

TITLE V - BUILDING AND PROPERTY REGULATIONS

ZONING, LAND USE AND SUBDIVISIONS

Chapter 120	Planning and Zoning Commission	383
Chapter 121	Zoning - General Provisions	387
Chapter 122	Zoning - District Regulations	405
Chapter 123	Zoning - General Regulations	421
Chapter 124	Zoning - Administration and Enforcement	435
Chapter 125	Subdivisions - General Provisions	475
Chapter 126	Subdivisions - Procedure	489
Chapter 127	Subdivisions -Improvements and Design Standards	509
Chapter 128	Signs	539

BUILDING STANDARDS

Chapter 130	- Dangerous Buildings	587
Chapter 131	- Flood Plain Regulations	593
Chapter 132	- Building Code	613

MISCELLANEOUS

Chapter 140	- Abandoned Vehicles	639
Chapter 141	- Junk and Junk Vehicles	645
Chapter 142	- Trees and Shrubbery	647

CHAPTER 120
PLANNING AND ZONING COMMISSION

120.01 Planning and Zoning Commission
120.02 Term of Office

120.03 Vacancies
120.04 Compensation
120.05 Powers and Duties

120.01 PLANNING AND ZONING COMMISSION. There shall be a City Planning and Zoning Commission, hereinafter referred to as the commission, consisting of nine (9) members. Seven (7) members shall be residents of the City, appointed by the Council. Two (2) members shall be appointed by the County Board of Supervisors, one being a member of the Board of Supervisors, or the Board's designee, and the other member shall be a resident of the area outside the City over which the zoning jurisdiction of the City has been extended. All Commission members shall be qualified by knowledge or experience to act in matters pertaining to the development of a City plan and shall not hold any elective office in the City government.

(Ord. 2007-1658-Apr. 07 Supp.)

(Code of Iowa, Sec. 414.6, 414.23 6 392.1)

120.02 TERM OF OFFICE. The term of office of the members of the commission shall be five (5) years. The terms of not more than one-third of the members will expire in any one year.

(Code of Iowa, Sec. 392.1)

120.03 VACANCIES. If any vacancy exists on the commission caused by resignation, or otherwise, a successor for the residue of the term shall be appointed in the same manner as the original appointee.

(Code of Iowa, Sec. 392.1)

120.04 COMPENSATION. All members of the commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the Council.

(Code of Iowa, Sec. 392.1)

120.05 POWERS AND DUTIES. The commission shall have and exercise the following powers and duties:

1. Selection of Officers. The commission shall choose annually at its first regular meeting one of its members to act as Chairperson and

another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chairperson's absence or disability.

(Code of Iowa, Sec. 392.1)

2. Adopt Rules and Regulations. The commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

(Code of Iowa, Sec. 392.1)

3. Annual Report. The commission shall each year make a report to the Mayor and Council of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year.

(Code of Iowa, Sec. 392.1)

4. Appointment of Assistants. Subject to the limitations contained in this chapter as to the expenditure of funds, the commission may appoint such assistants as it may deem necessary and prescribe and define their respective duties and fix and regulate the compensation to be paid to the several persons employed by it.

(Code of Iowa, Sec. 392.1)

5. Comprehensive Plan. The commission shall have full power and authority to make or cause to be made such surveys, studies, maps, plans, or charts of the whole or any portion of the City or of any land outside thereof, which in the opinion of the commission bears relation to the comprehensive plan and shall bring to the attention of the Council and may publish its studies and recommendations.

(Code of Iowa, Sec. 414.3)

6. Comprehensive Plan: Preparation. For the purpose of making a comprehensive plan for the physical development of the City, the commission shall make careful and comprehensive studies of present conditions and future growth of the City and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

(Code of Iowa, Sec. 414.3 & 392.1)

7. Comprehensive Plan: Public Hearing. Before adopting a comprehensive plan as referred to in the preceding paragraph, or any part of it, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the City not less than seven (7) or more than twenty (20) days before the date of hearing. However, in no case shall the public hearing be held earlier than the next regularly scheduled Council meeting following the published notice. The adoption of the plan or part or amendment thereof shall be by resolution of the commission carried by the affirmative vote of not less than two-thirds (2/3) of the members of the commission. After adoption of said plan by the commission an attested copy thereof shall be certified to the Council and the Council may approve the same. When said plan or any modification or amendment thereof shall receive the approval of the Council, the said plan until subsequently modified or amended as herein authorized shall constitute the official City plan.

(Code of Iowa, Sec. 414.1, 414.6 & 392.1)

8. Comprehensive Plan: Amendments. When the comprehensive plan has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the commission for its recommendations. If the commission disapproves the proposed change it may be adopted by the Council only by the affirmative vote of at least three-fourths (3/4) of the members of the Council.

(Code of Iowa, Sec. 414.4, 414.5 & 392.1)

9. Recommendations of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the commission after thirty (30) days written notice requesting such recommendations, shall have failed to file same.

(Code of Iowa, Sec. 392.1)

10. Review and Comment on Plats. All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced

Copyright Iowa Codification, Inc.

- 385 -

in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the commission and its recommendations obtained before approval by the Council.

(Code of Iowa, Sec. 392.1)

11. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the City plan shall be finally approved by the City or the character or location thereof determined, unless such proposal shall first have been submitted to the commission and the commission shall have had thirty (30) days within which to file its recommendations thereon.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

13. Fiscal Responsibilities. The commission shall have full, complete and exclusive authority to expend for and on behalf of the City all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the City for City planning and zoning purposes.

(Code of Iowa, Sec. 392.1)

14. Limitation on Entering Contracts. The commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the Council for the present year.

(Code of Iowa, Sec. 392.1)

CHAPTER 121

ZONING - GENERAL PROVISIONS

121.01	Interpretation of Standards; Jurisdiction	121.11	Nonconforming Lots of Record
121.02	Definitions	121.12	Nonconforming Uses of Land
121.03	Districts Established	121.13	Nonconforming Uses of Structures
121.04	Classification of Newly Annexed Territory	121.14	Nonconforming Uses or Structures in Other Than "G", "A", or "R" Zoning Districts
121.05	Official Zoning Map Adopted	121.15	Repairs and Maintenance
121.06	Amending Official Zoning Map		
121.07	Replacement of Zoning Map		
121.08	Rules for Interpretation of District Boundaries		
121.09	Application of District Regulations		
121.10	Intent for Nonconformities Prior to January 1, 1965		

121.01 INTERPRETATION OF STANDARDS; JURISDICTION. In their interpretation and application, the provisions of Chapters 121 through 124 of this Code of Ordinances (the "Zoning Ordinance") shall be held to be minimum requirements. Where the Zoning Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of the Zoning Ordinance shall control. Jurisdiction of the Zoning Ordinance regulating the use of land and structures shall govern all land within the corporate limits and within the area adjacent to the corporate limits of the City, said corporate and adjacent areas including the area described as follows:

Commencing at the Northeast corner of the Southeast one quarter of the Southeast one quarter of Section 23 - Township 89 North - Range 26 West of the 5th P.M., Iowa; thence East along the North line of the South one half of the Southwest one quarter of Section 24 - Township 89 North - Range 26 West of the 5th P.M., Iowa to the Northeast corner of said South one half of the Southwest one quarter; thence East along the North line of the Southwest one quarter of the Southeast one quarter of said Section 24 to the Northeast corner of said Southwest one quarter of the Southeast one quarter; thence North along West line of the Northeast one quarter of the Southeast one quarter of said Section 24 to the Northwest corner of said Northeast one quarter of the Southeast one quarter; thence East along the North line of the Northeast one quarter of the Southeast one quarter to the Northeast corner of the Southeast one quarter of said Section 24; thence East along the North line of the South one half of Section 19 - Township 89 North - Range 25 West of the 5th P.M., Iowa to the Northeast corner of the South one half of said Section 19; thence East along the North line of the Southwest one quarter of Section 20 - Township 89 North - Range 25 West of the 5th P. M., Iowa to the Northeast corner of the Southwest one quarter of said Section; thence North along the West line of the Northeast one quarter of said Section to the Northwest

corner of the Southwest one quarter of the Northeast one quarter of said Section; thence East along the North line of the South one half of the Northeast one quarter of said Section to the Northeast corner of the Southeast one quarter of the Northeast one quarter of said Section; thence East along the North line of the Southwest one quarter of the Northwest one quarter of Section 21 - Township 89 North - Range 25 West of the 5th P.M., Iowa to the Northeast corner of the Southwest one quarter of the Northwest one quarter of said Section 21; thence North along the West line of the Northeast one quarter of the Northwest one quarter of said Section 21 to the Northwest corner of the Northeast one quarter of the Northwest one quarter of said Section 21; thence East along the North line of said Section 21 to the Northeast corner of said Section; thence East along the North line of Section 22 - Township 89 North - Range 25 West of the 5th P.M., Iowa to the Northeast corner of the Northwest one quarter of the Northeast one quarter of said Section 22; thence South along the East line of the Northwest one quarter of the Northeast one quarter of said Section 22 to the Southeast corner of the Northwest one quarter of the Northeast one quarter of said Section 22; thence East along the North line of the Southeast one quarter of the Northeast one quarter of said Section 22 to the Northeast corner of the Southeast one quarter of the Northeast one quarter of said Section 22; thence East along the North line of the South one half of the Northwest one quarter of Section 23 - Township 89 North - Range 25 West of the 5th P.M., Iowa to the Northeast corner of the South one half of the Northwest one quarter of said Section 23; thence South along the East line of the South one half of the Northwest one quarter to the Southeast corner of said South one half; thence East along the North line of the Southeast one quarter of said Section 23 to the Northeast corner of the Southeast one quarter of said Section 23; thence South along the East line of said Southeast one quarter to the Southeast corner of the Northeast one quarter of the Southeast one quarter of said Section 23; thence east along the North line of the Southwest one quarter of the Southwest one quarter of Section 24 - Township 89 North - Range 25 West of the 5th P.M., Iowa to the Northeast corner of the Southwest one quarter of the Southwest one quarter of Said Section 24; thence South along the East line of the Southwest one quarter of the Southwest one quarter of said Section 24 to the Southeast corner of the Southwest one quarter of the Southwest one quarter of said Section 24; thence South along the East line of the Northwest one quarter of the Northwest one quarter of Section 25 - Township 89 North - Range 25 West of the 5th P.M., Iowa to the Southeast corner of the said Northwest one quarter of the Northwest one quarter; thence East along the North line of the Southeast one quarter of the Northwest one quarter to the Northeast corner of said Southeast one quarter of the Northwest one quarter; thence South along the center line of said Section 25 to the Southeast corner of the Southwest one quarter of said Section 25; thence East along the North line of Section 36 - Township 89 North - Range 25 West of the 5th P.M., Iowa to the Northeast corner of the Northwest one quarter of the Northeast one quarter of said Section 36; thence South along the East line of the West one half of the Northeast one quarter

of said Section 36 to the Southeast corner of the Northwest one quarter of the Southeast one quarter of said Section 36; thence East along the North line of the Southeast one quarter of the Southeast one quarter of said Section 36 to the Northeast corner of said Southeast one quarter of the Southeast one quarter; thence South along the East line of said Southeast one quarter of the Southeast one quarter to the Southeast corner of said Southeast one quarter of the Southeast one quarter; thence West along the South line of said Southeast one quarter of the Southeast one quarter to the Northeast corner of Section 3 – Township 88 North – Range 25 West of the 5th P.M., Iowa; thence South along the East line of said Section 3 to the Southeast corner of the Northeast one quarter of said Section 3; thence West along the South line of said Northeast one quarter to the Northeast corner of the Northwest one quarter of said Section 3; thence South along the East line of the West one half of the Southeast one quarter of said Section 3 to the Southeast corner of said West one half; thence West along the South line of said Section 3 to the Southwest corner of the West one half of the Southeast one quarter of said Section 3; thence South along the East line of the Northeast one quarter of the Northwest one quarter of Section 10 – Township 88 North – Range 25 West of the 5th P.M., Iowa to the Southeast corner of the Northeast one quarter of the Northwest one quarter of said Section 10; thence West along the South line of said Northeast one quarter of the Northwest one quarter to the Southwest corner of said Northeast one quarter of the Northwest quarter; thence South along the East line of the Southwest one quarter of the Northwest one quarter to the Southeast corner of the West one half of the Southwest one quarter of said Section 10; thence South along the East line of the West one half of the Northwest one quarter of Section 15 – Township 88 North – Range 25 West of the 5th P.M., Iowa to the Southeast corner of said West one half; thence West along the South line of the West one half of the Northwest one quarter of said Section 15 to the Southwest corner of said West one half; thence South along the East line of Section 16 – Township 88 North – Range 25 West of the 5th P.M., Iowa to the Southeast corner of said Section 16; thence West along the South line of said Section 16 to the Northeast corner of the Northwest one quarter of the Northeast one quarter of Section 21 – Township 88 North – Range 25 West of the 5th P.M., Iowa; thence South along the East line of the Northwest one quarter of the Northeast one quarter of said Section 21 to the Southeast corner of said Northwest one quarter of the Northeast one quarter; thence West along the South line of said Northwest one quarter of the Northeast one quarter to the Southwest corner of said Northwest one quarter of the Northeast one quarter; thence South along the East line of the Northwest one quarter of said Section 21 to the Southeast corner of said Northwest one quarter; thence West along the South line of the Northwest one quarter of said Section 21 to the Northeast corner of the Northwest one quarter of the Southwest one quarter of said Section 21; thence South along the East line of said Northwest one quarter of the Southwest one quarter to the Southeast corner of said Northwest one quarter of the Southwest one quarter; thence West along the South line of said Northwest one quarter of the Southwest one quarter to the Southwest corner of said Northwest one quarter of the Southwest one quarter; thence South along the West line of the Southwest one quarter of said Section 21 to the Southwest corner of said Section 21; thence South along the East line of Section 29 – Township 88 North – Range 25 West of the 5th P.M., Iowa to the Southeast corner of the Northeast one quarter of the Northeast one quarter of said Section 29; thence West along the South line of said Northeast one quarter of the Northeast one quarter to the Southwest corner of said Northeast one quarter of the Northeast one quarter; thence South along the East line of the Southwest one quarter of the Northeast one quarter of said Section 29 to the Southeast corner of said Southwest one quarter of the Northeast one quarter; thence West along the South line of said Southwest one quarter of the Northeast one quarter to the Southwest corner of the Southeast one quarter of the Northwest one quarter of said Section 29; thence South along the East line of the Northwest one quarter of the Southwest one quarter of said Section 29 to the Southeast corner of said Northwest one quarter of the Southwest one quarter; thence West along the South line of said Northwest one quarter of the Southwest one quarter to the Southwest corner of said Northwest one quarter of the Southwest one quarter; thence West along the South line of the North one half of the Southeast one quarter of Section 30 – Township 88 North – Range 25 West of the 5th P.M., Iowa to the Southwest corner of said North one half of the Southeast one quarter; thence South along the East line of the Southwest one quarter of said Section 30 to the Southeast corner of the Southwest one quarter of said Section 30; thence West along the South line of said Southwest one quarter to the Southwest corner of said Section 30; thence North along the West line of said Section 30 to the Northwest corner of the Southwest one quarter of the Southwest one quarter of said Section 30; thence West along the South line of the North one half of the Southeast one quarter of Section 25 – Township 88 North – Range 26 West of the 5th P.M., Iowa to the Southwest corner of said North one half of the Southeast one quarter; thence West along the South line of the Northeast one quarter of the Southwest one quarter of said Section 25 to the Southwest corner of said Northeast one quarter of the Southwest one quarter; thence North along the West

