

**ORDINANCE NO. 402**

An Ordinance Amending the Code of Ordinances of the City of Lake City, Iowa by Amending Provisions Pertaining to Zoning Regulations

BE IT ENACTED by the Council of the City of Lake City, Iowa:

**CHAPTER 1****GENERAL REGULATIONS**

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**1.01 TITLE.** The title of Chapters 1 thru 5 shall be known as the Zoning Ordinance of the City of Lake City or the Lake City Zoning Code.

**1.02 JURISDICTION.** The provisions of the Lake City Zoning Code shall be applicable to all property within the corporate limits of the City, and as may be amended by subsequent annexation.

**1.03 PURPOSE.** For the purpose of promoting the health, safety, morals, or the general welfare of the community or for the purpose of preserving historically significant areas of the community, the City of Lake City is empowered by the *Code of Iowa*, Chapter 414, to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

*(Code of Iowa, Chapter 414)*

**1.04 CONSISTENCY WITH COMPREHENSIVE PLAN.** The City of Lake City intends that this Zoning Code and any amendments to it shall be consistent with the City's Comprehensive Plan. It is the City's intent to amend this Zoning Code whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Plan.

**1.05 AMENDMENTS.** All ordinances that amend, repeal, or in any manner affect this Zoning Code shall include proper reference to chapter, section, subsection, or paragraph to maintain an orderly codification of ordinances of the City.

**1.06 PLANNING AND ZONING COMMISSION RECOMMENDATIONS.** Pursuant to Section 414.6 of the *Code of Iowa*, it shall be the purpose of the Planning and Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning and Zoning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report.

**1.07 DISTRICT REGULATIONS, RESTRICTIONS, AND BOUNDARY CREATION.** No such regulations, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings, as well as, the location of the affected district(s) by naming township(s) and section(s) if possible, by describing the roads and streets that form the boundaries of the affected area shall be given by publication thereof in a paper of general circulation in the City at least one time, not less than four days or more than 20 days prior to such hearing.

**1.08 COURTESY NOTICE.** As per State law Section 362.3 of the *Code of Iowa*, notification shall be published between four and 20 days in advance of a public meeting. A publication required by the City Code must be printed in a newspaper published at least one weekly and having general circulation in the City.

**1.09 ABBREVIATIONS AND ACRONYMS.** For the purpose of this Zoning Code, the following listing of abbreviations and acronyms shall be used throughout the Code.

1. “ADA” stands for Americans with Disabilities Act
2. “CFR” stands for Code of Federal Regulations
3. “DU” stands for Dwelling Unit
4. “EPA” stands for Environmental Protection Agency
5. “IDNR” stands for Iowa Department of Natural Resources
7. “FCC” stands for Federal Communication Commission
8. “FEMA” stands for Federal Emergency Management Agency
9. “GFA” stands for Gross Floor Area
10. “HUD” stands for US Department of Housing and Urban Development
11. “KV” stands for Kilovolt
12. “KW” stands for Kilowatt
13. “IDOT” stands for Iowa Department of Transportation
14. “NPDES” stands for National Pollutant Discharge Elimination System
15. “NRCS” stands for Natural Resources Conservation Service
16. “USC” stands for United States Code
17. “USACE” stands for United States Army Corps of Engineers
18. “USDA” stands for United States Department of Agriculture

**1.10 DEFINITIONS.** For the purposes of the City’s Zoning Code the following words, terms, phrases, and illustrations are to be interpreted and defined as follows unless otherwise defined within the Zoning Code. Terms not defined within this section shall have the meaning customarily assigned to them.

1. Definitions for words beginning with “A”

A. “Abandoned sign” means a sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site, or which contains no sign copy on all sign faces for a continuous period of six months.

B. “Abandonment” means to cease or discontinue a use or activity without intent to resume, as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

C. “Abut” means to physically touch or boarder upon, or to share a common property line.

D. “Abutting” means to have lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.

E. “Accessory structure” means a structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

F. “Accessory use” means a use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

G. “Addition” means any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

H. “Adult oriented business” means any one of or any combination of the following, which are customarily not open to persons who have not attained the age of 18 years of age.

(1) “Adult art” or “adult modeling studio” means an establishment or business which provides the services of modelling for the purpose of viewing and/or reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or otherwise; provide entrance to such establishment and such service are available only to adults.

(2) “Adult artist” or “body painting studio” means an establishment or business which provides the services of applying paint or other substance whether transparent or nontransparent to or on the human body when such body is wholly or partially nude; provided entrance to such establishment and such services are available only to adults.

(3) “Adult bath house” means an establishment or business which provides the services of baths, including all forms and methods of hydrotherapy; provided entrance to such establishment and such services are available only to adults; and not including such services provided by a medical practitioner or professional physical therapist licensed by the State of Iowa.

(4) “Adult bookstore” means an establishment having as the primary portion of its stock in trade, books, magazines, and other periodicals which are substantially devoted to the depiction of “specified sexual activities” and “specified anatomical areas.”

- (5) “Adult business” means any business or establishment where a “specified sexual activity” or a “specified anatomical area” is displayed.
- (6) “Adult motel” means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- (7) “Adult movie theater” means any theater, arcade or similar establishment where an enclosed building or open-air facility is used for presenting material in the form of motion picture film, video tape, or other similar means which is substantially devoted to the depiction of “specified sexual activities” and “specified anatomical area” for observation by person therein.
- (8) “Adult news racks” means any coin-operated machine or device which dispenses material substantially devoted to the depiction of “specified sexual activities” and “specified anatomical areas.”
- (9) “Adult nightclub” means any club, cabaret, nightclub, bar, restaurant, or similar establishment where an enclosed building or open-air facility is used for live performances which are characterized by the exposure of “specified sexual activities” and “specified anatomical areas” for observation by persons therein.
- (10) “Sexual encounter center” means a place provided by any business, agency, or person where, for any form of consideration or gratuity, person who are not all members of the same household, may congregate, assemble, or associate for the purpose of engaging in “sex act(s)” or exposing “specified anatomical areas.”
- I. “Agent of owner” means any person showing written verification that they are acting for, and with the knowledge and consent of, a property owner.
- J. “Agricultural uses” means uses primarily adapted for growing or raising crops or animal which are used for food, fuel, or fiber.
- K. “Alley” means a public way, other than a street, affording secondary means of access to abutting property.
- L. “Alteration” means any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
- M. “Amenity” means a natural or human made feature that enhances or makes a particular property more attractive or satisfying.
- N. “Apartment” means a suite of rooms forming one residential unit, typically in a building containing a number of individual apartments.
- O. “Attached” means having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway, façade wall extension, or archway.
- P. “Attached sign” means a sign, which is structurally connected to a building or depends upon that building for support.



- Q. “Auxiliary design elements” means something that describes the secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.
- R. “Awning” or “canopy” means a roof like cover extending over or before a place as a shelter.
- S. “Awning sign” means a sign printed on an awning. Also a canopy sign.



2. Definitions for words beginning with “B”

- A. “Back-lit sign” means a sign with an indirect source of light or light source located in the interior of the sign, which illuminates a sign by shining through a translucent surface.



- B. “Balloon sign” means a sign consisting of graphics or any three-dimensional figure erected for the purpose of advertising, that is inflated with or supported by air or other gases.
- C. “Banner” means material with a printed message or graphic secured or mounted from a structure in such a way as to allow wind movement.
- D. “Base zoning district” means a district established by this Zoning Code, which prescribes basic regulations governing land use and site development standards. No more than one base zoning district shall apply to any individual platter lot or parcel unless the lot or parcel is part of a planned unit development.
- E. “Basement” means a level of a building below street level that has at least one-half of its height below the surface of adjacent ground.
- F. “Beginning of construction” means the initial incorporation of labor and materials into the foundation of a building or structure.

