chemicals, Petroleum, Coal and Allied Products: acid and derivatives; acetylene; ammonia; carbide; caustic soda; cellulose and cellulose storage; chlorine; coke oven products (including fuel gas) and coke and oven products storage; creosote; distillation, manufacture, or refining of coal, tar asphalt, wood and bones; explosives (including ammunition and fireworks,) and explosives storage; fertilizer (organic); fish oils and meals; glue (gelatin); hydrogen and oxygen; lamp black, carbon black, and bone black; nitrating of cotton or other materials; nitrates (manufactured and natural) of an explosive nature, and storage; petroleum, gasoline, and lubricating oil refining, and wholesale storage; plastic materials and synthetic resins; potash; pyroxylin; rendering and storage of dead animals, offal, garbage, or waste products; turpentine and resin; wells, gas and oil;

B. Clay, Stone and Glass Products: brick, firebrick, refractories, and clay products (coal fired); cement, lime, gypsum or plaster of paris;

C. Minerals and Earth: quarrying, extracting, grinding, crushing, and processing;

D. Food and Beverage: fat rendering; fish curing, packing and storage; slaughtering of animals, starch manufacture;

E. Metals and Metal Products: aluminum powder and paint manufacture; blast furnace, cupolas; blooming mill; metal and metal areas, reduction, refining, smelting, and alloying; scrap metal reduction; steel works and rolling mill (ferrous);

F. Wood and Paper Products: match manufacture; wood pulp and fiber, reduction and processing;

G. Unclassified Industries and Uses: hair, hides, and raw fur, curing, tanning, dressing, dyeing, and storage; stockyard or commercial feed lot.

[The next page is 1055]

**165.17 ADDITIONAL AREA AND HEIGHT REGULATIONS.** The regulations set forth in this section qualify, supplement or modify the area and height regulations set forth elsewhere in this chapter.

1. Lot Area and Width. Any lot of record at the time of passage of these Zoning Regulations having less area or width than herein required may be used for a single-family dwelling where such uses are permitted as provided in this chapter and subject to the required setbacks and further provisions of this chapter.
2. Yards.
  - A. Buildings on through lots shall provide the required front yard on both streets.
  - B. The required side yard on the street side of a corner lot shall be the same as the required front yard on such street and no accessory building shall project beyond the required front yard on either street.
  - C. On a corner lot in any district, except the General Commercial District, no fence, wall, hedge, tree or other planting or structure that will obstruct vision between a height of 2 feet and 10 feet above the centerline grade 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 25 feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.
  - D. The ordinary projection from buildings including eaves, sills, cornices, or other similar architectural features may project or extend not more than 2 feet into a required yard.
  - E. An air conditioning compressor may not encroach into the required side yard.
  - F. Carports, bay windows, cantilevered projections, chimneys and structures may not project into the required yards.
  - G. Steps providing access to the ground level of a dwelling may encroach no more than 3 feet into any required yard. Steps may encroach no more than 6 feet into any required front or rear yard.
3. Fences and Hedges. Fences or hedges in the R-1 and R-2 residential districts shall not exceed 6 feet in height in any required front yard, and shall not exceed 6 feet in height in any required side or rear yard; and in other residential districts shall not exceed 6 feet in height in any required side or rear yard; and in other residential districts shall not exceed 6 feet in height in any required front yard, and shall be subject to the further restriction of subsection 2 above. Fences in excess of 6 feet will be allowed in the cases of tennis courts and swimming pools. Fences shall not be closer than 2 feet to any property line. Hedges and permanent planting shall not be planted closer than 2.5 feet to any property line. Fences shall be erected and maintained with the decorative finish side facing to the outside of the lot, away from the lot interior. Fences shall be constructed so as to be reasonably aesthetic in appearance and which are not injurious to the senses. Some suggested materials are: wood, chain-link, PVC/resin, stone or masonry materials. Wood fences shall utilize standard building lumber only.

4. **Buildings To Have Access.** Every principal use building hereafter erected or structurally altered, shall be on a lot or parcel having frontage on a public street or road.
5. **Use Of Public Right-Of-Way:** No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structure for storage or display purposes, or to provide any parking or loading space required by this chapter.
6. **Temporary Building:** Temporary buildings with construction work may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed within thirty (30) days after completion or abandonment of the construction work.
7. **Accessory Buildings:** Accessory buildings and uses customarily incidental to that of the main building may be erected or established as permitted, provided they comply with the following:
  - A. No accessory buildings shall be erected in any required front or side yard.
  - B. There shall be a maximum of one detached accessory building with a building square footage of over 200 square feet in area under the following conditions:
    - (1) Under no circumstances shall the square footage of the accessory building exceed the ground level square footage of the principal building on the lot.
    - (2) The maximum size allowed shall be 1,000 square feet. A special exception for an accessory building with an area in excess of 1,000 square feet may be allowed by the Board of Adjustment provided that the square footage of the accessory building does not exceed 40% of the square footage of the principal building. The special exception shall be evaluated under the special exception procedures set forth in Section 165.27.
    - (3) The maximum building height shall be twenty-two feet to the peak of the roof or two-thirds of the height of the main building, whichever is lower.
  - C. All accessory buildings larger than 200 square feet located within a residential district shall be constructed in a manner consistent with the residential character of the district and shall:
    - (1) Have a permanent floor located within the structure. Dirt and/or rock floors are prohibited.
    - (2) Be covered with siding commonly used for residential structures, compatible with the siding used on the principal building on the lot and shall not be sided or covered with galvanized steel, painted steel or tin or aluminum sheeting as is commonly used on agricultural and commercial buildings.
    - (3) Be constructed with the same type of roofing materials used for residential structures and compatible in composition and

appearance with the roofing material used on the principal building on the lot.