line of the Northeast one quarter of the Southwest one quarter of Said Section 25 to the Northwest corner of said Northeast one quarter of the Southwest one quarter; thence West along the South line of the Northwest one quarter of said Section 25 to the Southwest corner of the Northwest one quarter of said Section 25; thence North along the West line of the Northwest one quarter of said Section 25 to the Northwest corner Of the Southwest one quarter of the Northwest one quarter of said Section 25; thence West along the South line of the Northeast one quarter of the Northeast one quarter of Section 26 - Township 88 North - Range 26 West of the 5th P.M., Iowa to the Southwest corner of the Northeast one quarter of the Northeast one quarter of said Section 26; thence North along the West line of said Northeast one quarter of the Northeast one quarter to the Northwest corner of the said Northeast one quarter of the Northeast one quarter; thence West along the South line of the Southeast one quarter of Sectiion 23 - Township 88 North - Range 26 West of the 5th P.M., Iowa to the Southwest corner of the Southeast one quarter of said Section 23; thence North along the West line of the Southeast one quarter of said Section 23 to the Northwest corner of the Southwest one quarter of the Southeast one quarter of said Section 23; thence West along the South line of the North one half of the Southwest one quarter of said Section 23 to the Southwest corner of the said North one half of the Southwest one quarter; thence North along the West line of said Section 23 to the Northwest corner of the Southwest one quarter of said Section 23; thence West along the South line of the Northeast one quarter of section 22 - Township 88 North - Range 26 West of the 5th P.M., Iowa to the Southwest corner of the Northeast one quarter of said Section 22; thence North along the West line of the Northeast one quarter of said Section 22 to the Southeast corner of the North one half of the Northwest one quarter of said Section 22; thence West along the South line of the said North one half of the Northwest one quarter to the Southwest corner of the said North one half of the Northwest one quarter; thence North along the West line of the Northwest one quarter of said Section 22 to the Northwest corner of said Section 22; thence West along the South line of Section 16 - Township 88 North - Range 26 West of the 5th P.M., Iowa to the Southwest corner of the East one half of the Southeast one quarter of said Section 16; thence North along the West line of the said East one half of the Southeast one quarter to the Northwest corner of said East one half of the Southeast one quarter; thence West along the South line of the Northeast one quarter of said Section 16 to the Southwest corner of the said Northeast one quarter; thence North along the West line of the Northeast one quarter of said Section 16 to the Northwest corner of the said Northeast one quarter; thence North along the West line of the Southeast one quarter of

Section 9 - Township 88 North - Range 26 West of the 5th P.M., Iowa to the Northwest corner of the Southwest one quarter of the Southeast one quarter of said Section 9; thence West along the South line of the Northeast one quarter of the Southwest one quarter of said Section 9 to the Southwest corner of said Northeast one quarter of the Southwest one quarter; thence North along the West line of said Northeast one quarter of the Southwest one quarter to the Northwest corner of said Northeast one quarter of the Southwest one quarter; thence North along the West line of the Southeast one quarter of the Northwest one quarter to the Northwest corner of said Southeast one quarter of the Northwest one quarter; thence West along the South line of the Northwest one quarter of the Northwest one quarter of said Section 9 to the Southwest corner of said Northwest one quarter of the Northwest one quarter; thence North along the West line of the Northwest one quarter of the Northwest one quarter of said Section 9 to the Northwest corner of said Section 9; thence North along the West line of Section 4 - Township 88 North - Range 26 West of the 5th P.M., Iowa to the Northwest corner of said Section 4; thence West along the South line of Section 34 - Township 89 North - Range 26 West of the 5th P.M., Iowa to the Southwest corner of the East one half of the Southeast one quarter of said Section 34; thence North along the West line of the East one half of the Southeast one quarter of said Section 34 to the Northwest corner of said East one half of the Southeast one quarter; thence East along the North line of the Southeast one quarter of said Section 34 to the Northeast corner of the said Southeast one quarter; thence North along the East line of said Section 34 to the Northeast corner of said Section 34; thence North along the West line of Section 26 - Township 89 North - Range 26 West of the 5th P.M., Iowa to the Northwest corner of the Southwest one quarter of the Southwest one quarter of said Section 26; thence East along the North line of the Southwest one quarter of the Southwest one quarter of said Section 26 to the Northeast corner of said Southwest one quarter of the Southwest one quarter; thence North along the West line of the Northeast one quarter of the Southwest one quarter of said Section 26 to the Northwest corner of said Northeast one quarter of the Southwest one quarter; thence North along the West line of the Southeast one quarter of the Northwest one quarter of said Section 26 to the Northwest corner of said Southeast one quarter of the Northwest one quarter; thence East along the North line of the Southeast one quarter of the Northwest one quarter of said Section 26 to the Northeast corner of said Southeast one quarter of the Northwest one quarter of said Section 26; thence North along the West line of the Northwest one quarter of the Northeast

one quarter of said Section 26 to the Northwest corner of said Northwest one quarter of the Northeast one quarter; thence East along the North line of said Section 26 to the Northeast corner of said Section 26; thence North along the West line of Section 24 - Township 89 North - Range 26 West of the 5th P.M., Iowa to the point of beginning.

(Ord. 2002-1577 - Jul. 02 Supp.)

121.02 DEFINITIONS. For purposes of the Zoning Ordinance, the following words, terms, and expressions are defined. The words "used" and "occupied" include the words "intended, designed, or arranged to be used or occupied."

1. "Accessory building" (also accessory use) means a subordinate building or use, whose existence is incidental to that of the principal building or to the principal use of the premises.

2. "Alley" means, for the purpose of the Zoning Ordinance, a public thoroughfare, not more than twenty (20) feet in width, for the use of vehicles, which affords only a secondary means of access to abutting property.

3. "Alteration, structural" means any change in the load bearing members of a building, such as bearing walls, partitions, columns, beams or girders. The enlargement of the size or height of a building is construed to be a structural alteration.

4. "Apartment" means a room or suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence by a family, located in a building containing two (2) or more such rooms or suites or located in a building devoted primarily to nonresidential use.

5. "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 (10) feet.

6. "Basement" means a story partly underground but having at least one-half (1/2) of the height of one (1) or more walls above the highest level of the adjoining ground. A basement is counted as a story under the provisions of the Zoning ordinance. (See also the definition for a cellar.)

7. "Board" means the Zoning Board of Adjustment.

8. "Boardinghouse" means a building other than a hotel, fraternity house or sorority house, where meals are regularly served for compensation to more than three (3) persons not members of the family there residing.

9. "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.

10. "Building, height of" means the perpendicular distance measured in a straight line from the curb level to the highest point of the roof beams in the case of flat roofs, and to the average of the height of the roof in the case of pitched roofs, the measurement in all cases to be taken through the center of the front of the building. Where a dwelling is situated on ground above the curb level, such height shall be measured from the level of the adjoining ground, at the front building wall, provided the distance from the building to the street line is not less than the height of the adjoining ground above the curb level. Where a dwelling is on a corner lot and there is more than one grade or level, the measurement shall be taken from the main entrance elevation.

11. "Building line" means a building setback line as established under the provisions of the International Building Code, Chapter 2, Section 202, Definitions. (Ord. 2005-1640-Jul.05 Supp.)

12. "Building wall" means the wall of the principal building forming a part of the main structure. The foundation walls of unenclosed porches or piazzas, steps and retaining wall or similar structure shall not be considered as building walls under the provisions of the Zoning Ordinance.

13. "Bulk stations" means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products or any other bulk liquid products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.

14. "Business" or "commercial" refers to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices or recreational or amusement enterprises.

15. "Commercial feedlot" means a feedlot within the jurisdictional zoning area adjacent to the corporate limits or feedlots and confinement buildings within the corporate limits of the City that are not owned and operated by the individuals living on the premises.

(Ord 97- 1506 - Dec. 97 Supp.)

16. "Convalescent home" means a building or premises in or on which care is provided for two (2) or more invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane or other mental cases, inebriate, or contagious cases. Nursing homes are convalescent homes.

17. "Carport" means space for the storage or housing of motor vehicles and enclosed on not more than two (2) sides by walls, and is attached or detached to the principal building.

(Ord. 2005-1640-Jul. 05 Supp.)

18. "Court" means an open, unoccupied space on the same lot and fully enclosed on at least three (3) adjacent sides by walls of the buildings. An outer court is any court facing for its full required width on a street, or on any other required open space not a court.

19. "Cellar" means a story having more than one-half ($1/2$) of the height of all walls below the highest level of the adjoining ground. A cellar is not considered as a story for the purpose of the Zoning Ordinance. (See also definition for a basement.)

20. "Clinic, dental or medical" means a building in which a group of physicians, dentists or physicians and dentists and allied professional assistants are associated for the purpose of carrying on their profession. The clinic may include a dental or medical laboratory. It does not include in-patient care or operating rooms for major surgery.

21. "Club or lodge (private)" means an association of persons for the promotion of some nonprofit object, who are bona fide members paying annual dues, which owns, hires or leases a building, or portion thereof, except a fraternity or sorority, the use of such premises being restricted to members and their guests. It is permissible to serve food and meals to members and their guests on such premises provided adequate dining room space and kitchen facilities are available and are operated in compliance with State and local laws.

22. "Curb level" means the mean level of the curb or established curb grade in front of a lot.

23. "District" means a section or sections of the area of the City for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

24. "Dwelling" means a building or portion thereof designed or used exclusively for residential occupancy, but not including house trailers, mobile homes that have not been converted to real estate, hotels, motels, boarding and lodging houses, tourist courts or tourist home. The minimum horizontal dimension of the main body of the dwelling unit shall not be less than twenty (20) feet.

25. "Dwelling, single-family" means a building designed for or occupied exclusively for residence purposes by one (1) family.

26. "Dwelling, two-family" means a building designed for or occupied exclusively for residence purposes by not more than two (2) families.

(Ord. 2005-1640 – Jul. 05 Supp.)

27. "Dwelling, multiple-family" means a building designed for or occupied exclusively for residence purposes by more than two (2) families.

28. "Efficiency living unit" means any room having cooking facilities used for combined living, dining, and sleeping purposes and meeting the requirements of the International Residential Code and not exceeding six hundred (600) square feet of floor area.

(Ord. 2005-1640 – Jul. 05 Supp.)

29. "Essential services" means the erection, construction, alteration or maintenance by developers, public utilities, or governmental agencies of underground or overhead gas, telephone, television, electrical, wastewater, water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic

signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for public health or safety or general welfare.

30. "Family" means an individual, or two (2) or more persons related to one another by blood, marriage, or legal adoption, including foster children, and not more than two (2) roomers; or in the alternative, not more than five (5) unrelated persons using common housekeeping and cooking facilities.

31. "Farm" means an area which is used for the growing of the usual farm products such as vegetables, fruit trees and grain, and their storage, as well as for raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further than farming does not include the feeding of garbage or offal to swine or other animals.

32. "Garage, private" means an accessory building or portion of a building used only for the shelter and/or storage of vehicles by the occupants of the dwelling, or the leasing of space as provided herein, including covered space or carport.

33. "Garage, public" means a building or portion of a building in which motor vehicles are equipped for operation, repaired, stored or kept for remuneration, hire or sale.

34. "Gasoline service station" means a building or a portion of a building used chiefly in connection with tanks, pumps and other appliances, for supplying motor vehicles with gasoline, oil, compressed air, water and similar supplies. When the dispensing, sale or offering for sale of motor vehicle fuel at retail is incidental to the conduct of a public garage, the premises is classified as a public garage.

35. "Gross floor area" means the sum of the gross horizontal area of floors of a building, including interior balconies and mezzanines. All horizontal dimensions are to be between the exterior faces of walls.