- G. “Billboard” means a sign having more than 100 square feet of display surface, which is either and attached to the ground or attached to or supported by a building or structure for the purpose of supporting changeable billboard signs.
- H. “Block” means an area of land within a subdivision that is entirely bounded by streets and the exterior boundaries of the subdivision, or by a combination of the above with a watercourse or lake, and which has been designated as such on a plat for the purposes of legal description of a property.
- I. “Board” means the Board of Adjustment, established by the City, pursuant to Chapter 414 of the *Code of Iowa*, expressly for the purpose of granting relief from situations of hardship, to hear appeals, and to provide for approval of variances and conditional uses as provided within this Zoning Code.
- J. “Buffer yard” means a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
- K. “Building” means a structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons or property.
- L. “Building coverage” means the area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
- M. “Building envelope” means the three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.
- N. “Building footprint” means the outer boundary of a building established by the location of its exterior walls.
- O. “Building height” means the vertical distance from the average natural grade at the building line, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
- P. “Building marker” means a historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.



- Q. “Business” means activities that include the exchange or manufacture of goods or services on a site.
3. Definitions for words beginning with “C”
- A. “Certification of occupancy” means an official certificate issued by the Zoning Administrator or their designee, upon finding of conformance with the City’s Building Code and Zoning Code.
- B. “Change of use” means the replacement of an existing use by a new use.

- C. “Clearance” means the distance from the bottom of a sign face elevated above ground and the grade below.
- D. “Cluster” means a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
- E. “Common area” means an area held, designed, and designated for common or cooperative use within a development.
- F. “Common open space” means land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
- G. “Comprehensive plan” means the duly adopted Comprehensive Plan of the City.
- H. “Conditional use” means a use that may be permitted in a zoning district subject to special conditions and with the approval of the Board of Adjustment. Conditional uses are considered identical to special exception uses as authorized by the *Code of Iowa*.
- I. “Condominium” means a real estate ownership arrangement that combines simple title to a specific unit and joint ownership in common elements shared with other unit owners. Types of units may include dwelling units, parking spaces, office spaces, or commercial spaces.
- J. “Court” means an approved private right-of-way, which provides access to residential properties, does not function as a local street because of its alignment, design, or location and is completely internal to a development.

4 Definitions for words beginning with “D”

- A. “Density” means the amount of development per specific unit of a site.
- (1) “Density, gross” means the total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.
- (2) “Density, net” means the total number of dwelling units divided by the total developable land area of a project. Net density calculations exclude public or private street rights of way, dedicated public park or open space, wetlands or water bodies, and any utility easement that prohibits development.
- B. “Deck” means a structural platform with or without a roof structure that adjoins a house and is supported by a means other than the principal structure (i.e., footings).
- C. “Detached” means fully separated from any other building or joined to another building in such a manner as not to constitute an enclosed or covered connection.
- D. “Detached sign” means a sign which is self-supporting and structurally independent from any building.
- E. “Directional sign” means a sign that serves only to designate the location or direction of any area or place.
- F. “Display surface” means the area made available by the sign structure for the purpose of displaying the advertising message.
- G. “Double-faced sign” means a sign consisting of no more than two parallel faces supported by a single structure.

- H. “Drive-in services” means an establishment such as an outdoor movie theater, restaurant, etc. that is designed to render services to its customers who drive up and remain seated in their vehicles.
- I. “Driveway” means a permanently paved, surfaced area providing vehicular access between a street and an off-street parking or loading area.
- J. “Driveway approach” means an area, construction, or facility between the roadway or curb of any public street and private property intended to provide access, egress, and ingress for vehicles from the roadway or curbing of a public street to private property.
- K. “Duplex” means a structure containing two separate, but connected dwelling units, each of which is designed to be occupied as a separate permanent residence and each of which has direct access to the outside.
- L. “Dwelling unit” means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit.
5. Definitions for words beginning with “E”
- A. “Easement” means a privilege or right of use granted on, above, under, or across a particular tract of land for a specific purpose by one owner to another, public, or private agency, or utility.
- B. “Electric sign” means a sign containing electrical wiring, but not including signs illuminated by an exterior light source.
- C. “Enclosed” means a roofed or covered space fully surrounded by walls.
- D. “Encroachment” means to intrude or infringe upon the property of another or public right-of-way.
6. Definitions for words beginning with “F”
- A. “Fence” means a constructed barrier of any material or combination of materials erected to enclose or screen areas of land. Plants, shrubs, bushes, and trees are not normally considered fences. However, if shrubs, bushes, and trees are planted, maintained and used to form a barrier to enclose or screen areas of land, such use of plant materials shall constitute a fence or living fence.
- B. “Fin sign” means a sign that is supported wholly by a one-story building of an open-air business, or by poles placed in the ground, or partly by such a pole or poles and partly by a building or structure.
- C. “Flag” means a sign, pennant, placard, valance, or advertising display constructed of light fabric, plastic, cardboard, wallboard, plywood, paper, or other light materials, with or without frames.
- D. “Frontage” means the length of a property line of any one premise abutting and parallel to a public street, private way, or court.
7. Definitions for words beginning with “G”
- A. “Garage, attached” means a garage that is attached to the main building only if the common portion of the wall attaching the structure to the main building is at least 50 percent of the total length of the wall of the attached garage.



B. “Garage, private” means a building that is primarily used for the storage of no more than four motor-driven vehicles which are owned and used by the occupants of the building(s) to which it is an accessory. Not more than one of the vehicles may be a commercial vehicle and of not more than two-ton capacity.

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

D. “Garage, storage” means a building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor driven vehicles, as distinguished from daily storage furnished transients and personal belongings, and at which motor fuels and oils are not sold, and motor-driven vehicle are not equipped, repaired, hired or sold.

E. “Grade” means the average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five feet from a street line, then the elevation of the street shall be grade. The purpose is to regulate the number of stories and height of a structure.

F. “Gross floor area” means the total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

G. “Ground sign” means a detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than three feet.



8. Definitions for words beginning with “H”

A. “Height” means the vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the ridge for gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as here defined. Where a building or structure is located on a slope, height shall be measured from the average grade level adjacent to the building or structure.

B. “Home based business (home occupation)” means any business for the manufacture, provision, or sale of goods or services owned and operated by the owner or tenant of the residential property on which the business operates, which is clearly incidental to the residential use of the dwelling unit or residential structures and does not change the residential character of its size.

C. “Home occupation sign” means a sign other than a nameplate to advertise any occupation, profession, or activity that is a customary, incidental, and secondary use of a residential unit carried on by a member of the immediate family residing on the premises.

- D. “Housing unit or dwelling unit” means a building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.
9. Definitions for words beginning with “T”
- A. “Illumination” means lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
- B. “Impervious coverage” means the total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.
- C. “Incidental sign” means a small, emblem, or decal informing the public of information (such as hours of operation, credit cards accepted, professional signs, etc.) or that directs attention to a business, profession, product, service, or activity conducted, sold, or offered on the same premises where the sign is located.
10. Definitions for words beginning with “J”
11. Definitions for words beginning with “K”
12. Definitions for words beginning with “L”
- A. “Landscaped area” means the area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, sod, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.
- (1) Perimeter Landscaped Area. Any required landscaped area that adjoined the exterior boundary of a lot, site, or common development.
  - (2) Interior Landscaped Area. Any landscaped area within a site exclusive of required perimeter landscaping.
- B. “Loading area” means an off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
- C. “Lot” means a parcel of property with a separate and distinct number or other identifying designation which has been created, assigned and recorded in the County Recorder’s office, as provided for by appropriate sections of the *Code of Iowa*.
- (1) “Corner lot” means a lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.
  - (2) “Double frontage lot” means a lot other than a corner lot, having frontage on two streets, private ways or courts. May also be known as a through lot.
  - (3) “Interior lot” means a lot other than a corner lot.
  - (4) “Common development lot” means when two or more contiguous lots are developed as part of a planned unit development, these lots may be considered a single lot for purposes of this Zoning Code.
- D. “Lot area” means the total horizontal area within the lot lines of a lot (as expressed in square feet or acres).