- D. No detached accessory building in any district shall:
- (1) Be erected within 10 feet of any main (principal) building;
  - (2) Be erected within 5 feet of any property line or 30 feet of the traveled portion of any street (but not alley), whichever is greater;
  - (3) Be erected within a required lot line easement;
  - (4) Be erected within 4 feet from any rear property line.
- E. In the R-1 Residential District, no detached accessory building is permitted within the limits of a front yard.
- F. No accessory building shall be used as a dwelling unit for periods exceeding thirty (30) days and shall not be operated as a commercial rental property.
- G. For the purposes of this chapter, a gasoline dispensing pump shall not be classified as an accessory structure.

8. Building Height.

A. Except in the B-2 Commercial District, no building shall exceed a height of 35 feet, unless otherwise provided.

B. The height regulations shall not apply to television and radio towers, church spires, belfries, monuments, farm buildings, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatus which may be erected to any height not in conflict with any other applicable regulations.

C. Public, semi-public or private service buildings, hospitals, institutions, churches and schools, when permitted in a district, may be erected to exceed height limits specified for the district, provided all required yards are increased by one foot for each foot of building height above the specified height limit.

o o o o o o o o o

**165.18 OFF-STREET PARKING.** After the effective date of the ordinances codified in this chapter, in all districts except the “B-2” Commercial District, there shall be provided at the time any new building or structure is erected off-street parking spaces in accordance with the requirements set forth herein:

1. General Provisions.

A. All buildings and structures erected and all uses of land in all districts established after the effective date of this chapter shall provide accessory parking facilities as required under this section unless a building permit has been issued and construction is begun at least two (2) months prior to the effective date of this chapter.

B. The provisions of this section do not apply to areas in the Commercial District (B-2).

C. All off-street parking spaces required by this chapter shall be located on the lot of the use it serves or within 300 feet of the principal use lot.

D. Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, leases, or contract documents to establish such a joint area of use.

E. Off-street parking spaces may occupy required yards except that access to groups of three or more spaces shall be by common driveways with curb cuts approved by the City Administrator so that parking and un-parking maneuvers can be accomplished off the street. Direct access to parking spaces from alleys shall be permitted. Parking shall be allowed only on all weather surfaces maintained for such purposes and shall not be allowed on unimproved portions of the premises such as lawns.

F. A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled, shall accompany an application for a building certificate. The plan shall show all elements necessary to indicate that the requirements are being fulfilled.

G. Whenever a building or use constructed or established after the effective date of this chapter is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this chapter is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

2. Off-Street Parking Requirements. At the time of construction, alteration, moving into, enlargement of a structure or building, or change in the use of the land, off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows:

Single-Family Residential:.....2 spaces.

Multi-Family Residential: .....2 spaces per dwelling unit.

- Mobile Home Park: ..... 2 spaces per mobile home unit.
- Hotel / Motel and  
Bed & Breakfast Inn..... 1 space per room.
- Hospital: ..... 1 space for each four hospital beds, and 1  
space for each two employees on the major  
shift.
- Places of public assembly  
such as auditoriums, theaters,  
stadiums, churches, community  
halls, etc..... 1 space for each six seats.
- Bowling Alleys:..... 5 spaces per alley.
- Skating rinks or dance halls: ..... 1 space for each 100 square feet of skating or  
dance floor area.
- Retail sales and service uses:..... 1 space for each 300 square feet of gross  
floor area.
- Restaurants: ..... 1 space for each four (4) seats plus 1 space  
for each two employees.
- Taverns, bars, cocktail lounges: 1 space for each two (2) seats.
- Elementary / Junior High: ..... 1 space per classroom or 1 space for every  
six seats in the largest facility for public  
assembly, whichever is the greater.
- High Schools / Colleges: ..... 1 space per ten (10) students or 1 space for  
every six seats in the largest facility for  
public assembly, whichever is the greater.
- Manufacturing or industry:..... 1 space for every two (2) employees on the  
largest working shift.

3. Computation of Spaces.

- A. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply, as determined by the Board of Adjustments.
- B. Where fractional spaces occur, the parking space required shall be construed to the next largest whole number.
- C. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses in computed separately.

4. Off-Street Loading. At the time of construction, alteration, or enlargement of a structure or building having a gross floor area of 5,000 square feet or more, off-street loading areas shall be provided and maintained for all uses as follows:

Loading Area	Gross Floor Area
One 250 square foot area with a minimum width of 10 feet	For 5,000 to 20,000 square feet
One 250 square foot area with a minimum width of 10 feet	For each additional 20,000 square feet or fraction thereof

All loading and unloading must be conducted on private property and cannot be conducted on the public right-of-way.

o o o o o o o o o

**165.19 NONCONFORMITIES.** It is the intent of this section to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival. It is recognized that there exist within the districts established by this chapter and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this section that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structures and land in combination shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved. To avoid undue hardship, nothing in this section shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, providing that work shall be diligently carried on until completion of the building involved.