36. "Home occupation" –

A. "Home Occupation" with the corporate limits means an occupation or a profession conducted in a dwelling unit or within an accessory building which ,meets the following criteria:

(1) Is carried on by a member of the family residing in the dwelling unit, and does not employ any person(s) outside the immediate family residing on the premises; and

(2) Is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and

(3) Has no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building, other than one name plate not more than two (2) square feet in area; and

(4) Does not occupy more than seven hundred twenty (720) square feet of area; and

(5) Produces no offensive noise, vibration, smoke, excessive congestion, dust, odors, heat or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood; and

(6) Shall not exceed the expected amount of hazardous materials, liquids, and chemicals presenting a physical hazard and health hazard as defined by the 2003 International Building Code, Section 307 or last published International Building Code; and,

(7) Any home occupation not operating within these standards shall be subject to a Municipal Infraction and may be subject to an annual or semi-annual inspection with conditions as needed as a follow-up to the inspection.

(8) Home occupations that involve an exterior activity or work that is performed off site, where work done in conjunction with the home occupation does not take place within the confines of the structures on the premises or otherwise at the specified property, may employ an unlimited number of individuals. Such employees shall not gather, work, park, or otherwise associate at the actual residential home and/or property of the home occupation.

B. "Home occupation" outside of the corporate limits but within the 2-mile extraterritorial area means an occupation or

profession conducted in a dwelling unit or within an accessory building which meets the following criteria:

(1) A dwelling unit must be present and the owner of the business must use the residence as his/her principal residence; and,

Copyright Iowa Codification, Inc.

-397-

CHAPTER 121

WEBSTER CITY, IOWA

(2) Must meet all bulk regulations of the district in which it is located; and,

(3) Does not employ more than three (3) persons outside the immediate family residing on the premises (does not include employees working for the business that do not work on the home occupation site); and,

(4) Has no exterior display of machinery, enclosures, equipment, supplies, etc., no exterior storage of materials, and no other exterior indications of the home occupation or variation from the residential character of the principal building other than one advertising sign not more than thirtytwo (32) square feet in area; and,

(5) Shall not be objectionable to its surroundings due to nuisance factors such as exterior appearance, the emission of odor, gas, dust, smoke, noise, or in any other way; and

(6) Shall not exceed the expected amount of hazardous materials, liquids, and chemicals presenting a physical hazard and health hazard as defined by the 2003 International Building Code, Section 307 or last published International Building Code; and,

(7) Does not occupy more than 720 square feet of the dwelling unit and/or not more than a total of 5,500 square feet of one or more accessory building(s).

(8) Any home occupation not operating within these standards shall be subject to a Municipal Infraction and may be subject to an annual or semi-annual inspection with conditions as needed as a follow-up to the inspection.

37. "Hospital" means an institution providing health services, for in-patient, and medical and surgical care of the, sick and injured, including as an integral part of the institution such related facilities as laboratories, central service facilities and staff offices.

38. "Hotel" means a building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than twenty (20) sleeping rooms usually occupied independently.

Copyright, Iowa Codification, Inc.
-398-

CHAPTER 121

CITY OF WEBSTER CITY

39. "Junk yard or salvage yard" means an open area on any lot or parcel of land which is used for storage, abandonment or keeping of junk, including scrap metals or scrap materials, or for the abandonment or dismantling of machinery, motor vehicles, or other vehicles or parts thereof.

40. "Lawful use" means the legal use of a building or land existing on June 18, 1973, or for which a zoning permit has been issued thereafter.

41. "Lodging house" means a building or portion thereof, other than a hotel or motel, where lodging only is provided for compensation to four (4) or more persons including rooming houses.

42. "Lot" means a parcel of land under one ownership on which a principal building and its accessories are or may be placed, together with the required open spaces, having its frontage upon one (1) or more streets or public places, and may consist of:

- A. A single lot of record, or a portion of a lot of record;
- B. A combination of complete lots of record, and/or portions of lots of record;
- C. A parcel of land described by metes and bounds; provided that in no cause of subdivision shall any residual lot or parcel be created which does not meet the requirements of the Zoning Ordinance.

43. "Lot area" means the area of a horizontal plane, bounded by the front, side, and rear lot lines.

44. "Lot measurement" means:

- A. Depth - the mean horizontal distance between the front and rear lot lines.
- B. Width - the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the minimum building setback line.

45. "Lot of record" means a lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder; or a parcel of land, the deed of which was recorded in the office of the County Recorder prior to the adoption of the Zoning Ordinance.

Copyright, Iowa Codification, Inc.

-399-

Chapter 121

CITY OF WEBSTER CITY

46. "Lot types" are as follows:

- A. "Corner" lot is a lot located at the intersection of two (2) or more streets.
- B. "Interior" lot is a lot other than a corner lot with only one (1) frontage on a street other than an alley.
- C. "Double frontage" lot is a lot with frontage on two (2) non-intersection streets. The building lines will prevail in lieu of rear yard requirements.
- D. "Reversed corner" lot is a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

47. "Mobile home" means any occupied vehicle used or so constructed as to permit it being used as a conveyance upon the public streets and highways and duly licensed as such, and shall include self-propelled or non self-propelled vehicles so designed, constructed, reconstructed or added to by means of an enclosed addition or room in such a manner as will permit the occupancy thereof as a dwelling or sleeping place for one (1) or more persons. Mobile homes of less than twenty (20) feet in horizontal dimension shall be located within a Mobile Home Park.

48. "Mobile home converted to real estate" means a mobile home, at least twenty (20) feet in horizontal dimension, which has been attached to a permanent foundation on real estate, which has had the vehicular frame destroyed rendering it impossible to reconvert to a mobile home, and which has been inspected by the assessor, the mobile home title, registration, and license plates collected from the owner and the property entered on the tax rolls of the County. A mobile home converted to real estate will be considered a dwelling for purposes of the Zoning Ordinance.

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

50. "Motel" means a permanent building or group of buildings so arranged or designed primarily for temporary occupancy, so laid out as to provide space for parking vehicles used by the traveling public. Such building or group

of buildings may include living quarters for the use of operating personnel.

51. "Nonconforming use" means the lawful use of a building or land on the effective date of the Zoning Ordinance or amendment thereto, which use does not conform to the provisions of the Zoning Ordinance for the district in which it is located.

Copyright Iowa Codification, Inc.
-399.1-

CHAPTER 121

WEBSTER CITY, IOWA

52. "Nonconforming building or structure" means a building or structure which met all yard, area and building height regulations existing at the time of construction, reconstruction or extension but, because of changes in the Zoning Ordinance, does not meet all current regulations.

53. "Office" means a place where business or services for others is transacted and not a place where chattels or goods, wares or merchandise are commonly created, exchanged or sold.

54. "Parking lot" means an area of land, a yard or other open space on a lot used for or designed for use by temporarily standing motor vehicles, together with a driveway connecting the parking lot with a public place.

55. "Parking space" means a surfaced area, enclosed or un-enclosed, on a lot sufficient in size (9' X 20' minimum) to store one (1) standard automobile, together with a driveway connecting the parking space with a public place, street or alley.

56. "Porch, open" means a roofed structure open on two (2) or more sides.

57. "Preschool nursery" means the facilities of any dwelling, institution or organization which, for profit or nonprofit, are used in the temporary care of six (6) children or more at any one time.

58. "Principal building" means a non-accessory building in which the principal use of the lot on which it is located is conducted.

59. "Professional office" means any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, medicine, engineering or other occupation customarily considered a profession.

60. "Retail store" means a place of business where goods are offered for sale to the consumer and not for resale.

61. "Shop" means a use devoted primarily to the sale of a service or products, but the service is performed or the product to be sold is prepared in its finished form on the premises. Packaging is not considered to be preparation.

62."Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If

Copyright Iowa Codification, Inc.

-399.2-

the finished floor level directly above a usable or unused underfloor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

63. "Setback" means the required distance between a lot line and the closest wall of a conforming structure on the lot. The normal overhang of eaves (less than or equal to two (2) feet) is not included in this measurement.

64. "Street, public" means a public thoroughfare more than twenty-four (24) feet in width.

65. "Street, front" means the street upon which a lot abuts. If a lot abuts upon more than one (1) street or public place, it means the street designated as the front street in the owner's application for a building permit.

66. "Street line" means the dividing line between a lot and a public street or alley.

67. "Street wall" means the wall of the principal building nearest the street under construction.

68. "Structure", means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

69. "Variance" is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. A variance may be authorized only for height, width, length, or number of structures, number of items, and area/size of lots, yards, and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformity in the zoning district or uses in adjoining zoning districts.

(Ord. 1005-1640 - Jul. 05 Supp.)

70. "Yard, front" means the space, unobstructed to the sky, open for the whole width of the lot, extending from the nearest part of any structure on the lot to the front line.

71. "Yard, rear" means the required open space, unobstructed to the sky, extending along the rear lot line (not a street line) throughout the whole width of the lot to the rear of the principal building.

72. "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, measured from the nearest point on the building to the side yard line.

Copyright Iowa Codification, Inc.

- 399.3 -

73. "Zoning Administrative Officer" means the individual appointed by the City Manager to administer the Zoning Ordinance.

74. "Zoning compliance permits" means the permits issued by the Zoning Administrative officer authorizing the use of the land for the purpose specified in the document.

75. "Driveway" means the portion of private property improved, designed, and constructed for vehicular travel to public right-of-way. Improved means any nonorganic material/surface not to include black dirt and/or clay. (Added by Ordinance No. 92-1405)

76. "Adult Amusement or Entertainment." An amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to "sex act(s)" or "specified anatomical areas," as defined herein, including, but not limited' to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.

77. "Adult Bookstore." An establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by an emphasis on matter depicting or describing "sex act(s)" or "specified anatomical areas."

78. "Adult Hotel or Motel." A building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing "sex act(s)" or "specified anatomical areas" for observation by the individuals therein.

79. "Adult Motion Picture Arcade." Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other imageproducing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing "sex act(s)" or "specified anatomical areas."

Supp. Jul-95

Copyright Iowa Codification, Inc.

80. "Adult Motion Picture Theater." An Enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing "sex act(s)" or "specified anatomical areas."

81. "Adult Photo Studio." An establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing "specified anatomical areas" or "sex acts" as defined herein.

82. "Massage Parlor." Any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on "sex act(s)" or "specified anatomical areas," by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse or practical nurse operating under a physician's direction, physical therapist, registered speech pathologist and physical or occupational therapist who treat only patients recommended by a licensed physician and operate only under such physician's direction, whether with or without the use of mechanical, therapeutic or bathing devices. The term shall not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

83. "Sexual Encounter Center." Any business, agency or persons who, for any form of consideration or gratuity, provides a place where three or more persons may congregate, assemble or associate for the purpose of engaging in "sex act(s)" or exposing "specified anatomical areas."

For the purpose of the above paragraphs 76-83, the terms "sex act(s)" and "specified anatomical areas" are defined as follows:

84. "Sex Act(s)" means any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between, a finger of one person and the genitalia of another, or by use of artificial sexual organs or substitute therefor in contact with the genitalia or anus.

85. "Specified Anatomical Areas" include the following: human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.

(Subsections 76 - 85 added by ordinance No. 95-1452)

86. "Towers, Commercial Communication, Transmission and other Similar Towers" means tower structures including mono-

Supp. Aug-97

pole, lattice or other structures designed or intended to support wires, transmission or receiving antenna, lights or other electronics, microwave, radio, television, line of sight relay devices or similar technology.
(Ord. 97-1491)

87. "Extraterritorial." Existing or taking place outside the territorial limits of a jurisdiction.

88. "Agriculture." The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to animals.

89. "Abandoned Farmstead". A tract of land which was at one time a farm dwelling with its related outbuilding, but which has not been reclaimed for row crops or grazing agriculture. To be classified as an abandoned farmstead some visual evidence (such as buildings, foundations, shelter belts, well, etc.) must remain for the parcel's past status as a farmstead.

(Ord. 2005-1640 – Jul. 05 Supp)

90. "Feedlot/Animal Feeding Operation." A lot, yard, corral, building or other area in which animals are confined and fed and maintained for forty-five (45) days or more in any twelve (12) month period, including all structures used for the storage of manure from animals in the operation.

91. "Animal Weight Capacity." The product of multiplying the maximum number of animals which the owner or operator confines in the animal feeding operation or confinement feeding operation at any one (1) time by the average weight during a production cycle.

92. "Confinement Feeding Operation." A feedlot or animal feeding operation in which animals are confined to areas that are totally roofed.

(#87 - 92 - Ord 2002-1573 - Feb. 02 Supp)

93. "Child day care" means the care, supervision, or guidance of a child under eighteen years of age by a person other than the parent, guardian, relative, or custodian for periods less than twenty-four hours per day, on a regular basis in a place other than the child's home.

94. "Adult day care" means the care, supervision, or guidance of an adult over eighteen years of age by a person other than the parent, guardian, relative, or custodian for periods less than twenty-four hours per day, on a regular basis in a place other than the adult's home.

(#93-94 – Ord. 2005-1640 – Jul. 05 Supp.)

95. "Dance studio" means a place for persons engaged in the study of dance. (Ord. 2005-1646 – Nov. 05 Supp.)

96. "Assisted living facility" means residences that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation. They may be combined with other types of housing such as congregate apartment housing for the elderly and residential health care facilities.

(Ord. 2006-1649-Jun. 06 Supp.)

121.03 DISTRICTS ESTABLISHED. For the purpose of the Zoning Ordinance, the City is hereby divided into classes of districts as follows:

- "G-1" District (Greenbelt)
- "A-1" District (Agriculture)
- "R-1" District (Single Family Dwelling)
- "R-2" District (Multiple Family Dwelling)
- "R-3" District (Over 4 Unit Multiple Family Dwelling)
- "R-4" District (Mobile Home Park)
- "R-5" District (Suburban Residential)
- "C-2" District (Central Business District)
- "C-3" District (Highway Business District)
- "M- 1" District (Light Industrial)
- "M-2" District (Heavy Industrial)

(Ord. 2005-1640 – Jul. 05 Supp.)

121.04 CLASSIFICATION OF NEWLY ANNEXED TERRITORY. All territory hereafter annexed to the City shall be in the "A-1" Agricultural District until such classification is subsequently changed by an amendment to the Zoning Ordinance.