- E. “Lot depth” means the mean horizontal distance measured between the front and rear lot lines.
- F. “Lot line” means a property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement.
- (1) “Front lot line” means the lot lines separating a lot and a public or private street right-of-way or easement.
- a. For an interior lot, the lot line separating the lot from the right-of-way or easement.
- b. For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the Zoning Administrator shall determine the front lot line, or as may be noted on the final plat.
- c. For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Zoning Administrator at the time of application for the original building permit for the lot, or as may be noted on the final plat.
- (2) “Rear lot line” means the lot line, which is opposite and most distant, from the front lot line.
- (3) “Side lot line” means any lot line that is neither a front or rear lot line, at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.
- G. “Lot width” means the horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.
13. Definitions for words beginning with “M”
- A. “Main building” means a building in which is conducted the principal use of the lot upon which it is situated.
- B. “Main use” means the principal use to which the premises are devoted and the principal purpose for which the premises exists.
- C. “Manufactured home dwelling” means a prefabricated house that is constructed in parts off site or in a factory and then assembled at the building site in modular sections. Manufactured housing is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles; bears a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards promulgated by the US Department of Housing and Urban Development.
- D. “Marquee” means a permanent roofed structure attached to and supported by a building and extending over public right-of-way.
- E. “Maximum permitted sign area” means the maximum permitted combined area of all signs allowed on a specific property.

F. “Mixed use building” means a building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual base zoning district in which the building or structure is to be located.

G. “Mixed use development” means a single development, which incorporates complementary land use types.

H. “Mobile home” means a building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Iowa Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of manufactured home dwellings.

I. “Mobile home park” means a unified development under single ownership, developed, planned, and improved for the placement of mobile home units for non-transient use. Mobile home parks include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but does not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.

J. “Mobile home subdivision” means a development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile home subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sale, or storage.

K. “Moving sign” means a sign which conveys its message through rotating, changing, or animate elements.

14. Definitions for words beginning with “N”

A. “No-impact home-based business” means a home-based business for which all of the following apply:

- (1) The total number of on-site employees and clients does not exceed the City occupancy limit for the residential property.
- (2) The business activities are characterized by all of the following:
  - a. The activities are limited to the sale of lawful goods and services.
  - b. The activities do not generate on-street parking or a substantial increase in traffic through the residential area.
  - c. The activities occur inside the residential dwelling or in the yard of the residential property.
  - d. The activities are not visible from an adjacent property or street.

B. “Nonconforming building” means a building which was lawful prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Code.

- C. “Nonconforming development” means a building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Zoning Code but which complied with applicable regulations at the time of construction.
- D. “Nonconforming lot” means a lot which was lawful prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Code.
- E. “Nonconforming sign” means a sign that was legally erected prior to the adoptions, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Code.
- F. “Nonconforming structure” means a structure which was lawful prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Code.
- G. “Nonconforming use” means a land use that was lawful prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Code.
- H. “Nuisance” means an unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.
15. Definitions for words beginning with “O”
- A. “Obsolete sign” means an abandoned sign, also see Section 1.10(1)(A).
- B. “Open space” means land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state. Open space does not include required yard areas.
- C. “Outdoor storage” means the storage of materials, parts, or products that re related to the primary use of a site for a period exceeding three days.
- D. “Owner” means an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.
16. Definitions for words beginning with “P”
- A. “Parking facility” means an area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Code. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is distinct from parking and is regulated by provisions in Section XX. Provisions of Section XX also govern vehicle storage.
- B. “Parking, remote” means a supply of off-street parking at a location not on the site of a given development.
- C. “Parking space” means a surfaced area, on a lot or within a building, intended for the use of temporary parking of a personal vehicle and with a means of access to a public street. This term is used interchangeably with “parking stall.”
- D. “Paved” means permanently surfaced with poured concrete, concrete pavers, or asphalt.

- E. “Permitted use” means a land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Code.
- F. “Personal vehicle” means a passenger car, van, pick-up truck, camper shell, topper and other similar appurtenances intended for attachment to a personal vehicle but not including a truck, tractor cab unit, trailers, and vehicles over 10 tons gross empty weight which are considered heavy commercial vehicles.
- G. “Planning and Zoning Commission” means the Planning and Zoning Commission of the City, as authorized by Title II, Chapter 2 of the City’s Code of Ordinances.
- H. “Planned unit development” means a development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
- I. “Pole sign” means an on premises sign built on a freestanding frame, mast, or pole(s) with a clearance greater than three feet, and where the support encompasses less than 75 percent of the width of the sign.



- J. “Porch, unenclosed” means a roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than 42 inches above its floor other than a roof with supporting structure.
- K. “Portable sign” means any sign supported by frames or posts rigidly attached to bases not permanently attached to the ground or a building and capable of being moved from place to place. A portable sign may be a sign mounted on a sandwich board, trailer, vehicle, or connected to any vehicle.



- L. “Premise identification sign” means any sign which pertains to the use of a premises, and which contains information about the owner or operator of that use, the type of business being conducted, or the principal brand name of a commodity sold on the premises; and other information relative to the conduct of the use.
- M. “Premises” means a lot, parcel, tract, or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.

N. “Principal use” means the main use of land or structures as distinguished from secondary or accessory use. For example, a house is a principal use in a residential area; a garage or pool is an accessory use.

O. “Private garage” means a building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.

P. “Projecting sign” means a sign other than a wall sign that is attached to and projects from a building face.



Q. “Property line” see lot line.

R. “Public sign” means a temporary or permanent sign erected and maintained by the City, County, State, or federal government for traffic control or direction. A public sign may be erected for the designation of or direction to any school, hospital, historical site, or public service, property or facility.

17. Definitions for words beginning with “Q”

18. Definitions for words beginning with “R”

A. “Recreational vehicle” means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel to, travel trailers; campers; motor coach homes; converted buses and trucks, boats and boat trailers.

B. “Regulation” means a specific requirement set forth by this Zoning Code, which must be followed.

C. “Residential sign” means a small detached or attached sign located on a residential premises, conveying a message communicated by the owner of the property.

D. “Roof sign” means any sign or part of a sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.



(1) “Integral roof sign” means a roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.

(2) “Above-peak roof sign” means a roof sign positioned above the peak of a roof or above a parapet or cornice.

## 19. Definitions for words beginning with “S”

- A. “Screening” means the method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscaping provision of this Zoning Code.
- B. “Setback” means the required distance between every structure and the lot lines of the lot on which it is located.
- C. “Sign” means a symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
- D. “Sign setback” means the distance measured from the property line to the line projected to the ground plane of the nearest part of the sign closes to the property line.
- E. “Sign structure” means any structure that supports or is capable of supporting a sign as defined in this Code. A sign structure may be a single pole and may or may not be an integral part of a building.
- F. “Sign type” means a functional description of the use of a individual sign.
- G. “Site” means the parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of this Zoning Code.
- H. “Site plan” means a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features propose for a specific parcel of land.
- I. “Snipe sign” means a sign or poster which is tacked, nailed, posted, pasted, glued, or otherwise attached to poles, stakes, fences, trees, or to other like objects.



- J. “Story” means that portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it.
- K. “Story, half” means a partial story under a gable, hip, or gambrel roof, the wall heights of which on at least two opposite, exterior walls are less than three feet.
- L. “Street” means a right-of-way, dedicated to public use, which affords a primary means of access to the abutting property. This definition is intended to be inclusive of the term as defined in Iowa statute.
- (1) “Street, arterial” means a major thoroughfare primarily intended for through traffic that carries the largest volume of traffic with limited access to private property and high degree of connectivity to the regional highway system.