1. Nonconforming Uses of Land: Where at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
  - A. No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
  - B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
  - C. If such nonconforming use of land ceases for any reason for a period of more than one 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.
  - D. Any lot of record, in existence at the time of adoption or amendment of this chapter which does not meet the minimum lot area requirements, but otherwise is a permitted use, may be utilized for the construction of a single-family residential dwelling so long as the required setbacks are observed.
  - E. Any existing nonconforming single family use may be permitted to have up to two detached accessory structures not to exceed 900 s.f. This shall be exclusive of non-building structures such as pools, trampolines, swing sets, etc. Additions to the main structure for accessory uses or the later conversion of accessory structures to primary nonconforming uses shall not be permitted.

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

A. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.

B. Should such structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement costs, exclusive with the foundation, it shall be reconstructed only in conformity with the provisions of this chapter.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

3. Nonconforming Use of Structures and Land: Where a lawful use of a structure, or of a structure and land in combination exists at the effective date of adoption or amendment of this chapter that would not be permitted in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. An existing structure devoted to a use not permitted by this chapter in the district in which it is located shall not 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.

B. Any nonconforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Adjustment 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 conditions and safeguards in accord with the purpose and intent of this chapter. Where such nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

D. A 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.

E. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for a period of more than one year, the structure, or structure and land in combination, shall not thereafter be

used except in conformance with the regulations of the district in which it is located.

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

4. **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) months on ordinary repairs, to an extent not exceeding fifty percent (50%) of the replacement costs of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with the protecting the public safety upon orders of such official.

5. **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.

6. **Changes of Tenancy or Ownership.** There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.

**165.20 ACCESSORY USES.** The purpose of these provisions is to establish the relationship among principal and accessory uses and to establish provisions governing the conduct of accessory uses.

1. **Principal Use Includes Accessory Use.** Principal uses specified as permitted uses or special exception uses for a district by the District Regulations shall be deemed to include accessory uses and activities identified by these regulations and such other accessory uses that are necessary and customarily associated with and are appropriate, incidental, and subordinate to such principal uses. Accessory uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.

2. **Gardens Permitted.** Home gardens and the growing of crops shall be an accessory use permitted in any district. However, gardening and the growing of crops shall be subject to the restrictions applicable to home occupations.

**165.21 TEMPORARY USES.** Provisions authorizing temporary uses are intended to permit occasional, temporary uses and activities when consistent with the purposes of the Zoning Regulations and when compatible with other nearby uses.

1. **Temporary Use Types.** The following types of temporary uses may be authorized subject to specific limitations herein and such additional conditions as may be established by the Zoning Administrator.

A. Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project.

B. Religious, patriotic, or historic assemblies, displays, or exhibits.

C. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities not closer than 200 feet from an existing dwelling.

- D. Outdoor art and craft shows and exhibits.
  - E. Christmas tree sales lots.
  - F. Mobile home residence for occupancy by supervisory or security personnel on the site of an active construction project.
  - G. Outdoor special sales, including swap meets, flea markets, parking lot sales, or similar activities, limited to locations in commercial or industrial districts, and when operated not more than three (3) days in the same week or more than five (5) days in the same month.
  - H. Temporary use of mobile trailer units or similar portable structures for nonresidential uses, located in districts where the use is a permitted use, and limited to a maximum period of six (6) months.
  - I. Seasonal retail sale of agricultural or horticultural products raised or produced off-premises, when located not closer than 200 feet to an existing dwelling.
  - J. Additional temporary uses determined to be similar to the foregoing by the Zoning Administrator.
  - K. Temporary signs relating to temporary uses.
2. Required Conditions of Temporary Uses.
- A. Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of the temporary use upon completion or removal of the use.
  - B. A temporary use conducted in a parking facility shall not occupy or remove from availability more than twenty-five percent (25%) of the spaces required for the permanent use.
  - C. The Zoning Administrator may establish such additional conditions as such official deems necessary to ensure land use compatibility and to minimize potential impacts on nearby uses, including but not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following the temporary use.
3. Determinations. The Zoning Administrator may authorize a temporary use only when, in said official's judgment, the following determinations can be made:
- A. The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.
  - B. The temporary use will be compatible with nearby uses in the general vicinity.
  - C. The temporary use will not impact public health, safety, or convenience or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct of uses and activities in the vicinity.
4. Application and Authorization.
- A. Application to conduct a temporary use shall be made to the Zoning Administrator, and shall include a site plan and description of the use, and

such additional information as the Zoning Administrator may require to evaluate the use and to make the determination required by these provisions.

B. Application shall be made prior to commencement of the temporary use, and the Zoning Administrator shall make a determination whether to approve, approve conditionally, or to deny the temporary use within five (5) days after the date of application.

C. Authorization of a temporary use shall be by issuance of a zoning permit or a certificate of occupancy.

5. Extension. Authorization for a temporary use may be renewed by the Zoning Administrator, upon request of the applicant, provided temporary use shall not be authorized or continued for a period of more than one year except upon a new application and authorization.

**165.22 ZONING OF ANNEXED AREAS.** Any land annexed to the City after the effective date of this chapter shall automatically assume the City of Hawarden Zoning District classification which corresponds to the Sioux County zoning classification which applied prior to the annexation.