121.05 OFFICIAL ZONING MAP ADOPTED. As shown by the Official Zoning Map, the City is divided into districts named in Section 121.03 of this chapter. The boundaries of these districts are hereby established as shown on the Official Zoning Map of the City and said map and all notations, references and other information shown thereon shall be and are hereby made a part of the Zoning Ordinance by reference. The Official Zoning Map shall be identified by the signature of the Mayor attested by the Clerk, and bearing the seal of the City under the following words: "Ordinance No. 2001-1564 of the City of Webster City, Iowa, adopted June 4, 2001." Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Zoning Administrative Officer is the final authority as to the current zoning status of land and water areas, buildings and other structures in the City. The Official Zoning Map shall be amended in the manner set forth in Section 121.06 of this chapter.

(Ord. 2001-1564 - Jun. 01 Supp.)

121.05A OFFICIAL EXTRATERRITORIAL ZONING MAP ADOPTED. As shown by the Official Extraterritorial Zoning Map, the area is divided into districts named in Section 121.03 of this chapter. The boundaries of these districts are hereby established as shown on the Official Extraterritorial Zoning Map of the City and said map and all notations, references and

other information shown thereon shall be and are hereby made a part of the Zoning Ordinance by reference. The Official Extraterritorial Zoning Map shall be identified by the signature of the Mayor attested by the Clerk, and bearing the seal of the City under the following words:

“Ordinance No. 2004-1623 of the City of Webster City, Iowa, adopted July 6, 2004.”

Regardless of the existence of purported copies of the Official Extraterritorial Zoning Map which may from time to time be made or published, the Official Extraterritorial Zoning Map which shall be located in the office of the Zoning Administrative Officer is the final authority as to the current zoning status of land and water areas, buildings and other structures in the City’s extraterritorial area. The Official Extraterritorial Zoning Map shall be amended in the manner set forth in Section 121.06 of this chapter. (Ord. 2004-1623 – Jul. 04 Supp.)

121.06 AMENDING OFFICIAL ZONING MAP. Amendments, supplements or changes of the boundaries of districts as shown on the Official Zoning Map shall be made by an ordinance amending Ordinance No. 2001 1564. The amending ordinance shall refer to the Official Zoning Map and shall set out the identification of the are affected by legal description and identify the zoning district as the same exists and the new districts designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the Clerk as other ordinances and a certified copy thereof shall be attached to the Official Zoning Map. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it. The Official Zoning Map, together with amending ordinances, shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the City. (See Editor's Note at the end of this chapter for ordinances amending the Official Zoning Map.) (Ord. 2001-1564 - Jun. 01 Supp.)

121.07 REPLACEMENT OF ZONING MAP. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Council may, by ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, dated and bearing the seal of the City under the following words: "This is to certify that this Official Zoning

Map
 supersedes and replaces the Official Zoning Map adopted _____, as part of Ordinance No. _____ of the City of Webster City, Iowa."

(Ord. 2001-1564 - Jun. 01 Supp.)

121.08 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Boundaries indicating the extremes of the flood plain are approximate; actual flood plain elevations are available from the City Engineering Department.

121.09 APPLICATION OF DISTRICT REGULATIONS. The regulations set by the Zoning Ordinance within each district are minimum regulations and apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- 1 . No building, structure, or land shall hereafter be used or occupied, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered to exceed the height; to accommodate or house a greater number of families; to occupy a greater percentage of the lot area; or to have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required; or in other manner contrary to the provisions of the Zoning Ordinance.

3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with the Zoning Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of the Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the Zoning Ordinance shall meet at least the minimum requirements established by the Zoning Ordinance.
5. Not more than one (1) principal building shall be permitted on any lot, tract, or parcel of land until the same has been platted in accordance with the laws of the State of Iowa, except as may be otherwise specifically provided in the Zoning Ordinance.
6. No building in the rear of any principal building on the same interior lot shall be used for residence purposes, except as may be otherwise specifically provided in the Zoning Ordinance.
7. Any lot upon which a principal building is placed shall abut on a street or a public place. The minimum lot width necessary to abut upon a public street shall be twenty (20) feet.
8. Nothing in the Zoning Ordinance shall prevent the restoration of any wall or other portion of a building declared unsafe by any authorized public official.

121.10 INTENT FOR NONCONFORMITIES PRIOR JANUARY 1, 1965. Within the districts established by this Zoning Ordinance or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this zoning ordinance was passed or later amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance 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 a structure and land shall not be extended or enlarged after passage of the ordinance by attachment on a building or premises of additional signs intended to be seen

From off the premises, or by the addition of other uses of a nature which would be prohibited in the district involved.

(Ord. 2005-1640- Jul. 05 Supp.)

121.11 NONCONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of the zoning ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the zoning ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.

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

1. No such nonconforming use shall be enlarged or increased nor extended to occupy a Greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of Zoning Ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this Zoning Ordinance for the district in which such land is located.

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

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any nonconforming use may be extended throughout any parts of a building which were obviously arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure premises, may be changed to a more restricted classification.
4. Any structure, or structure and land in combination, in or on which a nonconforming use superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
6. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance. If destruction is less than 50% of its replacement cost, reconstruction must commence within 6 months.
7. Where nonconforming use status applied to a structure and premises in combination, removal of the structure shall eliminate the nonconforming status of the land.

121.14 NONCONFORMING USES OR STRUCTURES IN OTHER THAN “G”, “A”, OR “R” ZONING DISTRICTS. The regulations described in Chapter 121.12 shall apply to nonconforming uses in a commercial or industrial district, subject to the following exceptions:

1. Any structure or building in districts other than a “G”, “A”, or “R” district Devoted to a use made nonconforming by this chapter may be structurally altered or enlarged in conformity with the lot area, the lot frontage and yard and height requirements of the district in which situated, provided such construction shall be limited to buildings on land owned of record by the owner of the land devoted to the nonconforming use prior to the effective date of the ordinance in this chapter.
2. In the event of such structural alteration or enlargement of buildings, the premises involved may not be used for any nonconforming use other than the use existing on the effective date of the ordinance condified in this chapter, other provisions of this chapter notwithstanding.

CHAPTER 122

ZONING - DISTRICT REGULATIONS

122.01 G-1 (Greenbelt) District
122.02 A-1 (Agricultural) District
122.03 R-1 (Single-Family Dwelling) District
122.04 R-2 (Multiple-Family Dwelling) District
122.05 R-3 (Over Four Unit Multiple-Family Dwelling) District

122.06 R-4 (Mobile Home Park) District
122.06A R-5 (Suburban Residential) District
122.07 C-2 (Central Business) District
122.08 C-3 (Highway Business) District
122.09 M-1 (Light Industrial) District
122.10 M-2 (Heavy Industrial) District

122.01 G-1 (GREENBELT) DISTRICT. The regulations set forth in this section, or set forth in the Zoning Ordinance when referred to in this section, are the regulations of the "G-I" District. This district is established to accommodate open space and flood water. Placement of buildings and structures is regulated by the City's Flood Plain Regulations (Chapter 131). The following uses are permitted in the "G- I" District:

- 1 . Accessory use in conjunction with a principal use.
2. Essential services.
3. Farm or apiary, including the usual farm buildings and structures, but not including commercial feedlots and commercial grain storage and grain drying facilities.
4. Forests
5. Golf courses and golf driving ranges
6. Nature and wild life reserves.
7. Parking lot.
8. Parks, including picnic tables and similar facilities normally found in park areas.
9. Plant nursery and truck gardens.
10. Tennis court and similar game areas, including structures normally used in the playing of the game.
11. Special exception uses allowed by the Board of Adjustment as follows:
 - A.. Extraction of top soil, gravel, sand or other natural resources except that in any such operation there shall be a restoration plan filed with the City containing the following: (1) an agreement with the City whereby the applicant contracts to restore the premises to a condition and within a time satisfactory to the City; (2) a physical restoration plan showing the proposed contours after restoration, plantings and other special features for the restoration

and the method by which such restoration is to be accomplished; and (3) a bond, written by a licensed surety company, a certified check or other financial guarantee satisfactory to the City Attorney in an amount sufficient to secure the performance of the restoration agreement.

122.02 A-1 (AGRICULTURAL) DISTRICT. The regulations set forth in this section, or set forth in the Zoning Ordinance when referred to in this section, are the regulations of the "A-1" District. This district is established to accommodate area predominately agricultural in character or undeveloped for urban use. As urban development expands, areas suitable for such use will be rezoned according to the comprehensive plan. A building or premises shall be used only for the following purposes.

1. Accessory building in conjunction with a principal use.
2. Essential services.
3. Within the corporate limits of Webster City, agriculture, including the usual farm buildings and structures, but not including commercial feedlots and commercial grain storage and grain drying facilities. (Note: Animals are further regulated by City Code.) Within the extraterritorial zoning jurisdiction, agriculture including the raising of crops and/or animals, including Animal Feeding Operations and Confinement Feeding Operations as permitted by Department of Natural Resources rules and regulations for manure management plans and site distances to adjacent uses.

(Ord. 2002-1573-Feb. 02 Supp.)

4. Forest.
5. Home occupation in conjunction with a principal use.

6. One (1) and two (2) family dwelling. (Ord. 2003-1693 – Jul. 03

Supp.)

7. Parking lot.
8. Park, sports arena, playground and recreation area, including country club, golf course and swimming pool. The limited commercial sale of goods, foods and liquids normally associated with such uses is permitted.
9. Plant nursery and truck garden.
10. Stable.
11. Special exception uses allowed by the Board of Adjustment as follows:
 - A. Airport, landing field, or landing strip.

B. Area for dumping or disposal of trash or garbage.

C. Extraction of top soil, gravel, sand or other natural resources except that in any such operation there shall be a restoration plan filed with the City containing the following: (1) an agreement with the City whereby the applicant contracts to restore the premises to a condition and within a time satisfactory to the City; (2) a physical restoration plan showing the proposed contours after restoration, plantings and other special features for the restoration and the method by which such restoration is to be accomplished; and (3) a bond, written by a licensed surety company, a certified check or other financial guarantee satisfactory to the City Attorney in an amount sufficient to secure the performance of the restoration agreement.

D. Radio towers and radio broadcasting stations and/or commercial communication and transmission towers. (Amended by Ordinance No. 97-1491)

E. Roadside stand, commercial amusement or recreational development for temporary or seasonal periods, including fairgrounds.

122.03 R-1 (SINGLE-FAMILY DWELLING) DISTRICT. The regulations set forth in this section, or set forth in the Zoning Ordinance when referred to in this section, are the regulations of the "R-11" District. This district is established to accommodate single-family dwellings and uses customarily found in low density residential areas such as public and parochial schools, and parks. A building or premises shall be used only for the following purposes:

1. Accessory building in conjunction with a principal use.
2. Cemetery.
3. Essential services.
4. Home occupation in conjunction with a principal use.
5. Hospital.
6. Park or playground.
7. Nursery school, pre-school, child day care and adult day care.
(Ord. 2005-1640 - Jul. 05 Supp.)
8. One (1) and two (2) family dwelling.
9. Parking lot.

Copyright Iowa Codification, Inc.

- 407 -

CHAPTER 122
IOWA

WEBSTER CITY,

10. Public and private school or college for academic instruction and associated uses such as tennis courts, football fields, running tracks, softball and baseball fields.

11. Church and additions/alterations are permitted, only to those in existence prior to the effective date of the ordinance codified by this section. The following regulations will apply:

A. Front yards shall be a minimum of 35 feet.

B. Side yards shall be a minimum of 20 feet plus 1 foot for each additional 2 feet of building height over 50 feet.

C. Rear yards shall be a minimum of 34 feet.

122.04 R-2 (MULTIPLE-FAMILY DWELLING) DISTRICT. The regulations set forth in this section, or set forth in the Zoning Ordinance when referred to in this section, are the regulations of the "R-2" District. This district is established to accommodate one (1) to four (4) unit family dwellings and other uses customarily found in low density residential areas such as churches, public and parochial schools, and parks. A building or premises shall be used only for the following purposes:

1. Accessory building in conjunction with a principal use.

2. Alterations and conversions of single-family dwellings into multiple-family dwellings in accordance with the lot area, frontage and yard requirements as set forth in the Zoning Ordinance.

3. Boarding/bed and breakfast or lodging house not to exceed four (4) units.

4. Essential services.

5. Home occupation in conjunction with a principal use.

6. Hospital.

7. Multiple-family dwelling, not to exceed four (4) families.

8. Park or playground.

9. Nursery school, pre-school, child day care and adult day care.
(Ord. 2005-1640 - Jul. 05 Supp.)

10. Parking lot.

11. One (1) and two (2) family dwelling.

12. Public and private school or college for academic instruction and Associated uses such as tennis courts, football fields, running tracks,

Softball and baseball fields.

Copyright Iowa Codification, Inc.

- 408 -

13. Church and additions/ alterations are permitted, only to those in existence prior to the effective date of the ordinance codified by this section. The following regulations will apply:

- A. Front yards shall be a minimum of 35 feet.
- B. Side yards shall be a minimum of 20 feet plus 1 foot for each additional 2 feet of building height over 50 feet.
- C. Rear yards shall be a minimum of 34 feet.

14. Special exception uses allowed by the Board of Adjustment as follows:

- A. Clinic.
- B. Municipal, County, township, State or Federal building, except maintenance and storage building.
- C. Any structure or building in the R-2 residential district considered to be nonconforming By this ordinance may be permitted to expand, make structural alterations to existing buildings, and construct new buildings within the lot requirements for uses in this district. The Board of Adjustment may provide conditions and safeguards as a condition of its consent. Buildings/structures should consume not more than 50% of the total available lot area and nonconforming provisions regarding discontinuance, abandonment, and/or destruction shall apply.