(2) “Street, collector” means a street that collects traffic from local streets and disperses traffic between larger arterial highways and smaller streets and provides for access to private properties, particularly in commercial corridors or districts.

(3) “Street, intersecting and principal” means in regard to a site, the principal street shall be the street to which the majority of lots on a block face are oriented; the intersecting street shall be a street other than a principal street.

(4) “Street, local” means a street, which is used primarily for access to the abutting properties and distribution of traffic from neighborhoods to collector and arterial streets.

(5) “Street, major” means arterial or collector.

(6) “Street, minor local streets” means in some cases “minor” street may be referencing a street that carries less traffic or serves a lesser function in the street system when comparing one or more streets. For example, when determining lot frontage on double frontage lots.

M. “Structure” means any object constructed or built, the use of which requires location on the ground or attachment to something located on the ground.

20. Definitions for words beginning with “T”

A. “Temporary sign” means a sign, flag, banner, pennant, sandwich board, or valance constructed of lightweight materials which is not permanently attached to a structure or land, and which is intended for display for a limited period of time.

B. “Townhouse” means a dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit. May also be known as a townhome or rowhouse.

C. “Townhouse structure” means a building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.

21. Definitions for words beginning with “U”

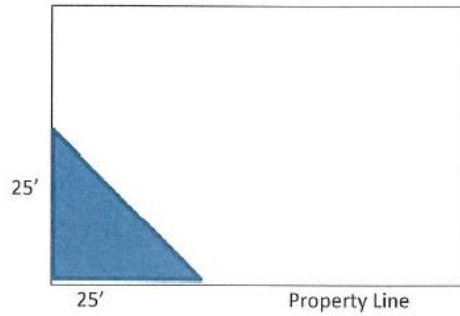
A. “Use” means the conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

B. “Utilities” means installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatments, or storage of water, solid, or fluid wastes, storm water, energy, media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

22. Definitions for words beginning with “V”

A. “Variance” means permission to depart from the Zoning Code when, because of special circumstances applicable to the property, strict application of the provisions of this development code deprives such property of privileges enjoyed by other property in the vicinity that is under identical zoning.

B. “Vision clearance triangle” means the sight triangle at the intersection of two streets.



23. Definitions for words beginning with “W”

A. “Wall sign” means a sign attached to a parallel with the side of a structure.



B. “Window sign” means a sign painted on or installed inside a window for the purpose of viewing from outside the premises.



24. Definitions for words beginning with “X”

25. Definitions for words beginning with “Y”

A. “Yard, required” means that portion of a lot that lies between a lot line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by this Zoning Code.

(1) “Front yard” mean the space extending the full width of a lot, lying between the front lot line and the front setback line. For a corner lot, the front yard shall ordinarily be defined as that yard along a street, which meets one of the following two criteria:

a. The yard along the block face to which a greater number of structures are oriented; or,

- b. The yard along a street that has the smaller horizontal dimension.
  - (2) “Rear yard” means the space extending the full width of a lot, lying between the rear lot line and the rear setback line.
  - (3) “Side yard” means the space extending the depth of a lot from the front to rear lot lines, lying between the side yard setback line and the interior lot line.
  - (4) “Street side yard” means on a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.
26. Definitions for words beginning with “Z”
- A. “Zoning administrator” means the designee of the City Council, responsible for the interpretation and administration of this Zoning Code.
  - B. “Zoning district” means a designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Code.

**1.11 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Zoning Code are in conflict with the provisions of any other ordinance or municipal law, the Zoning Code, ordinance, or municipal law with the most restrictive provisions shall govern.

**1.12 ZONING AFFECTS EVERY BUILDING AND USE.** No building or land shall hereafter be used or reused and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the Zoning Code herein specified for the district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a non-conforming use.

**1.13 LOT.**

1. Every building hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot or lot of record and in no case, shall there be more than one principal building on a lot unless otherwise provided.
2. More than one principal building of a single permitted use may be located upon a lot or tract in the following instances if recommended by the Planning and Zoning Commission and approved the City Council:
  - A. Institutional Buildings.
  - B. Public or Semi-Public Buildings.
  - C. Multiple-Family Dwellings.
  - D. Commercial or Industrial Buildings.
  - E. Home for the Aged.
  - F. Agricultural Buildings.
  - G. Planned Unit Developments.

**1.14 REDUCTIONS IN LOT AREA PROHIBITED.** No lot, even though it may consist of one or more adjacent lots of record, shall be recorded in area so that yards, lot area per resident, lot width, building area, or other requirements of this Zoning Code are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

**1.15 OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS PROHIBITED.** On a corner lot, there shall be provided an unobstructed view across a triangle, formed by joining points measured 25 feet along the property line from the intersection of two streets or 15 feet along both the street and alley line from the property line. Within the triangle there shall be no sight-obstructing or partly obscuring wall, fence, or foliage higher than 30 inches above grade or in the case of trees, foliage lower than five feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.

**1.16 TEMPORARY BUILDINGS.** Temporary building(s) are permitted with current ongoing construction work in any district; however, any such temporary building(s) shall be removed within 30 days after completion or abandonment of the construction work.

**1.17 YARD REQUIREMENTS.** The following requirements shall apply all yards within the City:

1. No part of a yard, or other open space, or off-street parking or loading space, required in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space required for another building and/or lot.
2. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet the minimum requirements herein.
3. All accessory buildings when connected to the principal building (e.g. attached garage) shall comply with the yard requirements of the principal building, unless otherwise specified.
4. Where 30 percent or more of the block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the buildings on either side thereof, or, where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard greater than that required for the district in which it is located. Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official lines.
5. In the case where the block front improved with buildings amounts to less than 30 percent of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, the required minimum yards of the district shall be observed.

**1.18 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS.** The following shall not be considered to be obstructions when located in the required yards.

1. Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which will not exceed minimum requirements of the Americans with Disabilities Act are necessary for access to a permitted building or for access to a lot from a street or alley.
2. Eaves, cornices, and similar features may extend one foot into a required yard except eaves may encroach three feet into a yard when such yard space is 10 feet or more in width.

3. Open, uncovered porches or terraces no higher than the first floor above grade on the side of the building to which they are appurtenant and in no event higher than 30 inches above grade on the side said porch or terrace is located. No railing or other barrier higher than 36 inches shall be placed around said porch or terrace and not such barrier which interferes appreciably with the passage of light or air shall be within five feet of any property line, except as otherwise provided in this section. Said porches or terraces when located on corner lots shall meet all requirements for sight triangles.
  - A. Chimneys projecting 24 inches or less into the yard.
  - B. Playground and other recreational equipment.
  - C. Clothes lines.
  - D. Approved freestanding signs.
  - E. Arbors and trellises.
  - F. Flag poles.
  - G. Window air conditioners projecting not more than 18 inches into the required yard.
  - H. Fences or walls subject to applicable height restrictions are permitted in accordance with Section 1.34.
4. Rear and Side Yards.
  - A. Open, off-street parking spaces.
  - B. Outside elements of central air conditioning systems.
  - C. Emergency egress systems for basements on an existing structure.
5. Double frontage lots. The required front yard shall be provided on each street.
6. Building Groupings. For the purpose of the side yard ordinance, a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

**1.19 ACCESSORY BUILDINGS AND USES.** The following general regulations shall apply to all accessory buildings and uses.

1. No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the principal building. No accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building on the lot is also being used or unless the main building is under construction; however, in no event shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.
2. In no event shall an accessory building be used as a dwelling.
3. In no event shall a portable storage container be used as a permanent storage/accessory building within any residential district.
4. No accessory building shall be constructed in the required front yard.
5. No accessory building shall be erected in or encroach upon the required front yard on a corner lot or the front yard of a double frontage lot.
6. Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than three feet.