**165.23 GOVERNMENTAL BODIES.** All municipal, County, and State agencies, subdivisions or governmental units must comply with all of these zoning regulations. All such agencies, governmental units and subdivisions thereof must follow the same procedures in applying for any building permit, variance or any other request where the zoning laws of the City are applicable.

**165.24 HOME OCCUPATIONS.** A home occupation is an accessory use conducted entirely within a dwelling unit, which is clearly incidental to the use of the structure for residential purposes and does not change the residential character of the site. Home occupations accessory to the residential use are subject to the following limitations:

1. The residential character of the building must be maintained.
2. Only one unrelated person living outside the residence and members of the immediate family may be employed in the home occupation.
3. The use must be conducted as a secondary use and in such a manner as not to give an outward appearance or manifest any characteristics of a business in the ordinary meaning of the term. The occupation must be conducted entirely within the dwelling which is a bona fide residence of the practitioners, or within an attached garage.
4. The use must not infringe upon the right of neighboring residents to enjoy peaceful and healthy occupancy of their home for which purpose the residential district was created and primarily intended.
5. The occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste run-off outside the dwelling unit or on the property surrounding the dwelling unit.
6. The premises shall have 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.

7. May have no more than one, flush mounted, non-illuminated sign not exceeding six (6) square feet.
8. The home occupation shall not generate customer related vehicular traffic substantially in excess of the normal anticipated residential traffic.
9. No more than thirty percent (30%) of the total floor area of the principal building may be utilized by the home occupation. However, this regulation does not apply to day care services.
10. No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the premises.
11. Nothing herein shall be construed to allow the following businesses or occupations as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, junk yards, restaurants, rental outlet, vehicle repair shops or massage parlors.

**165.25 BED AND BREAKFAST ESTABLISHMENTS.** A bed and breakfast establishment is a form of hotel/motel that is designed to blend in with the residential character of an area by utilizing a previous residence for overnight boarding of guests for short durations. It is not a group home, commune or other collective living residence.

1. Limitations. The limitations described in subsections 1, 4, 5, 6, 7 and 8 of Section 165.24 of this chapter shall apply except as specifically modified herein.
2. There shall be no more than five (5) overnight rooms utilized as guest rooms.
3. The length of stay in the bed and breakfast for any person (excluding the manager) shall be limited to no more than 21 days cumulatively in any 90-day period beginning with the first night the occupant stays at the facility.
4. The bed and breakfast shall be properly licensed in the State of Iowa and shall be compliance with any such standards.
5. The location of such a facility shall be limited to historic, 2-story houses built prior to 1945.
6. Approval of the conditional use shall be subject to the Commission's approval of a satisfactory site plan demonstrating adequately developed off-street parking space on site and an interior plan demonstrating how the facility will be laid out demonstrating that adequate facilities exist and that fire and life measures such as smoke detectors, extinguisher and exits have been adequately addressed.
7. In addition to a 6-square-foot non-illuminated wall sign, a ground sign (less than 4 feet tall) not exceeding 8 square feet shall be permitted. The location of such sign shall be at least 10 feet from any property line.
8. The owner or a resident manager operator of the facility must physically reside on site during all periods that the facility is open to the public and that guests are housed on site.
9. Any other conditions that are deemed by the Commission to ensure the use blends well with the adjoining neighborhood.

**165.26 RECREATIONAL VEHICLE (RV) SITES.** The following regulations are adopted governing recreation vehicle sites:

1. **Site Size and Vehicle Density.** The minimum size of the plot of ground intended to accommodate a recreational vehicle or other individual camping unit shall be a minimum of 1,500 square feet and shall not exceed 15 camp/RV sites per acre. Each site shall be a minimum of 15 feet wide.
2. **Site Improvements.** A graveled vehicle parking pad of at least 12 x 30 feet shall be provided for each RV site. A minimum of 1 1/2 parking spaces shall be provided per site, with at least one parking space at the site. All required parking shall be graveled. In addition, a 12-foot wide graveled path shall be provided from the road to the pad and parking.
3. **Screening.** The site shall be screened with a 6-foot opaque screen from all other adjoining uses on site. Additionally a lower hedge and landscaping shall be added along any portion of the sites facing the street.
4. **Utilities.** Electrical, water, sewer and solid waste facilities shall be provided at a minimum to each site. In addition, common toilets and showers shall also be installed for any sites that will allow RV's without toilet and shower facilities internal to the vehicle. All utilities and health facilities shall be installed and conform to engineering, building and health regulations.
5. **Occupancy.** The maximum length of stay for occupants shall be no more than 180 days.
6. **Permanent Structures.** No permanent structures shall be attached to the RV or installed on the RV site other than accessory uses limited to park management and recreation.
7. **Other.** Any other conditions that are deemed by the Commission to ensure the use blends well with the adjoining neighborhood.