15. Mortuary, funeral home. (Ord. 2006-1651- Aug. 06 Supp.)

122.05 R-3 (OVER FOUR UNIT MULTIPLE-FAMILY DWELLING) DISTRICT. The regulations set forth in this section, or set forth in the Zoning Ordinance when referred to in this section, are the regulations of the "R-3" District. It is intended that this district is established to permit medium density family developments in the suburban areas, and to serve as a transition from high density developments to single-family residential areas. A building or premises or land in the "R-3" District shall be used for the following purposes:

- 1. Accessory building in conjunction with a principal use.
- 2. Alterations and conversions of single-family units into multiple-family dwellings in accordance with the lot area, frontage and yard requirements as set forth in the Zoning Ordinance.
- 3. Boarding/bed and breakfast or lodging house.
- 4. Church.
- 5. Clinic, sanitarium, pharmacy, home for the aged, nursing home, Assisted living facility, nonprofit fraternal institution, lodge, and institution of an educational, religious, philanthropic or charitable nature. (Ord. 2006-1649 - Jun. 06 Supp.)

6. Commercial services business located within an apartment complex that caters primarily to the residents of the complex.
7. Essential services.
8. Home occupation in conjunction with a principal use.
9. Hospital.
10. Multiple-family dwelling, not to exceed eight (8) families.
11. Museum, library, park, or playground.
12. Nursery school, pre-school, child day care and adult day care.
(Ord. 2005-1640 - Jul. 05 Supp.)
13. Parking lot.

Copyright Iowa Codification, Inc.

14. One (1) and two (2) family dwellings.
15. Public and private schools and colleges for academic instruction and associated uses such as tennis courts, football fields, running tracks, softball and baseball fields.
16. Special exception uses allowed by the Board of Adjustment as follows:
 - A. A Multiple unit dwelling of more than eight (8) units, including more than ten (10) accessory garages.
(Sections 122.03, .04 & .05 amended by ordinance No. 93-1420)
 - B. A dance studio in an existing structure providing that it meets minimum parking requirements and has suitable space for off-street loading and unloading of participants
(Ord. 2005-1645-Nov. 05 Supp.)
17. Mortuary, funeral home. (Ord. 2006-1651-Aug. 06 Supp.)

122.06 R-4 (MOBILE HOME PARK) DISTRICT. The regulations set forth in this section, or set forth in the Zoning Ordinance when referred to in this section, are the regulations of the "R-4" District. It is the intent of this District to provide for mobile home developments in areas of the community where their use is compatible with existing and future residential areas. This district shall be well served by arterial streets to provide adequate access and planned development that is compatible with the character of neighboring uses. The following uses are permitted in the "R-4" District:

1. Mobile homes located within planned mobile home parks in accordance with the provisions of State Statutes and City Regulations. Minimum dimensions of a mobile home park shall be:
 - A.. Area - Three (3) acres.
 - B. Side Yard - Thirty-five (35) feet.
 - C. Front Yard - Thirty-five (35) feet.
 - D. Rear Yard - Thirty-five (35) feet.
 - E. Drives - Twenty-five (25) foot in width surfaced with either asphalt or concrete.
2. Essential Services.
3. Commercial support services owned by the mobile home park owner, such as meeting rooms, laundry services, etc.
4. Each mobile home located within a Mobile Home Park shall be located on a sub-lot with the following minimum dimensions:

- A. Area - Three thousand (3,000) square feet.
- B. Width - Forty (40) feet.
- C. Length - Seventy-five (75) feet.
- D. Front Yard - Ten (10) feet.
- E. Rear Yard - Ten (10) feet.
- F. Side Yard - Five (5) feet.
- G. Parking - Two (2) stalls for each mobile home space.

Each petition for a change to the "R-4" District shall be accompanied by a plan showing how each mobile home space is arranged and how the water, electrical, and sewer lines serving each mobile home space is provided. Also shown shall be the location of garbage cans, water hydrants, service buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting, and landscaping.

122.06A R-5 (SUBURBAN RESIDENTIAL) DISTRICT. The intent of the R-5 (Suburban Residential) District is to provide for low to medium density residential development located outside of the corporate limits of the City, but within an extraterritorial area for zoning administration. Residential development shall be within platted subdivisions and with a limited number of institutional and recreational facilities permitted.

1. Only the following principal uses and structures shall be permitted:
 - A. Single Family Dwellings.
 - B. Publicly owned and operated buildings, parks, playgrounds, golf courses and recreation areas.
2. The following accessory uses and structures shall be permitted:
 - A. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
 - B. Essential services;
 - C. Home occupations;
 - D. Private garage or carport;
 - E. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work;
 - F. Stable.
3. The following uses and structures may be permitted subject to approval of the Zoning Board of Adjustment:
 - A. Boarding, lodging, and Bed and Breakfast homes;
 - B. Day nursery or nursery school;

- C. Multiple family residential structures containing two or more units;
- D. Private clubs or fraternities;
- E. Private recreation facilities.

4. The following minimum requirements shall be observed:

A.. Lot Area:

- (1) When the use is connected to public water and sewer the minimum lot area shall be 20,000 square feet.
- (2) For uses not connected to public water and/or sewer utilities the minimum required lot area is that established by the County Sanitarian for private well and/or septic tank use but not less than 60,000 square feet.

B. Lot Width: The minimum lot width shall be one hundred (100) feet.

C. Front Yard: The minimum front yard shall be fifty (50) feet. On lake front lots the front yard shall be the side facing the lake.

D. Side Yard: The minimum side yard shall be ten (10) feet.

E. Rear Yard: The minimum rear yard shall be fifty (50) feet. For lake front lots the rear yard shall be the side facing the street.

F. Maximum Height: No building shall exceed a height of two and one-half (2 ½) stories or thirty-five (35) feet, unless otherwise provided. *(Ord 2002-1573 - Feb. 02 Supp.)*

122.07 C-2 (CENTRAL BUSINESS) DISTRICT. The regulations set forth in this section, or as set forth in the Zoning Ordinance when referred to in this section, are the regulations in the "C-2" District. It is intended that this district is established to accommodate retail outlets, wholesale outlets and service commercial establishments. A building or premises in said district shall be used only for the following purposes:

- 1 . Accessory building in conjunction with a principal use.
- 2. Antique shop.
- 3. Art or hobby shop,
- 4. Auction house.
- 5. Auto Parts store.
- 6. Automatic car wash.

7. Automotive service station.
8. Automatic vending sales, including both indoor and outdoor.
9. Bakery.
10. Bank.
11. Bookstore.
12. Bus depot.
13. Catering.
14. Clothing or apparel store.
15. Commercial conservatory.
16. Convention building for private display.
17. Dairy, ice cream, cheese, milk store.
18. Department store.
19. Drug store.
20. Dry cleaning establishment.
21. Eating or drinking establishment.
22. Electrical equipment and appliance store.
23. Essential services.
24. Florist shop.
25. Furniture cleaning, demoting, upholstering, repairing, refinishing.
26. Grocery store.
27. Gymnasium, bowling alley, dance studio.
28. Hardware store.
29. Heating and air conditioning sales.
30. Home occupation in conjunction with a principal use.
31. Hotel.

32. Indoor recreation establishment.

33. Jewelry store.

34. Laboratory.

35. Laundry.

36. Mail order store.

37. Meat cutting, wrapping and processing plant.

38. Messenger or telegraph service.

39. Multi-family residential uses, provided that such uses not be in the first, ground, or basement floor of any structure.

40. Music Store.

41. Newspaper shop.
42. Office equipment store.
43. Optical store.
44. Pharmacy.
45. Photographic and camera shop.
46. Parking lot.
47. Professional office.
48. Retail pet shop and veterinarian.
49. Shoe repair shop.
50. Television and radio studios.
51. Theater.
52. Video rental.
53. Wholesale establishment.
54. Any use that is interpreted by the Zoning Administrative Officer to be similar to those above. (Ord. 2005-1640 - Jul. 05 Supp.)
55. Residential and residential accessory structures in accordance with R-3 (Over 4 Unit Multiple Dwelling) District regulations. (Ord. 91-1378)
56. Mortuary, funeral home. (Ord. 92-1393)
57. Municipal, County, township, State or Federal buildings, except maintenance and storage buildings. (Ord. 93-1420)

122.08 C-3 (HIGHWAY BUSINESS) DISTRICT. The regulations set forth in this section, or as set forth in the Zoning Ordinance when referred to in this section, are the regulations in the "C-3" District. The intent of the "C-3" District is to establish the location of areas best suited to the needs of highway related businesses whose primary function is catering to traffic generated by the adjacent roadway. These uses are characterized by the need for larger lot sizes and the need to supply their own off-street parking. A building or premises in said district shall be used only for the following purposes:

1. Dance studio. (Ord. 2005-1646-Nov. 05 Supp.)
2. Accessory building in conjunction with a principal use.
3. Auditorium, exhibition hall, club.
4. Automobile service station and body shop.
5. Automobile sales and service.
6. Bowling alley.

7. Car wash.
8. Carpentry shop.
9. Church.
10. Commercial nursery and greenhouse.
11. Commercial recreation or amusement.
12. Discount department store.

13. Drive-in establishment.
14. Drive-in theater.
15. Dry cleaning and coin operated laundry.
16. Eating or drinking establishment.
17. Enameling and painting establishment.
18. Essential services.

19. Furniture and appliance store.
20. Garden supply store.
21. Home occupation in conjunction with a principal use.
22. Hay, grain, feed, seed, retail.
23. Lumber and building materials store.
24. Mobile home and recreational vehicle sales.

25. Motel or motor lodge.
26. Nursing home, home for the aged, assisted living facility.
Ord. 2006-1649-Jun. 06 Supp.)
27. Open air sales of autos, implements, trucks.
28. Private club.
29. Parking lot.
30. Professional office.

31. Retail pet shop.
32. Sign painting or manufacture.
33. Supermarket, grocery store.
34. Wood working shop.
35. Veterinary and veterinary clinic.
36. Video rentals.

37. Any use that is interpreted by the Zoning Administrative Officer to be similar to those above. (Ord. 2005-1640-Jul. 05 Supp.)
38. Residential and residential accessory structures in accordance with R-3 (Over 4 Unit Multiple Dwelling) District regulations. (Ord. 91-1378)
39. Mortuary, funeral home. (Ord.92-1398)
40. Any use allowed in a C-2 (Central Business) District. (Ord.92-1398)
41. Adult Entertainment Businesses. (Ord.95-1452)
42. Radio towers and radio broadcasting stations, and/or commercial communication and transmission towers. (Ord.97-1491)
43. Special exception uses allowed by the Zoning Board of Adjustment as follows:
- A. Mini-storage or self-storage facility provided land is not conducive for commercial development due to its location and limited access to utilities. Said facility must be fenced or screened, must provide a dust control plan for gravel drives, and must install appropriate down cast lighting. (Ord. 2009-1703)

122.09 M-1 (LIGHT INDUSTRIAL) DISTRICT. The regulations set forth in this section, or set forth in the Zoning Ordinance when referred to in this section, are the regulations of the "M-1" District. This district is established to accommodate business and industrial uses which do not create excessive noise, smell, dust or similar problems, but demand truck traffic, use extensive outdoor storage, use extensive warehousing or other similar characteristics which make them incompatible uses in foregoing districts. A building or premises shall be used only for the following purposes:

1. Accessory building in conjunction with a principal use.
2. Assembly plant.
3. Automobile repair, including body shop.
4. Baggage, transfer, or storage warehouse, mini-storage or self-storage facility. (Ord. 2005-1640 - Jul. 05 Supp.)
5. Cellophane products manufacturing.
6. Concrete central mixing and proportioning plant.
7. Contractors equipment - sales and storage.
8. Dairy products processing.
9. Essential services.
10. Extraction of sand, gravel and other raw materials, rock crushing, sand and gravel washing.
11. Feed manufacturing, processing and wholesaling.
12. Food products manufacturing, except fish, meat products, sauerkraut, vinegar, yeast and rendering and refining of fats and oils.

13. General manufacturing - except those industries which might tend to produce excessive noise, odor, gas, smoke, dust, danger or tend to create a nuisance.

CODE OF ORDINANCES, WEBSTER CITY, IOWA

-416-

CHAPTER 122

ZONING - DISTRICT REGULATIONS

14. Home occupation in conjunction with a principal use.
15. Iron works, ornamental [no foundry, drop hammer or no punch press over seventy-five (75) tons capacity].
16. Leather products manufacturing - Previously prepared leather with no leather making.
17. Living quarters used by custodians or watchmen.
18. Paper products manufacturing - Previously prepared paper, with no paper making.
19. Parking lots.
20. Pharmaceutical drug manufacturing.
21. Plastic products manufacturing - Previously prepared plastic, with no plastic manufacturing.
22. Sheet metal shop.
23. Soft drink manufacturing or bottling.
24. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
25. Textile products manufacturing.
26. Tire recapping, retreading or rebuilding.
27. Tool manufacturing - No drop hammer or no punch press over seventy-five (75) tons.
28. Truck terminal.
29. Warehousing or wholesaling establishment.
30. Welding shop.
31. Wood products manufacturing.
32. Any use that is interpreted by the Zoning Administrative officer to be similar to those above.
33. Special exception uses allowed by the Board of Adjustment as follows:
 - A. Extraction of top soil, gravel, sand or other natural resources except that in any such operation there shall be a

restoration plan filed with the City containing the following:
(1) an agreement with the City whereby the applicant contracts

CODE OF ORDINANCES, WEBSTER CITY, IOWA

-417-

CHAPTER 122

ZONING - DISTRICT REGULATIONS

to restore the premises to a condition and within a time satisfactory to the City; (2) a physical restoration plan showing the proposed contours after restoration, plantings and other special features for the restoration and the method by which such restoration is to be accomplished; and (3) a bond, written by a licensed surety company, a certified check or other financial guarantee satisfactory to the City Attorney in an amount sufficient to secure the performance of the restoration agreement.