7. When a detached garage or other outbuilding is built within the required setback for a principal structure, the principal structure and detached building shall remain as separate structures and maintain the required separation distances in Section 1.31.
8. When a detached garage has access to an alley, the rear yard setback shall be increased to 20 feet for garages directly accessing the alley from the garage and door is parallel to the alley. Otherwise it shall be a minimum of two feet.
9. With the exception of a detached garage, the total of all accessory buildings shall not exceed 30 percent of the total lot area within the zoning district.
10. Swimming Pools. Swimming pools shall comply with the regulations as outlined in Section 1.35.
11. Detached private garages and outbuildings in residential districts within the corporate limits for automobiles and/or storage use and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed of materials customarily used in residential construction (i.e. but limited to wood or steel stud framing, sheathing, and exterior finish) and:
  - A. Be constructed of materials that meet building code requirements.
  - B. The sidewalls of said building shall not exceed 10 feet in height.
  - C. The maximum overall height of said building shall be:
    - (1) 20 feet high to peak for detached garages and 20 feet for any other outbuilding (this shall apply only within the R-1, R-2, and R-3 districts).
    - (2) 30 feet high to peak for detached garages and other outbuildings (this shall apply only within the R-R district).
  - D. Garages shall have an overhang of at least six inches.
  - E. Garages shall have a maximum width of 36 feet.
  - F. Garages shall be constructed and finished in materials customary to residential construction.
12. Ordinance of accessory uses shall be as follows:
  - A. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
  - B. Service station pumps and pump island may occupy the required yards, provided; however, that they are not less than 15 feet from street lines.
  - C. Storage and parking of any boat, boat trailer, camp trailer, or other vehicle shall not be permitted in the required front yard; except on the designated driveway. Said vehicles may be placed on crushed rock or hard surfacing in a rear yard. The parking of any of these vehicles in a side yard shall be on a hard surface.

**1.20 SITE PLAN REVIEW PROCESS.** The site plan review process allows for an administrative review in addition to any plan review process required by the City for projects that significantly impact traffic circulation or other land uses on adjacent parcels or neighborhoods. The process provides for review and evaluation of the site development features and allows for an opportunity for the developer and the City to work together to mitigate any potential unfavorable effects.

1. Administration. The Zoning Administrator or their designee shall be responsible for administration of the site plan review process and may request and obtain assistance from any other City officials, boards, or consultants hired by the City.
2. Uses Requiring Site Plan Review. The following selected uses shall follow the site plan review process outlined in this section prior to the issuance of a building permit, unless they are otherwise subject to a conditional use permit procedure for specific zoning districts, in which case those regulations shall apply.
  - A. Multiunit Residential Developments.
  - B. Educational Facilities.
  - C. Automotive Washing Facilities.
  - D. Automotive Sales.
  - E. Any use which includes drive-in services.
  - F. Any commercial, industrial, or office building providing over 15,000 square feet in building area.
  - G. Any industrial use which is adjacent to any residentially zoned district.
3. Application Process. The owner, developer, or the authorized representative or agent of a property may file an application for a site plan review with the Zoning Administrator. The application shall include, at a minimum the following information:
  - A. The name and address of the applicant.
  - B. The owner, address, and legal description of the property.
  - C. A description of the nature and operating characteristics of the proposed use.
  - D. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
    - (1) The date, scale, north arrow, title, name of owner, and name person preparing the site plan.
    - (2) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
    - (3) The location, size, and use of proposed and existing structures on the site.
    - (4) The location of all proposed site improvements, including parking an loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
    - (5) Location of any major site features, including drainage and contours at no greater than five-foot intervals.
    - (6) Any other information that may be required for review by the Zoning Administrator or his/her designee.
4. Review and Evaluation. The Zoning Administrator, or their designee, or the Board of Adjustment in cases of appeal, shall review and approve the site plan based on the criteria established in this subsection and in conformance with applicable regulations of the City Code and this Zoning Code. The Zoning Administrator or the Board of Adjustment shall make the following findings before approval of the site plan:

- A. That the proposed development, along with any necessary modifications is compatible with the following criteria:
- (1) Height and Bulk. The development minimizes the differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.
  - (2) Setbacks. The development should respect pre-existing setbacks in surrounding areas. Variations should be justified by site or operating characteristics.
  - (3) Building Coverage. The building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.
  - (4) Frontage. Project frontage along a street should be similar to lot width.
  - (5) Parking and Internal Circulation. Parking should serve all structures with minimal conflicts between pedestrians and vehicles. All structures must be accessible to public safety vehicles. The development must have access to adjacent public streets and way. Internal circulation should minimize conflicts and congestion at public access points.
  - (6) Landscaping. Landscaping should be integral to the development, providing street landscaping breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of the site with sensitive environmental features or natural drainage ways should be preserved.
  - (7) Traffic Capacity. The project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.
  - (8) External Traffic Effects. The project design should direct non-residential traffic away from residential areas.
  - (9) Operating Hours. The project design shall minimize impacts of long operating hours on the surrounding residential areas.
  - (10) Outside Storage. All outdoor storage area must be screened from surrounding streets and less intensive land uses.
  - (11) Sanitary Sewer Disposal. Developments within 500 feet of a public sanitary sewer must connect to the City's sanitary sewer system. The sanitary sewer system must have adequate capacity to serve the development.
  - (12) Storm Water Management. The development shall adequately and appropriately handle storm water to prevent overloading of public storm water management systems. The project shall not inhibit the development of other properties. The development shall not increase the probability of erosion, flooding, landslides, or other run-off related impacts.
  - (13) Utilities. The development must be served by utilities. Rural estate subdivisions should be located in designated areas that can accommodate utility and infrastructure installation consistent with the need to protect environmental resources and public health.
- B. The site plan conforms with the Zoning Code.



5. Appeal. An applicant may appeal the denial of an application or the decision of the Zoning Administrator by filing a formal notice of appeal to the Zoning Administrator who shall notify the Board of Adjustment who will conduct the appeal.
6. Modification of Site Plan. The Zoning Administrator or the Board of Adjustment may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening, installation of erosion control measures, improvement of access or circulation areas, rearrangement of structures on the site, or other modifications deemed necessary to protect the public health, safety, welfare, community character, property values, and aesthetics.
7. Term and Modification of Approval.
  - A. A site plan approval shall become void one year after the date of approval, unless the applicant receives a building permit and diligently carries out development prior to the expiration of the approval.
  - B. The Zoning Administrator may approve an application to modify a previously approved site plan if they determine that the modification does not affect the original findings related the criteria in Section 1.21(4).
  - C. The Zoning Administrator may revoke a site plan approval if they determine that the development is not in compliance with the terms and conditions of the approval. The developer may appeal the revocation to the Board of Adjustment.
8. Approval to Run with Land. An approval of a site plan review shall run with the land until the expiration date of such approval.

**1.21 CONDITIONAL USE PERMIT PROCESS.** The conditional use permit process allows for Planning and Zoning Commission review and discretionary Board of Adjustment approval for uses within zoning districts, which have unusual site development, or operating characteristics that could adversely affect surrounding properties.

1. Administration. The Planning and Zoning Commission shall review and evaluate each application and provide a recommendation to the Board of Adjustment. The Board of Adjustment shall review, evaluate, and act upon all applications submitted pursuant to this section.
2. Application Process. The owner, developer, or the authorized representative or agent of a property may file an application for a conditional use permit with the Zoning Administrator. The application shall include, at a minimum the following information:
3. Review and Evaluation. The Planning and Zoning Commission and the Board of Adjustment shall review and approve the application based on the criteria established by this section and to ensure conformance with the regulations of the City Code and Zoning Code. The following criteria shall apply to a Conditional Use Permit review:
  - A. Use Compatibility. The use shall be designed and proposed to be operated that the public health, safety, welfare, and convenience will be protected.
  - B. Property Valuation. The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
  - C. Fire Safety. The use will not substantially increase fire safety hazards.
  - D. Zoning Compatibility. The use shall be compatible with adjoining development and the proposed character of the zoning district where it is located.