**165.27 SPECIAL EXCEPTION PROCEDURES.**

1. **Procedures and Requirements.** Allowable special exception uses may be permitted, enlarged, or altered upon application for a special use permit in accordance with the rules and procedures of the Board of Adjustment. The Board of Adjustment will grant or deny a special use permit in accordance with the standards set forth herein and with the intent and purpose of this chapter. In granting a special use permit, the Board of Adjustment will authorize the issuance of a special use permit and may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the special use permit.
2. **Application For Special Exception Permit.** A request for a special use permit for a special use or modification of a special use may be initiated by a property owner or his or her authorized agent by filing an application with the Zoning Administrator upon forms prescribed for the purpose. The application shall be accompanied by a site plan and other such plans and data showing dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. The application shall also be accompanied by a fee as determined by resolution of the City Council.

3. Procedures. A special exception shall not be granted by the Board of Adjustment unless and until the following procedures have been fulfilled:

A. The Zoning Administrator shall provide a copy of the application for special exception for review and comment to the Planning and Zoning Commission.

B. The Commission shall provide the Board of Adjustment with their recommendations within thirty (30) days after receipt of the application.

C. After receipt of the Commission's recommendations, the Board of Adjustment shall schedule a public hearing in relation to the special exception request. Notice shall be given of the public hearing as required by State Statute by publication in a newspaper of general circulation in the City. Notice shall be given to the owners of property within three hundred (300) feet of the property in question.

D. The Board of Adjustment shall determine that it is empowered under this chapter to grant the special exception as described in the application, and that the granting of the special exception will not adversely affect the public interest pursuant to testimony presented at the public hearing and the review by the Commission.

E. 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.

F. The concurring vote of three members of the Board of Adjustment grants a special use permit. No order of the Board of Adjustment granting a special use permit shall be valid for a period longer than one (1) year from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within the one (1) year period and construction is commenced.

4. Standards. No special exception permit shall be granted by the Board of Adjustment unless such Board shall find:

A. The establishment, maintenance, or operation of the special use will not be substantially detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.

B. The special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, or substantially diminish and impair property values within the neighborhood.

C. In the case of existing relocated single-family dwellings, the proposed use shall aesthetically blend in with the neighboring existing permitted uses and special attention shall be given to the architectural style, size and quality of construction of the proposed use.

D. The establishment of the special use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district.

- E. Adequate utilities, access roads, drainage, parking, and/or necessary facilities have been or will be provided.
- F. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- G. The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
- H. The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
- I. The use shall not include vibration which is discernable without instruments on any adjoining lot or property.
- J. The use shall not involve any malodorous gas or matter which is discernable on any adjoining property.
- K. The use shall not involve any pollution of the air by fly-ash, dust vapors, or other substance which is harmful to health, animals, vegetation or other property or which causes soiling, discomfort or irritation.
- L. The use shall not involve any excessive direct or reflected glare onto any adjoining property or any public street, road, or highway.
- M. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
- N. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.
- O. The use will not be in conflict with the Comprehensive City plan.
- P. The use will not unreasonably interfere with the use or enjoyment of neighboring permitted uses. If such interference is found provisions must be made for increased setbacks from property lines or screening of incompatible use by the use of fences, hedges or other means.
- Q. The ground coverage shall be such that no additional dust or storm run-off is generated by the special exception use.
- R. The use shall not create a hazard to vehicular traffic. If any such hazard is determined, provisions must be made to increase the required setback in regard to open air storage.
- S. The use shall cause no permanent, irreparable damage to the environment or to adjacent uses of land.

#### **165.28 ENFORCEMENT.**

1. Administrator. The purpose of this chapter is to confirm the existing Zoning Administrative Officer, and it shall be the duty of said officer to enforce this chapter. Such officer may be a person holding other appointive office in the City, or in another governmental agency.

2. Zoning Administrative Officer. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a permit is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this chapter. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the Zoning Administrative Officer. No permit shall be issued to make a change unless the changes are in conformity with provisions of this chapter. Nothing in this part shall prevent the continuance of a nonconforming use as herein authorized, unless a discontinuance is necessary for the safety of life or property.
3. Application For Compliance Permit. Compliance permits shall be obtained from the Zoning Administrative Officer before starting or proceeding with the erection, construction, moving into, or the structural alteration of a building or structure, including billboards. Permits shall be kept on file by the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
4. Plats. Each application for a compliance permit shall be accompanied by a plat in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the existing buildings and the building to be erected, the dimensions of the required yards, parking and open spaces, the percentage of lot coverage prior to and after the construction of the proposed building, and such other information as may be necessary to provide for the enforcement of this chapter.
5. Construction and Use To Be As Provided In Application, Plans and Permit. Compliance permits issued on the basis of plans and applications, approved by the Zoning Administrative Officer, authorize only that use, arrangement and construction. Use, arrangement and construction at variance with that authorized shall be deemed a violation of this chapter.
6. Fees. Before receiving a compliance permit the owner or owner's agent shall pay to the City the permit fee as provided by resolution of the Council. City, County, State and Federal governments shall be exempt from paying said fees.
7. Special Exceptions. A compliance permit for a special exception may be issued by the Administrative Officer after review by the Commission and upon order of the Board of Adjustment.
8. Restraining Order. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this chapter, the City Attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

**165.29 BOARD OF ADJUSTMENT.**

1. Confirmation of Existing Board of Adjustment: The five (5) members of the existing Board of Adjustment are hereby confirmed to continue their appointed terms of office. Future members of the Board of Adjustment shall be appointed by the City Council for a term 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 resigning 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 his/her absence the acting Chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the Board. The presence of three (3) members shall constitute a quorum.
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 City affected by a decision of the Administrative Officer. Such appeals should be taken within a reasonable time, not to exceed sixty (60) days, by filing with the Administrative Officer and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record from which the action appealed was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notices thereof, as well as due notice to the parties of 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 to be determined by resolution of the Council shall be paid to the Administrative Officer at the time the notice of appeal is filed, which the Administrative Officer shall forthwith pay 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 which was appealed, unless the Administrative Officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with such officer, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer, cause imminent peril to life or 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 the application, on notice to the Administrative Officer from whom the appeal is taken and on due cause shown.
5. Powers and Duties. The Board of Adjustment shall have the following powers and duties:
  - A. Administrative Review. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Administrative Administrator in the enforcement of this chapter.