B. Radio towers or radio broadcasting stations.

34. The following uses permitted in a C-3 (Highway Business) District are allowed in a M-1 (Light Industrial) District: lumber yards, essential service buildings, farm machinery sales, nursery, auto sales, bowling alley, and fraternal lodge, and eating and drinking establishments. (Ord.2008-1679-Jun. 08 Supp.)

35. Water Plant. (Ord. 2005-1640 - Jul. 05 Supp.)

36. Wastewater Treatment Plant. (Ord. 2005-1640 - Jul. 05 Supp.)

122.10 M-2 (HEAVY INDUSTRIAL) DISTRICT. The regulations set forth in this section, or set forth in the Zoning Ordinance when referred to in this section, are the regulations in the "M-1" District. This district is established to accommodate business and industrial uses whose operation might tend to produce excessive noise, odor, gas, smoke, dust, danger or tend to create a nuisance. A building or premises shall be used only for the following purposes:

1. Any use allowed in an M-1 (Light- Industrial) District.

2. A use not permitted in an M-1 District may be permitted subject to approval by the City Council after public hearing, and after report and recommendation by the Planning and Zoning Commission. The City Council shall consider all of the following provisions in its determination upon the particular use at the location requested:

A. That the proposed location design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.

B. That such use shall not impair an adequate supply of light and air to surrounding property.

C. That such use shall not duly increase congestion in the streets, or public danger of fire and safety.

CODE OF ORDINANCES, WEBSTER CITY, IOWA
-418-

CHAPTER 122

ZONING - DISTRICT REGULATIONS

D. That such use shall not diminish or impair established property values in adjoining or surrounding property.

E. That such use shall be in accord with the intent, purpose and spirit of this Zoning Ordinance.

(Ord. 91-1372)

Copyright Iowa Codification, Inc.

- 419 -

CHAPTER 122

WEBSTER CITY, IOWA

Copyright Iowa Codification, Inc.

- 420 -

CHAPTER 123
ZONING - GENERAL REGULATIONS

123.01	Fences and Walls	123.13	Width and Yard Requirements for Lots Previously of Record
123.02	Visibility at Intersections	123.14	Area Requirements for Lots of Record
123.03	Screening Requirements - Salvage and Scrap Yards	123.15	Off-street Parking Required
123.04	Private Garages and Accessory Buildings	123.16	Rules for Computing Off-street Parking
123.05	Temporary Buildings	123.17	Location of Parking Spaces; Shared Use
123.06	Table of General Requirements	123.18	Locating Parking Space In Front Yard
123.07	Front Yard Variations	123.19	Off-street Loading Required
123.08	Front Yards For Through Lots	123.20	Planned Residential Units Authorized; Conditions
123.09	Principal Building Projecting Into Required Minimum Yards	123.21	Approval of Planned Residential Units
123.10	Rear Yards Abutting on Alleys	123.22	Adult Entertainment Businesses
123.11	Canopies	123.23	Well Site Protection
123.12	Multiple Buildings on Single Lot	123.24	Towers, Commercial Communication, Transmission and Simillar Towers

123.01 FENCES AND WALLS. In any "A-1", "R-1", "R-2", "R-3", "R-4 " or "R-5" District, fences and walls not exceeding six (6) feet in height are permitted within the limits of side and rear yards. A fence or wall not exceeding four (4) feet in height is permitted within the limits of the front yard. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above ground surface of the retained embankment. In all other districts, fences and walls are permitted not exceeding eight (8) feet in height within the limits of any yard. No barbed wire shall be used for fencing in any residential district except for the R-5 (Suburban Residential) District. Note Section 123.02 of this chapter, also.

(Ord. 2005-1640 - Jul. 05 Supp.)

123.02 VISIBILITY AT INTERSECTIONS. On any corner lot in any "G-1", "A-1", "R-1", "R-2", "R-3", or "R-4" or "R-5" District, no fence, wall or other structure shall be erected, or no foliage plant is permitted to grow to a height of more than two and one-half (2 1/2) feet above the elevation of the established curb grade at the intersection of the streets on that part of any yard which is bounded by the street lines of the intersection streets and a line connecting two (2) points on said street right-of-way lines twenty-five (25) feet from their point of intersection.

(Ord. 2005-1640 - Jul. 05 Supp.)

123.03 SCREENING REQUIREMENTS - SALVAGE AND SCRAP YARDS. Except in those instances described in subsections 1 through 3 below, a scrap yard or salvage yard as defined in the Zoning Ordinance must be surrounded by a solid opaque fence or wall, of uniform design and color, and not less than six (6) feet high, which substantially screens the area in which scrap, salvage or junk is stored or deposited. The fence must be kept in good

good repair and shall not be used for advertising displays or signs. Suitable gates, likewise opaque, are required, which shall be closed and locked after business hours or when the scrap or salvage yard is unattended. A portion of any one gate not to exceed ten (10) feet in length, may be constructed of a nonopaque material to permit observation of the fenced premises. No scrap, salvage or junk shall be permitted to be stored or deposited outside of the fence, nor shall any scrap, salvage or junk be stacked or piled higher than the fence within thirty (30) feet of the fence. Variations from the requirements of this section may be granted as follows:

1. If the perimeter of the scrap or salvage yard is effectively blocked from the public view by natural terrain features or is substantially lower in elevation than the surrounding terrain in a manner which renders thereby the opacity requirements hereof ineffective, the Zoning Administrative Officer may, upon application, allow the substitution of a suitable fence in place of the solid opaque fence required herein.

2. If two (2) or more scrap or salvage yards which otherwise meet the standards of this section abut each other and are located on lots adjoining each other, the fencing requirement of this section shall be waived by the Zoning Administrator for such common boundary so long as the common boundary continues to exist.

3. If a scrap or salvage yard abuts against an opaque fence which meets the fencing requirements, or an opaque structure which is not less than six (6) feet high, the fencing requirements of this section shall be waived by the Zoning Administrator for such common boundary.

123.04 PRIVATE GARAGES AND ACCESSORY BUILDINGS. In any "A" or "R" District the following requirements apply to detached garages and detached accessory buildings:

1. A detached private garage is permitted in the side or rear yard on the same lot with a dwelling either as a separate building or in a separate room within, or attached to the dwelling; however, the number of spaces for motor vehicles shall be no greater than four (4) in an "R-1" District; ten (10) in an "R-2" District; or ten (10) in an "R-3" District.

Copyright Iowa Codification, . Inc.

2. Each detached private garage or accessory building shall be not less than three (3) feet from a party lot line or alley line. On corner lots an accessory building to be used as a garage shall meet the applicable setbacks for the district in which it is located.

(Ord. 2005-1640 - Jul. 05 Supp.)

3. No detached garage or accessory building is permitted within the limits of a front yard. On through lots the front yard setbacks apply on both street frontages.

4. Detached accessory buildings, other than private garages, within a rear yard may not occupy more than one-third (1/3) of such area and shall not be more than twelve (12) feet in height.

5. When wholly or partially within the limits of any side yard, a detached garage or accessory building is considered a part of the principal building on the same lot and shall conform to all yard and space requirements specified herein for principal buildings.

6. No detached garage or accessory building shall contain living quarters.

7. No detached accessory building shall be located within a front yard.

8. (REPEALED BY ORDINANCE NO. 97-1491)

123.05 TEMPORARY BUILDINGS. No temporary buildings, trailers, mobile homes, tents, portable or potentially portable structures shall be used for any purpose in any district, except:

1. when located within a mobile home park;
2. for temporary buildings used to replace a building destroyed by fire or other calamity;
3. for use during renovation, expansion, planning and construction; or,
4. an accessory use in conjunction with the commercial and/or industrial principle use, and not to exceed six (6) months.

All permits allowing temporary buildings are to be for a maximum of two (2) years. Small metal tool sheds, playhouses, and dog houses that are anchored adequately are excluded from the aforementioned requirements. Overnight camping trailers, travel trailers, and tents are excluded from aforementioned requirements for periods not to exceed two (2) weeks.

Temporary buildings are not required to meet setback requirements and shall not be located on City right-of-way without the approval of the Administrative Authority. (Ordinance 97-1483)

123.06 TABLE OF GENERAL REQUIREMENTS. The following table gives height, yard, lot width, and area requirements generally, based on the assumption that said lot is served by public water and sewer. When public water and sewer are not available, minimum lot size shall be 20,000 square feet EXCEPT in an R-5 (Suburban Residential) District which requires lot area to be established by the County Sanitarian, but in no case less than 60,000 square feet.

ZONING DISTRICT	Maximum Height of Building (a)		Minimum Yard Requirements in feet (b)			Minimum Lot Width in feet		Minimum Lot Area Per Dwelling Unit in square feet		
	Stories	Ft.	Front	Rear	Side	Building Line	Street Line	One	Two	Over Two (each)
G-1 Greenbelt	2	35	50(h)	50	20	100	40	N/A	N/A	N/A
A-1 Agricultural	2	35	50(h)	50	20	100	40	20,000	23,000	N/A
R-1 Single Family	2	35	25(h)(l	25	(c)	60	40	6,000	7,500	N/A
R-2 Multiple Family	2 1/2	35	20(h)(l	25	(c)	60	40	6,000	6,500	1,500(f)
R-3 Over 4 Unit Multiple	3	35	20(h)(l	25	(c)	60	40	6,000	6,500	1,250(g)
R-4 Mobile Home Park	3	35	35	35	35	200	40	43,560	N/A	N/A
R-5 Suburban Residential	2 1/2	35	50	50	10	100	40	60,000*	N/A	N/A
C-2 Central Business	4	50	(h)	(d)	(d)	20	20	N/A	N/A	N/A
C-3 Hiway Business	3	35	20(h)	25	(d)	20	20	N/A	N/A	N/A
M-1 Light Industrial	4	50	30(h)	40 (i)	0(j)	20	20	N/A	N/A	N/A
M-2 Heavy Industrial	4	50	30(h)	40(i)	0(k)	20	20	N/A	N/A	N/A

*See 122.06A[4.A.(2)]

- (a) Farm buildings other than dwellings, communication towers, flag poles and bell towers are exempt from these regulations.
- (b) These regulations do not apply to a church, school, library, museum, club, community buildings where activities, games, meetings, and group functions are held, social center, community building or building of similar institution. The following regulations will apply in R-1, R-2, R-3 zones only:
- (1) Front yards shall be a minimum of 35 feet;
 - (2) Side yards shall be a minimum of 20 feet plus 1 foot for each additional 2 feet of building height over 50 feet;
 - (3) Rear yards shall be a minimum of 34 feet.
- (c) Side yards shall be a minimum of 6 feet for one-story buildings, 8 feet for two-story buildings, 10 feet for two and one-half-story buildings.
- (d) Side yard setback required on the side of a lot adjoining an "R-1", "R-2", or "R-3" District in which case the side yard regulation of the district which it adjoins shall apply. No rear yard required except on the rear of a lot abutting an "A-1", "R-1", "R-2", "R-3" District in which case the rear yard regulations of the district which it adjoins shall apply. On corner lots the side yard adjoining the street or public place shall be a minimum of 10 feet in the "C-3" District.
- (e) Reserved. (Ord. 2003-1610-Nov.03 Supp.)
- (f) Area requirements for structures containing 6 or more dwelling units shall provide 1,500 square feet of lot area per each dwelling unit.
- (g) Area requirements for structures containing 6 or more dwelling units shall provide 1,250 square feet of lot area per each dwelling unit.
- (h) All yard measurements shall be from existing street right-of-way lines except when there is a proposed Major Thoroughfare Plan on file. In such case yard measurements must be made from proposed Major Thoroughfare right-of-way lines.
- (i) Rear yard depth shall be 40 feet, unless the rear lot line adjoins a railroad right-of-way, in which case, none required.
- (j) Required adjacent to an "R" District in which case not less than 25 feet, except none required when separated by a public street, not less than 60 feet of right-of-way. On corner lots, the side yard adjoining the street or public place shall be a minimum of 15 feet in "M-1" District.
- (k) Required adjacent to an "R" District, in which case, not less than 100 feet, except none required when separated by a public street, not less than 60 feet of right-of-way. On corner lots, the side yard adjoining the street or public place shall be a minimum of 15 feet in "M-2" District.
- (l) On corner, interior or irregular shaped lots, all lot lines abutting an existing or a future public street/right-of-way (greater than 18') will have the required front yard setback. The portion of the lot abutting what would be the side yard setback for the adjacent lot will be considered the side yard for said lot also. Note examples on Figure #1 in the Appendix of this Code of Ordinances.

(Ord. 2003-1603 - Jul. 03 Supp.)

123.07 FRONT YARD VARIATIONS. In any District the required front yard depth for a principal building located on a lot within seventy (70) feet measured along the street line from the nearest corner of the lot under consideration, to any portion of two (2) or more lots in the same block and which lots are occupied by buildings which front on the same street as the proposed principal buildings, shall be the average of the front yard depth of such existing buildings. In computing such front yard depth, existing buildings with front yard depths greater than fifty (50) feet shall be assumed to have a front yard depth of fifty (50) feet and a building with a front yard depth of less than required shall be assumed to have a depth as measured.

123.08 FRONT YARDS FOR THROUGH LOTS. On through lots, the required front yard shall be provided on both streets. No accessory building or structure may extend into either of the required front yards. The provisions of the preceding Section 123.07 of this chapter also apply when determining the front yard setbacks for through lots.

(Ord. 2005-1640 - Jul. 05 Supp.)