- E. Development Density. The site area per unit or floor area ratio shall be similar to surrounding uses if not separated by major natural or artificial features.
- F. Height and Bulk. The development minimizes the differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.
- G. Setbacks. The development should respect pre-existing setbacks in surrounding areas. Variations should be justified by site or operating characteristics.
- H. Building Coverage. The building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.
- I. Frontage. Project frontage along a street should be similar to lot width.
- J. Parking and Internal Circulation. Parking should serve all structures with minimal conflicts between pedestrians and vehicles. All structures must be accessible to public safety vehicles. The development must have access to adjacent public streets and way. Internal circulation should minimize conflicts and congestion at public access points.
- K. Landscaping. Landscaping should be integral to the development, providing street landscaping breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of the site with sensitive environmental features or natural drainage ways should be preserved.
- L. Building Design. The architectural design and building materials should be compatible with surrounding areas or highly visible locations.
- M. Traffic Capacity. The project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.
- N. External Traffic Effects. The project design should direct non-residential traffic away from residential areas.
- O. Operating Hours. The project design shall minimize impacts of long operating hours on the surrounding residential areas.
- P. Outside Storage. All outdoor storage area must be screened from surrounding streets and less intensive land uses.
- Q. Sanitary Sewer Disposal. Developments within 500 feet of a public sanitary sewer must connect to the City's sanitary sewer system. The sanitary sewer system must have adequate capacity to serve the development.
- R. Storm Water Management. The development shall adequately and appropriately handle storm water to prevent overloading of public storm water management systems. The project shall not inhibit the development of other properties. The development shall not increase the probability or erosion, flooding, landslides, or other run-off related impacts.
- S. Utilities. The development must be served by utilities. Rural estate subdivisions should be located in designated areas that can accommodate utility and infrastructure installation consistent with the need to protect environmental resources and public health.
- T. Comprehensive Plan. The development shall be consistent with the City's Comprehensive Plan.

4. Approval Process.
  - A. The Planning and Zoning Commission shall hold a public hearing following the required notification process as outlined by the *Code of Iowa* and shall review and make a recommendation to the Board of Adjustment on each application.
  - B. The Board of Adjustment shall act on the Conditional Use Permit application following the public hearing of the Planning and Zoning Commission and review of the Planning and Zoning Commissions recommendation.
5. Scope of the Board of Adjustment's Approval. The Board of Adjustment may, at its discretion, limit a Conditional Use Permit to a specific owner or applicant. The Board of Adjustment may also establish special site development or operational regulations as a condition for approval. If the application is approved, the applicant must file with the Lynn County Recorder, an attachment to the deed of the property for which the conditional use permit was granted, specifying the conditions and circumstances of the Conditional Use Permit.
6. Term and Revocation of Permit.
  - A. A Conditional Use Permit shall become void one year after its effective date if the applicant has not carried out development or occupancy during that period.
  - B. The Board of Adjustment may revoke a Conditional Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.
7. Previously Approved Permits. Any conditional use permit approved under regulations in effect before the effective date of this Zoning Code shall be considered to be valid, subject to the requirements imposed at the time of its approval.

**1.22 GOOD NEIGHBOR MEETING.** The City requires a Good Neighbor Meeting to allow for informal public communication and comment on potential rezoning cases and special or conditional use requests. The Good Neighbor Meeting is required prior to submission of a formal request to the City.

1. Process. The following process shall be followed for compliance with the Good Neighbor Meeting requirement.
  - A. Prior to submitting an application for rezoning or for a special use or conditional use permit the applicant shall file a notification of intent to apply along with the payment of the Good Neighbor Meeting fee as set by resolution of the City Council. The intent to apply shall be on the form provided by the City and shall include at a minimum the following information:
    - (1) The name and contact information (address, phone, and email) of the property owner and their representative, if any, who is requesting the Good Neighbor Meeting.
    - (2) The location and legal description of the property to which the rezoning, special use, or conditional use request shall apply.
    - (3) A list of names and addresses of all property owners located within a 300-foot radius of the property for which the request is being made. The calculation of the radius shall be made from the edges of the property.
    - (4) A brief description of the proposed future use of the property and the requested zoning district for the property.

- (5) A site plan drawing showing the proposed development, location of buildings on the site, screening locations, traffic flow and parking lots, and any other conditions which may be potential conflict with the current use of the surrounding properties.
  - (6) Any other information that the City determines is needed.
- B. Upon receipt of the notification of intent to apply the City shall set forth a date and location for the informal Good Neighbor Meeting.
  - C. The City shall provide notification of the Good Neighbor Meeting to City staff, Planning and Zoning Commission members, City Council, Mayor, and all properties owners within 300-feet of the property for which the meeting is being requested in writing at least 10 days prior to the date of the Good Neighbor Meeting.
  - D. The notification shall include a copy of the notification of intent to apply along with any site plans and maps needed to provide the person being notified with a general understanding of the proposed request.
  - E. The City shall also publish notice of the Good Neighbor Meeting at least 10 days before the Good Neighbor Meeting.
- 2. Meeting. The applicant or developer or their representative shall facilitate the meeting so as to provide a general overview of the planned developments or improvements and provide an opportunity for anyone in attendance to seek additional information through a question-and-answer period. The developer shall be responsible for taking detailed minutes and providing a copy of the minutes to the Zoning Administration within 10 days following the meeting.
  - 3. Additional Meetings. If a development involves the rezoning of a property and a special or conditional use both items may be discussed and covered by a single Good Neighbor Meeting. The City has the right to require additional Good Neighbor Meetings should there be a problem in the communication to potentially impacted parties or should the plans for the development change following the Good Neighbor Meeting, at the sole discretion of the City.
  - 4. Timing. Following receipt of the Good Neighbor Meeting minutes and a formal application for rezoning or a special use or conditional use permit from the developer the City shall proceed with regular consideration of the request as outlined in this Zoning Code.

**1.23 ZONING CODE AMENDMENT PROCESS.** The Planning and Zoning Commission may from time to time recommend changes and amendments to the City Council and the Council may from time to time make changes to the text of this Zoning Code and/or the official boundaries of the individual zoning districts. Change or amendments to this Zoning Code shall be made using the following process:

- 1. Initiation of Amendments. Text amendments may be initiated by the Planning and Zoning Commission or the City Council; citizens may request a change through the Planning and Zoning Commission. Rezoning may be initiated by a property owner or their authorized agent, the Planning and Zoning Commission, or the City Council.
- 2. Rezoning Application Requirements. This Zoning Code and the districts created by said Code may be amended from time to time; however, no such amendment shall become effective unless it shall have been proposed by, or shall have an application submitted to the Planning and Zoning Commission for review and recommendation.
- 3. Planning and Zoning Process. The Planning and Zoning Commission shall hold a public hearing, for which a notice shall be published as required by Section 362.3 of the *Code of Iowa*. The Planning and Zoning Commission shall have 30 days from the date of the receipt of the

application for review in which to submit a report and recommendation to the City Council. If the Commission fails to submit its report and recommendation to the City Council the Council may take action on the proposed amendment without a recommendation from the Planning and Zoning Commission.