B. Special Exceptions. To hear and decide only such exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this chapter, and as provided for in Section 165.19.

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

(1) A written application for a variance is submitted demonstrating that:

a. The granting of the variance would not have the effect of allowing a use not permitted in the zoning district;

b. The granting of the variance will not be contrary to the public interest;

c. Owing to special conditions, the literal enforcement of the provisions of the chapter will result in unnecessary hardship.

d. The difficulty complained of is not the result of a willful act of the Petitioner or other person maintaining an interest in the property or their immediate successor in interest.

(2) Notice of public hearing shall be given.

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

(4) The Board of Adjustment shall make findings that the requirements of this section 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.

(7) The application for a variance shall be accompanied by a fee to be determined by resolution of the Council.

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.

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 order, requirements, decision, or determination as ought to be made and to that end shall have powers of the Administrative Officer 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 Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in application of this chapter.

7. Appeals From the Board of Adjustment: Any person or persons, or any board, taxpayer, department, board or bureau of the community aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by the laws of the State of Iowa and particularly by Chapter 414, *Code of Iowa*.

o o o o o o o o o

**165.30 CHANGES AND AMENDMENTS.**

1. Changes Authorized. This chapter and the district map created by this chapter may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by or shall have been first submitted to the Planning and Zoning Commission for review and recommendation. The Commission shall have forty-five (45) days in which to submit its report to the Council. If the Commission fails to submit a report within the 45-day period, it shall be deemed to have approved the proposed amendment. A public hearing shall be held by the City Council before adoption of any proposed amendment to this chapter. A notice of such public hearing shall be published not less than seven (7) or more than twenty (20) days prior to the date established for such hearing. Such notice shall include the time and place for the public hearing. At no times shall the required public hearing be held sooner than the next regularly scheduled City Council meeting. In case the Commission does not approve the change, or in a 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 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.

2. Application For Change In 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 map.

A. Such application shall be filed with the Administrative Officer accompanied by a fee as determined by resolution by the City Council 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 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 appropriate.
- (6) A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within 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.

B. Upon receipt of the application by the Administrative Officer a copy shall be forwarded immediately to the Commission for study and recommendation. The Commission shall, prior to making a recommendation, determine the following:

- (1) Whether or not the current district classification of the property to be rezoned is valid.
- (2) Whether there is a need for additional land zoned for the purpose requested.
- (3) Whether the proposed change is consistent with the current land use plan, considering such factors as:
  - a. Whether the rezoning would result in a population density or development which would in turn cause demand for services and utilities in excess of the capacity planned for the area;
  - b. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
- (4) Whether there is an intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.

C. The Commission shall report its determinations and recommendations to the Council within forty-five (45) days from receipt of the application, except that when no report is issued within that time, the application will be deemed approved by the Commission. The Council shall then hold a public hearing as provided herein.

<b>EDITOR'S NOTE</b>			
The following ordinances have been adopted amending the Official Zoning Map described in Section 165.05 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.			
<b>ORDINANCE NO.</b>	<b>DATE ADOPTED</b>	<b>ORDINANCE NO.</b>	<b>DATE ADOPTED</b>
538	November 15, 1993		
559	May 18, 1998		
563	June 7, 1999		
604	July 15, 2002		
611	October 21, 2002		

[The next page is 1101]

## CHAPTER 170

# FLOOD PLAIN REGULATIONS

170.01 Purpose	170.14 Administration
170.02 Definitions	170.15 Flood Plain Development Permit Required
170.03 Lands to Which Chapter Applies	170.16 Application for Permit
170.04 Rules for Interpretation of District Boundaries	170.17 Action on Permit Application
170.05 Compliance	170.18 Construction and Use to Be as Provided in Application and Plans
170.06 Abrogation and Greater Restrictions	170.19 Conditional Uses, Appeals and Variances
170.07 Interpretation	170.20 Factors Upon Which the Decision to Grant Variances Is Based
170.08 Warning and Disclaimer of Liability	170.21 Conditions Attached to Variances
170.09 Establishment of Zoning (Overlay) Districts	170.22 Appeals to the Court
170.10 Floodway (Overlay) District – FW	170.23 Nonconforming Uses
170.11 Floodway Fringe (Overlay) District – FF	170.24 Amendments
170.12 General Flood Plain (Overlay) District - FP	
170.13 Shallow Flooding (Overlay) District – SF	

**170.01 PURPOSE.** It is the purpose of this chapter to protect and preserve the rights, privileges and property of the City and its residents and to preserve and improve the peace, safety, health, welfare and comfort and convenience of its residents by minimizing flood losses with provisions designed to:

1. Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
2. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.
3. Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
4. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
5. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

**170.02 DEFINITIONS.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Base flood” means the flood having one percent (1%) chance of being equaled or exceeded in any given year. (See 100-year flood.)
2. “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”
3. “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
4. “Existing construction” means any structure for which the “start of construction” commenced before the effective date of the community’s Flood Insurance Rate Map. May also be referred to as “existing structure.”