123.09 PRINCIPAL BUILDING PROJECTING INTO REQUIRED MINIMUM YARDS.

PERMITTED PROJECTIONS (IN FEET)

	Front	Side	Rear
Cornices, Eaves, Gutters	2	2	2
Steps and Bay windows not more than 1/3 the width of the frontage of the building	5	5	5
One-story vestibules not to exceed eight (8) feet in width	6	0	0
Chimneys	2 ½	2 ½	2 ½
Accessory Buildings	(As Noted in this Zoning Ordinance)		

123.10 REAR YARDS ABUTTING ON ALLEYS. Where a lot abuts on an alley, one-half (1/2) of the alley width may be considered as part of the rear yard. However, the alley width may not be used to meet the required setbacks for detached accessory buildings or detached garages within "R" Districts.

123.11 CANOPIES. This Section applies only to canopies in a C-3 (Highway Business District). Canopies in all other districts shall comply with regulations for buildings permitted in their respective districts.

1. Definition. A canopy is a roof-like structure open on a minimum of three (3) sides including the street side.

2. Setback. None

3. Clearance from Grade. (When within required setback)

A. Minimum: Ten (10) feet.

B. Maximum: Sixteen (16) feet.

4. Projection into Right-of-Way: Prohibited.

123.12 MULTIPLE BUILDINGS ON SINGLE LOT. More than one (1) principal building may be erected upon a lot in the case of commercial or industrial buildings or of multiple dwellings, hospitals, institutions and public buildings, where such uses are permitted, provided that all yard and area requirements otherwise required on the lot for a single building are observed.

123.12 WIDTH AND YARD REQUIREMENTS FOR LOTS PREVIOUSLY OF RECORD. Where a lot of record at the time of the effective date of the Zoning Ordinance has less width than herein required in the district in which it is located and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nonetheless be used for a one-family dwelling or for any nondwelling use permitted in the district in which it is located, providing that all yard requirements are met except that lots of record at the time of adoption of the Zoning Ordinance having a width of less than sixty (60) feet, the interior side yards may be reduced for single-family dwellings to four (4) feet.

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

123.15 OFF-STREET PARKING REQUIRED. In all districts except C-2 there shall be provided at the time any building is erected or structurally altered (except as otherwise provided in the Zoning Ordinance), off-street parking spaces (not including any

space within a building or structure) in accordance with the following requirements:

1. Dwellings: One (1) and Two (2) Family dwellings - Two (2) parking spaces for each dwelling unit; Multiple dwelling - Two (2) parking spaces for each dwelling unit. Parking spaces for multiple dwellings shall be paved with asphalt or P.C. Concrete and shall not be located in the front yard.
2. Rooming, lodging or boarding house: One (1) parking space for each sleeping room.
3. Private club or lodge including golf clubs: one (1) parking space for every fifteen (15) memberships.
4. Church or temple: one (1) parking space for each eight (8) seats in the main auditorium.
5. School (except high school or college): One (1) parking space for each ten (10) seats in the auditorium or main assembly room, or one (1) space for each classroom, whichever is greater.
6. College or high schools: One (1) parking space for each eight (8) seats in the main auditorium or three (3) spaces for each classroom, whichever is greater.
7. Community center, library, museum or art gallery: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.
8. Hospital: One (1) parking space for each four (4) beds plus one (1) for each two (2) employees.
9. Sanitarium, convalescent home, home for the aged or similar institution: One (1) parking space for each six (6) beds.
10. Theater or auditorium (except school): One (1) parking Space for each fifteen (15) seats or bench seating spaces.
11. Seasonal camp or cabin: one (1) parking space for each two (2) beds for each cabin or sleeping unit, whichever is greater.
12. Sports arena, stadium or gymnasium: One (1) parking space for each five (5) seats of seating spaces.

13. Hotel: One (1) parking space for each three (3) sleeping rooms or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.

14. Tourist home, cabin, or motel: One (1) parking space for each sleeping room.

15. Dance hall, assembly or exhibition hall without fixed seats: One (1) parking space for each one hundred (100) square feet of floor area used therefor.

16. Business or professional office building including studios, banks, medical or dental clinics: Three (3) parking spaces plus one (1) additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000).

17. Bowling alley: Five (5) parking spaces for each lane.

18. Mortuary or funeral home: One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors and individual funeral service rooms. However, in an R-2 or R-3 District, there shall be a minimum of 35 off-street parking spaces provided. (Ord. 2006-1651 - Aug. 06 Supp.)

19. Retail store, hardware store or personal service establishment, except as otherwise specified herein: One (1) parking space for each two hundred (200) square feet of floor area.

20. Furniture or appliance store, wholesale establishments, machinery or equipment sales and service, clothing repair, shoe repair, or service shop: Two (2) parking spaces plus one (1) additional parking space for each five hundred (500) square feet of floor area over one thousand (1,000).

21. Printing or plumbing shop or similar service establishment: One (1) parking space for each three (3) persons employed therein.

22. Manufacturing or industrial establishment research or testing laboratory, creamery, bottling plant, warehouse or similar establishment: One (1) parking space for each two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

23. Automatic car wash (not self service): Three (3) parking spaces for each washing bay.

24. Gasoline service stations: Three (3) parking spaces plus two (2) for each service stall.
25. Fraternity or Sorority: one (1) parking space for each three hundred (300) square feet of floor area in the building.
26. Eating or drinking establishment, Restaurant, Night Club, Cafe, or Similar Recreation or Amusement Establishment: One (1) parking space for each one hundred (100) square feet of floor-area.
27. One (1) bedroom apartment under six hundred (600) square feet or efficiency living unit: one and one-fourth (1 1/4) parking spaces per unit.
28. Country Golf Course: Four (4) parking spaces per hole; County Fairgrounds: Parking spaces equal to one-half (1/2) the capacity of the grandstand in addition to twenty (20) spaces per exhibition building.

Off-street parking is not required in the "C-2" District.

123-16 RULES FOR COMPUTING OFF-STREET PARKING. In computing the number of off-street parking spaces required, the following rules govern:

1. "Floor area" means the gross floor area of the specific use.
2. Where fractional spaces result, the parking spaces required are the nearest whole number.
3. The parking space requirement for a use not specifically mentioned herein is the same as required for a use of similar nature.
4. Whenever a building erected or established after the effective date of the Zoning Ordinance is 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.
5. Whenever a building existing prior to the effective date of the Zoning Ordinance is enlarged to the extent of fifty percent (50%) or more in the floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

Copyright Iowa Codification, Inc.

6. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

7. The size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine (9) by twenty (20) feet plus adequate area for ingress and egress.

123.17 LOCATION OF PARKING SPACES; SHARED USE. All parking spaces required herein shall be located on the same building or lot as the use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet therefrom.

1. Not more than fifty percent (50%) of the parking spaces required for (a) theaters, bowling alleys, dance halls, nightclubs or cafes and up to one hundred percent (100%) of the parking spaces required for a church or school auditorium may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a); provided, however, that written agreement thereto is properly executed and filed as specified below.

2. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney, and shall be filed with the application for a building permit.

123.18 LOCATING PARKING SPACE IN FRONT YARD. Off-street parking space may be located within the required front yard in any "C-2", "C-3", "M-1", or "M-2" District, provided such space is fifty (50) feet or more away from any "R" District. No off-Street parking is permitted in the front yard of any "R" District, except upon a regularly constructed, duly authorized driveway and parking lots in conjunction with a permitted use when the parking lot meets all yard setbacks.

(Ord. 2005-1640 - Jul. 05 Supp.)

123.19 OFF-STREET LOADING REQUIRED. There shall be provided at the time any building is erected or structurally altered in any "C" or "M" District (except as otherwise provided in the Zoning Ordinance) one (1) off-street loading space for the first ten thousand (10,000) square feet of gross

Copyright Iowa Codification, Inc.

floor area plus one (1) additional space for each twenty thousand (20,000) feet or any part thereof of additional square feet of gross floor area.

123.20 PLANNED RESIDENTIAL UNITS AUTHORIZED; CONDITIONS. The owner of any tract of land containing two (2) or more acres may submit to the Council a plan for the use and development of all of the tract of land for residential and accessory purposes. Such plan shall be referred to the City Planning Commission for study, report and public hearing. After public hearing, the same shall be submitted to the Council for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the plans and specific evidence and facts showing that the proposed planned residential unit meets the following conditions:

1. That the property adjacent to the area included in the plan will not be adversely affected, and to this end the Commission may provide, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project.
2. That the plan is consistent with the interest and purposes of the zoning ordinance to promote public health, safety, morals and general welfare.
3. That the building shall be used for only one (1) family dwellings, two (2) family dwellings, multi-family dwellings and the usual accessory buildings and uses such as garages, storage space or community activities, including churches and including limited commercial activities such as laundry facilities that primarily serve the residents of the complex.
4. That the average lot area per family, exclusive of the area occupied by public streets, shall not be less than the lot area per family required in the district in which the property is located.
5. That sufficient area is reserved for recreational facilities.

123.21 APPROVAL OF PLANNED RESIDENTIAL UNITS. If the Council approves the plan, building permits and certificates of occupancy may be issued, although the use of the land and the location of the buildings to be erected on the land, the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.

Copyright Iowa Codification, Inc.

In event of any variation in the plan, as approved by the Council, the Zoning Administrative Officer shall deny the permit and the applicant for such permit may revise or amend his plan and resubmit the same to the Council for approval as an original plan.

123.22 ADULT ENTERTAINMENT BUSINESSES. No person shall cause or permit the establishment of any adult entertainment business as defined in Section 121.02 in any district zoned for residential use or within one thousand (1,000) feet from another business, school, church, public park, public playground, public plaza, day nursery, day care center, nursery school, regularly scheduled school bus stop, or any dwelling (one family, two family or multiple dwelling).

The "establishment" of an adult entertainment business shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses described as an adult entertainment business in Section 121.02.

Measurement of the one thousand (1,000) foot restriction shall be taken on a direct line from the property line of such adult entertainment business to the point on the property line of such other business, school, church, public park, public playground, public plaza, day nurseries, day care center, nursery school, regularly scheduled school bus stop, or any dwelling (one family, two family or multiple dwelling).

All buildings used for adult entertainment business shall have their openings, entries, windows, etc., constructed, located, covered, or screened in such a manner as to prevent a view into the interior of such building from any pedestrian sidewalk, walkway, street or other public or semi-public area. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from the pedestrian sidewalks, walkways, or other public or semi-public area.

(Section 22 added by Ordinance No. 95-1452)

123.23 WELL SITE PROTECTION. No activity, use, land, structure and/or building shall be permitted within the distance specified herein from a public well without written signed permission from the administrative authority, Iowa Department of Natural Resources, and the Iowa Department of Health.

Supp. Jun-97

Contamination source	Minimum Separation Distance From Well (feet)
Animal pasturage, cisterns, basements, pits or sumps.	50
Sanitary and storm sewers and drains, sewer force mains.	75
Water plant wastes, land application of solid wastes, irrigation of wastewater, concrete vaults and septic tanks, chemical application to the ground, Chemical and mineral above ground storage, waste storage, silage storage trench or pit, animal enclosures.	100
Mechanical wastewater treatment plants, sanitary or industrial discharge to the ground, cesspools and earth privies, soil absorption fields, animal waste solids, stockpile basin or lagoon, on or underground chemical and mineral storage, cemeteries, private wells, solid disposal sites.	200

(Added by Ordinance No. 97-1490)

123.24 TOWERS, COMMERCIAL COMMUNICATION, TRANSMISSION AND SIMILAR TOWERS. A tower structure shall be no closer to any public right-of-way or other property line than the distance equivalent to the height of the structure, including accessories or antenna mounted atop the structure. Said distance shall be measured from the street right-of-way line and/or from all property lines of the proposed site to the center of the structure base.

1. A tower structure shall be located on a parcel not less than 3 acres in size.

Supp. Aug-97

2. All tower structures shall be protected from unauthorized access by a security screen or fence no less than six (6) feet high.
3. All proposals shall be accompanied by an engineer certified collapse range specifications.
4. Any tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such tower shall remove same within 90 days of receipt of notice from the City notifying the owner of such abandonment.
5. An application for a Building/Zoning Permit shall include, but not be limited to, the following:
 - A. A site plan, which clearly delineates the location, type and height of the proposed tower.
 - B. Area maps showing the location of the proposed facilities.
 - C. A description of the parcel.
 - D. A landscape plan.
 - E. Fencing describing in detail the color and type of materials to be used.
 - F. A certification of the applicant that the tower will comply with all applicable Federal, State and local standards and regulations.
 - G. Whether the tower can accommodate collocation of additional antennas.
 - H. A statement by the telecommunications company that it holds a valid license as required by State or Federal law.
 - I. A description of how the proposed site fits into the applicant's overall network.
 - J. All other materials necessary for the City to properly evaluate the applicant's request.
6. Antennas and towers must conform to the setback limitations of a principal building.

Exception:

1. Amateur radio, private or other noncommercial antennas.
 2. Antennas/towers less than 75 feet in height and owned and operated by Federally licensed amateur radio station operator.
 3. Exclusively for receiver only antennas.
 4. Antennas located on municipal water towers and grain elevators not exceeding 20 feet from said structure.
- (Added by ordinance No. 97-1491)

Supp. Aug-97

Copyright Iowa Codification, Inc.

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

CHAPTER 124
ZONING - ADMINISTRATION AND ENFORCEMENT

124.01 Duties of Zoning Administrative Officer, Zoning Board of Adjustment, Council and Courts on Matter of Appeal	124.11 Chairperson of Board; Meetings; Quorum
124.02 Zoning Compliance Permit Required	124.1 Records of Board Required
124.03 Application for Zoning Compliance Permit	124.13 Appeals to Board
124.04 Issuance of Permit	124.14 Fee for Appeals
124.05 Refusal of Permit	124.15 Disposition of Appeals
124.06 Permit Records; Fees	124.16 Powers of Board
124.07 Expiration; Extension of Permits	124.17 Appeals from Decisions of Board
124.08 Board of Adjustment Established	124.18 Amendments Authorized
124.09 Secretary of Board	124.19 Petition for Amendment
124.10 Regulations of Board	124.20 Fee for Petitions
	124.21 Renewal of Petition After Denial

124.01 DUTIES OF ZONING ADMINISTRATIVE OFFICER, ZONING BOARD OF ADJUSTMENT, COUNCIL AND COURTS ON MATTER OF APPEAL. It is the intent of the Zoning Ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the Zoning Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Zoning Board of Adjustment shall be to courts as provided by law. It is further the intent of the Zoning Ordinance that the duties of the Council in connection with the Zoning Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this chapter. Under the Zoning Ordinance, the Council shall have only the duties of (1) considering adopting or rejecting proposed amendments or the repeal of the Zoning Ordinance, as provided by law, (2) establishing fees by Resolution, and (3) considering Planned Residential units as provided for in the Zoning Ordinance.