4. Application Process. An application for a change in the text of the Zoning Code or a change to the official zoning map of the City shall be filed on forms provided by the City along with any fee as determined by resolution of the Council to the Zoning Administrator. Such application shall include at a minimum the following information:

- A. The legal description and local address of the property.
- B. The present zoning classification and the requested zoning classification for the property.
- C. The existing use and the proposed use of the property.
- D. The name and addresses of the owners of all property within 300 feet of the property for which the change is requested.
- E. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
- F. A plat or site plan showing the locations, dimensions, and use of the applicant's property and all property within 300 feet thereof, including streets, alleys, railroads, and other physical features. The site plan shall also contain the following information:
  - (1) North arrow and scale.
  - (2) Location of existing rights-of-way, easements, and infrastructure to include streets, sanitary sewers, water lines, storm water utilities, and sidewalks.
  - (3) Size and location of existing and proposed structures and drives on the subject property.
  - (4) Size and location of existing structures and drives on surrounding properties.
  - (5) Location of the floodplain.
  - (6) Location of proposed parking facilities.
  - (7) Platted setback lines.
  - (8) Final grades.
  - (9) Landscaping.
  - (10) Name and address of landowner.
  - (11) Name and address or architect, landscape architect, engineer, surveyor, and any other individual or firm involved in the preparation of the plan.
  - (12) Date of preparation of the plan.

5. Dissenting Petition. In the event that the Planning and Zoning Commission does not approve the change or, in the case of a protest filed with the City Council against a change in district boundaries signed by the owner of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within 200 feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of 3/4ths of all the City Council members.

6. Receipt of Application. Upon the receipt of an application by the Zoning Administrator, they shall immediately provide a copy to the Planning and Zoning Commission for study and recommendation.
7. Required Notice and Publication. Prior to consideration of any amendment, supplement, change, modification, or repeal to the language of the Zoning Code or a change in zoning classification for a parcel the City shall provide public notice as follows:
  - A. Notice of Meeting. The Planning and Zoning Commission shall provide proper and adequate notice of the meeting as required by Chapter 21.4 of the *Code of Iowa*.
  - B. Publication. A notice of public hearing shall be published as required by the Code of Iowa Section 362.3 and Section 414.4. Such notice shall include the date, time, place, and subject matter of hearing.
  - C. Notification by Mail. City staff shall mail notice of the time, place, and subject matter of the hearing to those persons who own property within 300 feet of the subject site at least seven days prior to the date of the hearing.
8. Planning and Zoning Commission Review. The Planning and Zoning Commission shall hear from those present who wish to speak to the matter before making their recommendation to the City Council. The Planning and Zoning Commission shall forward their determination and recommendation to the City Council within 30 days of the receipt of the application.

**1.24 NONCONFORMING USES.** If within the districts established by this Zoning Code or amendments that may later be adopted there exist lots, structures, and use of land and structures which were lawful before this Zoning Code was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Zoning Code or future amendments, it is the intent of this Zoning Code to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are hereby declared by this Zoning Code to be incompatible with permitted uses in the districts involved. Furthermore, it is the intent of this Zoning Code that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures, signs, or uses prohibited elsewhere in the same district.

1. Nonconforming Lots.
  - A. Pre-Existing Lots of Record. Nonconforming lots of record existing at the time of the adoption of this Zoning Code shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by this Zoning Code.
  - B. Reductions Due to Public Acquisition. If a portion of a legally existing lot in any district is acquired for public use, the remainder of the lot shall be considered a conforming lot.
  - C. Single-Unit Dwellings. In any district in which single-unit dwellings are permitted, notwithstanding limitations imposed by other provisions of this Zoning Code, a single-unit dwelling may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code. This provision shall apply even though such lots fail to meet the requirements for area or width or both that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, and yard requirements shall be obtained only through action of the Board of Adjustment.

2. Nonconforming Structures.

A. Continuation. A lawful nonconforming structure existing on the effective date of this Zoning Code may be continued, repaired, maintained, or altered, subject to the provisions of this Section.

B. Additions or Enlargements to Nonconforming Structures. A lawful nonconforming structure may be added to or enlarged if the addition satisfies either of the following conditions:

(1) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements.

(2) The nonconforming building and impervious surface coverage on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district.

No permitted addition to a nonconforming structure may place a wall within 10 feet of a window of a pre-existing residential structure in a residential zone, on an adjacent lot.

C. Moving of Nonconforming Structures. A lawful nonconforming building or structure shall not be moved in whole or part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district when the move has been completed.

D. Repair of Nonconforming Structures. A lawful nonconforming building damaged by fire, explosion, storm, or other calamity may be repaired and reconstructed provided there is no increase in the degree of nonconformity.

E. Conversion of A Conforming Building. A conforming building shall not be changed in any way that will result in a nonconforming development.

F. Applicability of Landscaping and Screening Regulations. A pre-existing structure, building, or development shall be exempt from Section 1.31 of this Zoning Code, Landscaping and Screening Regulations. However, any expansion of such structure, building, or development or any adjacent new development onto property that is or becomes vacant on or after the effective date of this Zoning Code shall be subject to Section 1.31 of this Zoning Code.

3. Nonconforming Uses.

A. Continuation of Nonconforming Uses. Any nonconforming use lawfully existing on the effective date of this Zoning Code may continue, subject to the limitations of this Section.

B. Enlargement of Nonconforming Uses. A building or structure housing a lawful nonconforming use may not be added to or enlarged in the R-1, R-2, or R-3 Districts. Any building in districts other than residential devoted to a use made nonconforming by this Zoning Code may be structurally altered or enlarged in conformity with the lot area, lot width, yard and height requirements of the district in which it is situated. In the event of such structural alteration or enlargement of structures, the premises involved may not be used for any non-conforming use other than the use existing on the effective date of this Zoning Code, other provision of this Zoning Code notwithstanding.

C. Abandonment of Nonconforming Use. If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of 12 months, any

subsequent use must conform to all use regulations applicable to the property's Zoning District. This period may be extended for not more than six months at a time upon application of the owner of the premises to the City Council. Such application must be received prior to the expiration of the initial grace period. The application shall be reviewed by the Planning and Zoning Commission prior to consideration by the City Council. The City Council may impose additional requirements as part of its consideration of an extension of nonconforming status.

D. Change of Use. A lawful nonconforming use may be changed only to a use type permitted in a zoning district that is equal to or less intensive than that normally required for the previous use.

E. Allowance for Repairs. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement value of the building provided that the cubic content of the building as it existed at the time of passage or amendment of this Zoning Code shall not be increased. Nothing in this Zoning Code shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

F. Damage or Destruction of Structures. Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 50 percent of the replacement cost of the structure, the nonconforming use shall no longer be permitted. The cost of any volunteer labor, services, or materials shall be included in the calculation of restoration costs. For buildings which reconstruction is permitted, such reconstruction shall begin within 365 days of the date of the damage.

G. Nonconforming Uses and Conditional Use Permits. A lawful pre-existing use, which would require a Conditional Use Permit in its zoning district, shall be presumed to have the appropriate permit and shall be considered a conforming use. The use is subject to the regulation governing lapses or revocation of permits, set forth in this chapter.

**1.25 ANNEXED TERRITORY.** All territory, which may hereafter be annexed into the City shall be zoned AG – Agricultural. However, the Planning and Zoning Commission may recommend the appropriate zoning classification prior to such territory becoming part of the City and following a public hearing by the City Council, the Council may approve a different zoning classification for the property upon the completion of the annexation process.

**1.26 SCHEDULE OF FEES AND CHARGES.** The City shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, certificates of zoning compliance, appeals, and other matters pertaining the implementation of this Zoning Code. The schedule of fees shall be adopted by resolution of the City Council and posted in the City's administrative offices for general public review. The schedule of fees may be updated or altered from time to time by resolution of the City Council. Until all fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal and no permits shall be issued.

**1.27 BOARD OF ADJUSTMENT.**

1. Establishment. A Board of Adjustment is hereby established which shall consist of five regular board members appointed for three-year terms. Members shall be appointed by the City Council and is subject to removal from office by the City Council for cause upon written charges



and following a public hearing. Vacancies shall be filled by the City Council for the unexpired term of the member affected.

2. Duties. The Board of Adjustment shall have the following duties:

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

B. Conditional Use Permits. To hear and determine the approval of applications for Conditional Use permits as provided by Section 1.21 of this Zoning Code.