5. “Existing factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date of these flood plain management regulations.
6. “Expansion of existing factory-built home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
7. “Factory-built home” means any structure designed for residential use which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes and modular homes and also includes “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
8. “Factory-built home park” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
9. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
10. “Flood elevation” means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of floodwaters related to the occurrence of the 100-year flood.
11. “Flood Insurance Rate Map (FIRM)” means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
12. “Flood plain” means any land area susceptible to being inundated by water as a result of a flood.
13. “Flood plain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.
14. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities which will reduce or eliminate flood damage to such structures.
15. “Floodway” means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

16. “Floodway fringe” means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
17. “Historic structure” means any structure that is:
- A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;
  - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
  - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.
18. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
- A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 170.11(4)(A); and
  - B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
  - C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level; and
  - D. The enclosed area is not a “basement” as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. “New construction” (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

20. “New factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these flood plain management regulations.

21. “100-Year Flood” means a flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.
22. “Recreational vehicle” means a vehicle which is:
- A. Built on a single chassis;
  - B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
  - C. Designed to be self-propelled or permanently towable by a light duty truck; and
  - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
23. “Special flood hazard area” means the land within a community subject to the “100-year flood.” This land is identified as Zone A on the Flood Insurance Rate Map.
24. “Start of construction” includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
25. “Structure” means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.
26. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
27. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:
- A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (i) before the “start of construction” of the improvement, or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any

alteration of an “historic structure,” provided the alteration will not preclude the structure’s designation as an “historic structure.”

B. Any addition which increases the original floor area of a building by twenty-five percent (25%) or more. All additions constructed after the effective date of the Flood Insurance Rate Map, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent.

28. “Variance” means a grant of relief by a community from the terms of the flood plain management regulations.

29. “Violation” means the failure of a structure or other development to be fully compliant with this chapter.

**170.03 LANDS TO WHICH CHAPTER APPLIES.** The provisions of this chapter shall apply to all lands within the jurisdiction of the City shown on the Official Flood Plain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Flood Plain and Shallow Flooding (Overlay) Districts. The Flood Boundary and Floodway Map(s) prepared as part of the Flood Insurance Study for the City, dated January 16, 1981, are hereby adopted by reference and declared to be the Official Flood Plain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study and the Flood Insurance Rate Maps are also declared to be a part of this chapter.

**170.04 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Flood Plain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Zoning Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Administrator in the enforcement or administration of this chapter.

**170.05 COMPLIANCE.** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

**170.06 ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. Any ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

**170.07 INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

**170.08 WARNING AND DISCLAIMER OF LIABILITY.** The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated Flood Plain (Overlay) District areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any

officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

**170.09 ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS.** The flood plain areas within the jurisdiction of this chapter are hereby divided into the following districts:

1. Floodway District (FW)
2. Floodway Fringe District (FF)
3. General Flood Plain District (FP)
4. Shallow Flooding District (SF).

The boundaries are as shown on the Official Flood Plain Zoning Map. Within these districts all uses not allowed as permitted uses or permissible as conditional uses are prohibited unless a variance to the terms of this chapter is granted after due consideration by the Board of Adjustment.

**170.10 FLOODWAY (OVERLAY) DISTRICT - FW.**

1. Permitted Uses. The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.
  - A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
  - B. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
  - C. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
  - D. Residential uses such as lawns, gardens, parking areas and play areas.
  - E. Such other open-space uses similar in nature to the above uses.
2. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a conditional use permit by the Board of Adjustment as provided for in Section 170.19. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.
  - A. Uses or structures accessory to open-space uses.
  - B. Circuses, carnivals, and similar transient amusement enterprises.
  - C. Drive-in theaters, new and used car lots, roadside stands, signs, and billboards.
  - D. Extraction of sands, gravel, and other materials.
  - E. Marinas, boat rentals, docks, piers, and wharves.

- F. Utility transmission lines and underground pipelines.
  - G. Other uses similar in nature to uses described in subsection 1 and in this subsection which are consistent with the provisions of subsection 3 and the general spirit and purpose of this chapter.
3. Performance Standards. All Floodway District uses allowed as a permitted or conditional use shall meet the following standards:
- A. No use shall be permitted in the Floodway District that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
  - B. All uses within the Floodway District shall:
    - (1) Be consistent with the need to minimize flood damage.
    - (2) Use construction methods and practices that will minimize flood damage.
    - (3) Use construction materials and utility equipment that are resistant to flood damage.
  - C. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other facility or system.
  - D. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
  - E. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
  - F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
  - G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
  - H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
  - I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

**170.11 FLOODWAY FRINGE (OVERLAY) DISTRICT - FF.** All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards.

1. All structures shall:
  - A. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.
  - B. Use construction materials and utility equipment that are resistant to flood damage.
  - C. Use construction methods and practices that will minimize flood damage.
2. Residential Buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.
3. Nonresidential Buildings. All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.
4. All new and substantially improved structures.
  - A. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
    - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    - (2) The bottom of all openings shall be no higher than one foot above grade.
    - (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-Built Homes.