124.02 ZONING COMPLIANCE PERMIT REQUIRED. It is unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing or moving of any building or structure, or of any portion thereof, without first having applied in writing to the Zoning Administrative Officer for a Zoning Compliance Permit to do so. A separate permit is required for each building or structure unless the building or structure is part of a larger complex such as the display buildings of a lumber yard. A Zoning Compliance

Copyright Iowa Codification, Inc.

Permit is also required for an Automobile Dealership License. A Zoning Compliance Permit is not required for the following; however, the exemption shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the Zoning Ordinance or any other laws or ordinances of the City:

1. A one (1) story detached accessory building used as a tool or storage shed, playhouse, or a similar use, provided the projected roof area does not exceed one hundred twenty (120) square feet.
2. Fences.
3. Retaining wall.
4. Essential service building or structure.
5. Platform, deck, or walk not more than thirty (30) inches above grade.
6. Swimming pools less than two (2) feet in water capacity depth. Swimming pools greater than two (2) feet in water capacity depth require setbacks for accessory buildings in a "R" zone.
(Amended by Ordinance No. 93-1414)

124.03 APPLICATION FOR ZONING COMPLIANCE PERMIT. To obtain a Zoning Compliance Permit the applicant shall first file an application in writing on a form furnished by the Zoning Administrative Officer. Each application shall include:

1. A description of the land on which the proposed activity is to be done, including a legal description, street address, or similar description, that will readily identify and locate the proposed building or activity.
2. A description of the proposed action, including the use and any proposed structures.
3. A plot plan showing:
 - A. All existing and proposed building(s) and/or additions to existing buildings.
 - B. Dimensions of existing and proposed buildings or additions thereto.
 - C. Dimensions between the property lines and the buildings or proposed additions.

Supp. May-93

D. Size and location of existing or proposed parking space.

4. Signature of the applicant or his agent.

5. Any other data or information as may be required by the Zoning Administrative officer.

124.04 ISSUANCE OF PERMIT. If, after reviewing the application, the Zoning Administrative Officer finds that the building or structure in the proposed location complies with all the provisions of the Zoning ordinance, he shall upon payment of the required fee issue a building permit therefor. Said application shall be signed by both the owner, builder, or authorized agent.

124.05 REFUSAL OF PERMIT. If, after reviewing the application, the Zoning Administrative Officer finds that the building or structure in the proposed location does not comply with the provisions of the Zoning Ordinance, he shall furnish the applicant with a statement, signed by the enforcing officer, refusing to issue such permit and setting forth the reason for such refusal. The refusal by the Zoning Administrative Officer to issue a permit may be appealed by the applicant to the Zoning Adjustment Board in the manner provided herein.

124.06 PERMIT RECORDS; FEES. The Zoning Administrative officer shall keep a record in his office of all applications filed, permits issued, or refused, and if refused, and appealed, final action thereon. The City Council shall establish a fee by Resolution which shall be paid at the Clerk's office for each zoning compliance permit issued. No refunds, or parts thereof, will be issued.

124.07 EXPIRATION; EXTENSION OF PERMITS. Any Zoning Compliance Permit not used shall expire in one hundred eighty (180) days. However, if new construction is required, the one hundred eighty (180) days shall start on the date of issuance of occupancy Certificate. A Zoning Compliance Permit may be extended once for a period not exceeding one hundred eighty (180) days by the zoning Administrative Officer.

124.08 BOARD OF ADJUSTMENT ESTABLISHED. There shall be a Zoning Board of Adjustment, hereinafter referred to as the board, consisting of seven (7) members.

1. Five (5) members shall be residents of the City, appointed by the Council, and two (2) members shall be residents of the area outside the City over which the zoning jurisdiction of the City has been extended, appointed by the County Board of Supervisors.

Supp. May-95

2. Appointments to the board shall be for a term of five (5) years.

3. Any vacancy shall be filled in the same manner for the unexpired portion of the term. In the event of the absence from the City or the incapacity of a member, the Council may appoint a substitute who shall serve as a member of the board, with the same powers and authority as the regular member, until such regular member has returned, or has become capacitated for further service.

4. Terms of office begin on January first of the year of the appointment.

5. No member may be reappointed more than one (1) time.

6. All members of the board shall serve without compensation.
(Amended by Ordinance No. 95-1445)

124.09 SECRETARY OF BOARD. The Clerk shall serve as the secretary of the Board. In the absence of the secretary, the chairperson of the board may appoint one (1) of the members of the board to act as secretary pro tem for the meeting. The board has the power to call on any City department for assistance in the performance of its duties, and it shall be the duty of such department to render such assistance as may be reasonably required.

124.10 REGULATIONS OF BOARD. The board may adopt, from time to time, subject to the approval of the Council, such rules and regulations as it may deem necessary to carry into effect the provisions of the Zoning Ordinance.

124.11 CHAIRPERSON OF BOARD; MEETINGS; QUORUM. The Board chairperson, meetings and quorum shall be set out as follows:

1. The board shall annually elect its own chairperson at the first meeting on or after January first of each year.

2. The chairperson, or in the chairperson's absence the acting chairperson, may administer oaths and compel the attendance of witnesses.

3. There shall be a fixed place of meeting and all meetings shall be open to the public.

4. The presence of four (4) members shall be necessary to constitute a quorum.

Supp. Jul-95

5. The concurring vote of four (4) members of the board is necessary on all matters upon which it is required to pass under the provisions of the Zoning Ordinance.

6. It shall be the chairperson's responsibility to set all hearing dates and times at which time the board shall consider any appeals brought forth by any aggrieved person or company.

(Amended by ordinance No. 95-1446)

124.12 RECORDS OF BOARD REQUIRED. The secretary of the board shall keep minutes of its proceedings, showing the vote of each member upon each question. If a member is absent or fails to vote, the minutes shall indicate such fact. The board shall keep records of its official actions, which shall be on file in the office of the Clerk as a public record.

124.13 APPEALS TO BOARD AUTHORIZED; PROCEDURE. Appeals to the board may be taken by any person or company aggrieved by any decision of the enforcing officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the secretary of the board a written notice of appeal specifying the grounds thereof and the publication of the notice of appeal in a paper of general circulation in the City as provided by the regulation of the board. The secretary of the board shall give prompt notice of such appeal to the enforcing officer who shall forthwith transmit to the board all papers and documents constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the enforcing officer certifies to the board after the notice of the appeal shall have been filed with him, that by reason of facts stated in the appeal a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record on application of notice to the enforcing officer and due cause shown.

124.14 FEE FOR APPEALS. All appeals to the board filed with the secretary shall be accompanied by a filing fee payable to the City to cover costs of publishing notice of appeal and other incidental expenses. The Council shall establish the fee by Resolution.

124.15 DISPOSITION OF APPEALS. The final disposition of any appeal shall be in the form of a resolution by the board, either reversing, modifying, or affirming the decision or determination appealed from. A copy of such resolution shall be filed with the enforcing officer.

Supp. Jul-95

124.16 POWERS OF THE BOARD.

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

A. A written application for a variance is submitted demonstrating that one (1) of the following conditions applies:

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

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

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

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

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

B. Notice of Public Hearing shall be given in advance of the Public Hearing. The owner of the property for which the variance is sought or his agent and all affected property owners within fifty (50) feet of the exterior boundaries of said property (intervening streets and alleys shall not be included in and computing said fifty feet) shall be notified by mail. Said notice shall be given at least seven (7) days in advance of hearing by placing notices in the United States mail, addressed to the last known address of property owners.

Supp. Jul-95

C. A Public Hearing shall be held duly advertised to the public according to Chapter 362, Code of Iowa. Any party may appear in person, or by attorney.

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

E. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance.

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

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

2. Special Exceptions. To permit the following exceptions to the district regulations set forth in the Zoning Ordinance subject to the requirements of this section.

A. To permit erection and use of a building or the use of premises or vary the height and the regulations in any location for a public service corporation for public utility purposes or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.

B. To permit the extension of a use into a district where it would be otherwise prohibited in a case where a district boundary line is so located that a lot or plot is in more than one (1) district.

C. To hear and decide only such other special exceptions as the Board is specifically authorized to pass on by the terms of the Zoning Ordinance; to decide such

Supp. Jul-95

Copyright Iowa Codification, Inc.

questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under the Zoning ordinance, or to deny special exceptions when not in harmony with the purpose and intent of the Zoning Ordinance. A special exception shall not be granted by the Board unless and until:

(1) A written application for special exception is submitted indicating the section of the Zoning ordinance under which the special exception is sought and stating grounds on which it is requested.

(2) Notice of Public Hearing shall be given in advance of Public Hearing. The owner of the property for which special exception is sought or his agent and all affected property owners within two hundred (200) feet of said property (intervening streets and alleys shall not be included in computing said two hundred feet) shall be notified at least seven (7) days in advance of hearing by placing notice in the United States mail addressed to the last known address of said property owners.

(3) A Public Hearing shall be held duly advertised to the public according to Chapter 362, Code of Iowa. Any party may appear in person, or by attorney.

(4) The Board shall make a finding that it is empowered under the section of the Zoning ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

In granting any special exception, the Board may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the special exception is granted, shall be deemed a violation of the Zoning Ordinance. The Board may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

Supp. Jul-95

Copyright Iowa Codification, Inc.

3. Special Use Permits Authorized. The Zoning Board of Adjustment may, by special permit after holding the required public hearing and subject to such protective restrictions that it deems necessary, authorize the location, construction, extension or structural alteration of uses and structures that are specifically listed as special exception uses within each district of the Zoning ordinance. Notice of time and place of hearing shall be given to all affected property owners within two hundred (200) feet of said property (intervening streets and alleys shall not be included in computing said two hundred feet) at least seven (7) days in advance of hearing by placing notices in the United States mail, addressed to the last known address of said property owners. All authorizations passed by the Zoning Board of Adjustment for special permits shall expire one hundred eighty (180) days after the date of its authorization unless a building permit has been issued and the actual construction started. Where unusual circumstances may prevent compliance with the time requirement for start of construction, the Zoning Board of Adjustment may, upon written request by the affected party, extend the time for required start of construction an additional sixty (60) days. Excavation shall not be considered construction for the purpose of enforcing the Zoning Ordinance.

In exercising the above mentioned powers, the Board may, so long as such action is in conformity with the terms of the Zoning Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant or any matter upon which it is required to pass under the Zoning ordinance, or to effect any variation in the application of the Zoning ordinance.

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

Supp. Jul-95

Copyright Iowa Codification, Inc.

124.18 AMENDMENTS AUTHORIZED. The Council may, from time to time, on its own initiative, on petition, or on recommendation by the Planning Commission, amend, supplement or change the regulations, districts, or official Zoning map herein or subsequently established. Said amendments may be of a nature that covers a complete district or use. Said amendments, supplements or changes shall not be acted upon until after a report by the Planning Commission has been received or after thirty (30) days' written notice to the Commission and after public notice and hearings as provided by law. The notice of public hearing shall be published as provided in Section 362, Code of Iowa, except that at least seven (7) days, notice must be given and in no case shall the public hearing be held earlier than the next regularly scheduled Council meeting following the published notice. Said amendment, supplement or change shall not become effective except by the favorable vote of a majority of all the members of the Council. in the case of a written protest (filed before or at the public hearing) against a change or repeal which is filed with the Clerk and signed by the owners of twenty percent (20%) or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent (20%) or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective unless it receives the favorable vote of at least three fourths (3/4) of all the members of the Council.

124.19 PETITION FOR AMENDMENT. Whenever any person desires that any amendment or change be made in the Zoning Ordinance, including the text and/or map, as to any property in the City or within the two (2) mile zoning jurisdiction, there shall be filed with the Clerk a petition requesting the Council to make such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, listing the names of all property owners within the affected property and within two hundred (200) feet from the exterior boundaries of the affected property. The City shall notify all property owners within the area proposed for change or amendment and within two hundred (200) feet of the outward boundaries of the area proposed for change of such proposal and public hearing prior to the required public hearing. These property owners shall be notified by mail. The City Planning and Zoning Commission shall file its recommendations approving, disapproving, or modifying the proposed amendment, supplement or change with the Council within thirty (30) days thereafter. The Planning and Zoning Commission may hold a public hearing on the proposal, but such public hearing shall not be used as the required public hearing on the part of the Council. It shall be

Supp. Jul-95

the duty of the Council to vote upon such petition within ninety (90) days after the filing of such petition with the Clerk, subject, however, to the organization rules of the Council.

124.20 FEE FOR PETITIONS. All petitions for amendment filed with the Clerk will be accompanied by a filing fee payable to the City to cover costs of publishing notice of the proposed amendment and other incidental expenses. No refund shall be made of said fee or any part thereof. The Council shall establish the fee by Resolution.

124.21 RENEWAL OF PETITION AFTER DENIAL. Whenever a petition requesting an amendment, supplement, or change of any regulation prescribed by the zoning Ordinance has been denied by the Council, such petition cannot be renewed for one (1) year thereafter unless it is signed by the owners of at least fifty percent (50%) of the property owners who previously objected to the change.

[The next page is 475]