A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems.

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.

D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. Flood control structural works such as levees, flood-walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 feet of design

freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Flood Plain (Overlay) District.

11. Accessory Structures.

A. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied:

- (1) The structure shall not be used for human habitation.
- (2) The structure shall be designed to have low flood damage potential.
- (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- (4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.

A. Recreational vehicles are exempt from the requirements of Section 170.11(5) of this chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

- (1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
- (2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements

of Section 170.11(5) of this chapter regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the stream bed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

#### **170.12 GENERAL FLOOD PLAIN (OVERLAY) DISTRICT - FP.**

1. Permitted Uses. The following uses shall be permitted within the General Flood Plain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstructions; the storage of materials or equipment; excavation or alteration of a watercourse.

- A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

- B. Industrial-commercial uses such as loading areas, parking areas, and airport landing strips.

- C. Private and public recreation uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

- D. Residential uses such as lawns, gardens, parking areas and play areas.

2. Conditional Uses. Any use which involves placement of structures, factory-built homes, fill or other obstructions; the storage of materials or equipment; excavation or alteration of a watercourse may be allowed only upon issuance of a conditional use permit by the Board of Adjustment as provided for in Section 170.19. All such uses shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100-year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

3. Performance Standards.

- A. All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (Section 170.10).

- B. All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable standards of the Floodway Fringe (Overlay) District (Section 170.11).

**170.13 SHALLOW FLOODING (OVERLAY) DISTRICT - SF.** All uses within the Shallow Flooding District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District. The performance standards for the

Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:

1. In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the Flood Insurance Rate Map (or a minimum of 2.0 feet if no number is specified) above the highest natural grade adjacent to the structure.
2. In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the Flood Insurance Rate Map.

**170.14 ADMINISTRATION.** The Zoning Administrator shall administer and enforce this chapter and will herein be referred to as the Administrator. The duties and responsibilities of the Administrator include, but are not necessarily limited to, the following:

1. Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.
2. Review all flood plain development permit applications to assure that all necessary permits have been obtained from Federal, State or local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.
3. Record and maintain a record of (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
4. Notify adjacent communities and/or countries and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
5. Keep a record of all permits, appeals, and such other transactions and correspondence pertaining to the administration of this chapter.
6. Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
7. Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
8. Review subdivision proposals to insure such proposals are consistent with the purpose of this chapter and advise the Council of potential conflicts.

**170.15 FLOOD PLAIN DEVELOPMENT PERMIT REQUIRED.** A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.

**170.16 APPLICATION FOR PERMIT.** Application for a Flood Plain Development Permit shall be made on forms supplied by the Administrator and shall include the following information.

1. Description of the work to be covered by the permit for which application is to be made.
2. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
3. Indication of the use or occupancy for which the proposed work is intended.
4. Elevation of the 100-year flood.
5. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
6. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
7. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

**170.17 ACTION ON PERMIT APPLICATION.** The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

**170.18 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION AND PLANS.** Flood Plain Development Permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

**170.19 CONDITIONAL USES, APPEALS AND VARIANCES.** The Board of Adjustment shall hear and decide (i) applications for conditional uses upon which the Board is authorized to pass under this chapter; (ii) appeals, and (iii) requests for variances to the provisions of this chapter; and shall take any other action which is required of the Board.

1. **Conditional Uses.** Requests for conditional uses shall be submitted to the Administrator, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary by the Board of Adjustment.
2. **Appeals.** Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.

3. Variances. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

A. Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

4. Hearings and Decisions of the Board of Adjustment.

A. Hearings. Upon the filing with the Board of Adjustment of an appeal, an application for a conditional use or a request for a variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

B. Decisions. The Board shall arrive at a decision on an appeal, conditional use or variance within a reasonable time. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a conditional use or variance, the Board shall consider such factors as contained in this section and all other relevant

sections of this chapter and may prescribe such conditions as contained in Section 170.21.

**170.20 FACTORS UPON WHICH THE DECISION TO GRANT VARIANCES IS BASED.** In passing upon applications for variances, the Board shall consider all relevant factors specified in other sections of this chapter and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept on to other land or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the service provided by the proposed facility to the City.
6. The requirements of the facility for a flood plain location.
7. The availability of alternate locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
12. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
13. Such other factors which are relevant to the purpose of this chapter.

**170.21 CONDITIONS ATTACHED TO VARIANCES.** Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.
2. Limitation on periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.

5. Floodproofing measures designed to be consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

**170.22 APPEALS TO THE COURT.** Any person or persons, jointly or severally, aggrieved by any decision of 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 illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the Hawarden City Offices and the mailing of a copy of the decision to the applicant.

**170.23 NONCONFORMING USES.**

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

A. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this chapter.

B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

C. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter.

2. Except as provided in subsection B above, any use which has been permitted as a conditional use or variance shall be considered a conforming use.

**170.24 AMENDMENTS.** The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

[The next page is 1131]

**CHAPTER 175**  
**SUBDIVISION REGULATIONS**

[Reserved for Future Use]

o o o o o o o o o