C. Powers of Zoning Administrator. In exercising the powers of this section the Board of Adjustment may, so long as such action is in conformity with the terms of this Zoning Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

The concurring vote of three members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Zoning Code, or to effect any variation in the application of this Zoning Code.

3. Appeals to Board of Adjustment. Appeals may be made to the Board of Adjustment concerning interpretation or administration of the Zoning Code by any person aggrieved or by any officer, department, board, or bureau of the governing body of the City affected by any decision of the Zoning Administrator.

A. Appeals shall be filed in writing on forms provided by the City to the Zoning Administrator who shall forward all appeals to the Board of Adjustment.

B. The Board shall fix a date and time for hearing the appeal within 30 days of the filing of the appeal with the Zoning Administrator, unless the Zoning Administrator certifies to the Board that any delay or stay of the appeal would, in their opinion, cause imminent peril to life or property. In such case the proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application.

C. The Board shall provide a notice of a public hearing on any question before the Board. Notice of the hearing shall be published as required in Section 362.3 of the *Code of Iowa*, and by written notice to the appealing party.

D. At the public hearing any party may appear in person or by agent or attorney.

E. The concurring vote of three out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance, or to effect any variation in such ordinance.

F. A fee as determined by the City Council and approved by resolution shall be paid to the Zoning Administrator at the time the notice of appeal is filed, which the Zoning Administrator shall deposit into the General Fund of the City.

4. Conditions for Granting of Special Exceptions. The Board of Adjustment shall hear and decide on requests for the granting of a special exception as the Board is specifically authorized to pass on by the terms of this Zoning Code and the City's Code of Ordinances. The Board shall consider granting special exceptions when such conditions and safeguards, as appropriate under

this Code, are found to be in order, or to deny a special exception when the condition is not in harmony with this Code. The granting of a special exception shall not be granted until the following has occurred:

- A. A written application has been filed with the Zoning Administrator on forms provided by the City and including the payment of any fees adopted by the City Council by resolution.
  - B. The Board shall provide notice of a public hearing on the special exception. Notice shall be provided at least 15 days prior to the public hearing as required by Section 362.3 of the *Code of Iowa*. In addition to the publication of the notice, the City shall provide notice to all property owners within 300-feet of the affected property by standard mail.
  - C. At the hearing any party may appear in person, or by agent or attorney to be heard.
  - D. The Board of Adjustment shall make a finding that it is empowered under the section of this Code described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
  - E. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguard in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Code and punishable under Title I, Chapter 4 of the City's Code of Ordinances. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required to start or be completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.
5. Conditions for Grant of Variance.
- A. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code and punishable under Section 1.30.
  - B. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Code in the district involved, or any use expressly or by implication prohibited by the terms of this Code in said district.
  - C. No non-conforming use of neighboring lands, structures, or buildings in the same district and not permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
  - D. Every variance granted by the Board of Adjustment shall be subject to review by the City Council, and the Council may, in its sole discretion, remand a decision to grant a variance back to the Board of Adjustment for further consideration. The only persons authorized to request the remand of a decision to grant a variance shall be the Mayor, City Administrator, City Attorney, or Zoning Administrator and the only grounds for requesting a remand shall be the following:
    - (1) That legal error is believed to have occurred in the procedures followed by the Board of Adjustment, or
    - (2) That the evidence presented by the applicant did not support the finding, or

- (3) That the variance granted was beyond the authority of the Board of Adjustment.

On remand all parties shall be permitted to introduce such additional relevant evidence, as they deem appropriate.

To facilitate review by the City Council, no variance granted by the Board of Adjustment shall become effective until the day following the next regularly scheduled council meeting, which occurs more than four calendar days after the Board of Adjustment meeting at which the variance is granted.

If the Council does remand the granting of the variance back to the Board of Adjustment, the effective date of the variance is delayed for 30 days from the date of the remand.

If the granting of a variance is remanded to the Board of Adjustment for reconsideration, the Board shall notify the applicant, the City Administrator and Mayor and other interested parties of the time and place that the matter will be reconsidered, and after holding the rehearing, the Board shall either reaffirm its decision to grant the variance, or alternatively, it shall deny the variance.

**1.28 APPEALS FROM THE BOARD OF ADJUSTMENT.** Any person, board, taxpayer, officer, department, board or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review of such decision by a court of record in the manner provided by the Chapter 414 of the *Code of Iowa*.

**1.29 COMPLAINTS REGARDING VIOLATION.** Any person, board, taxpayer, officer, department, or other individual or group may file a written complaint stating fully the causes and basis for the complaint on forms provided by the City to the Zoning Administrator.

**1.30 VIOLATIONS.** Any person, firm, or corporation who violates or fails to comply with the provisions of this Zoning Code shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$100.00 or imprisoned not more than 30 days and may be required to pay all costs and expenses involved in the prosecution of the violation. Alternatively, any person, firm, or corporation who violates or fails to comply with the provisions of this Zoning Code shall be guilty of a municipal infraction pursuant to Title I, Chapter 4 of the City's Code of Ordinances. Each day such violation continues shall constitute a separate offense.

The owners or tenants of any building, structure, land, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation or fails to comply with any provision of this Zoning Code may each be charged with a misdemeanor or municipal infraction and upon conviction suffer the penalties provided herein. In the event a misdemeanor is charged the penalties contained in Chapter 3 of the City's Code of Ordinances shall apply. Each day such violation continues shall constitute a separate offense.

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure, or land is used in violation of this Zoning Code, the City may, in addition to other remedies, institute an injunction, mandamus, or other appropriate lawful action necessary to prevent, correct or abate such violation.

Nothing herein contained shall prevent the City from taking any other lawful action as is necessary to prevent or remedy any violation.

**1.31 LANDSCAPING AND SCREENING REQUIREMENTS.** The guidelines of this section provide additional guidance on the development of sites permitted within this Zoning Code by providing regulations on landscaping and screening requirements. These guidelines are intended to improve the appearance of the community, to provide for appropriate buffers and screens between incompatible use types, and to assist in preservation of property values within the City. Fences and hedges used as landscaping or screening elements are also subject to fence and hedge regulations in Section 1.34.

1. Applicability. The provisions of this chapter shall apply to all new development or redevelopment on each lot or site when an application for a building permit is approved by the City or when a change in use to the property is required that includes rezoning or a site plan review, except for the following:

A. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss.

B. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements.

C. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20 percent. Where such additions or enlargements are 20 percent or greater these provisions shall apply only to that portion where the new development occurs.

2. General Provisions. The following general provisions shall apply to screenings:

A. Time of Application. The provisions of this chapter shall be applied for each individual lot or site when an application for a rezoning, site plan approval, conditional use permit, or building permit on such lot is made. For commercial and multi-unit residential development projects, landscape plans shall be prepared and signed by a licensed landscape architect.

B. Maintenance. Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this chapter.

C. Obstruction of View. Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk.

D. Earth Berm Locations. All earth berm locations shall be reviewed by the City's Public Works Director or their designee to determine how the berm relates to and impacts drainage and public utilities.

E. Exceptions. A development may continue to comply with the buffer yard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with buffer yard or screening provisions outlined in this chapter.

3. Landscaping Standards.

A. Requirements. Landscaping shall be required adjacent to each street property line and within street yards a distance of five feet from any street side property line. In the C-1 zoning district landscaping may be substituted with hardscape.

B. Inorganic Materials. No artificial trees, shrubs, plants, or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as stone or decorative pavers, may be used provided that such material does not comprise more than

35 percent of the minimum required landscaped area. Other concrete and asphalt pavement surfaces may not be used within the minimum required landscaped area, except for walkways.

4. Buffer Yard Requirements. Buffer yards are required when a more intensive zoning district (District A in the following table) is adjacent to a less intensive zoning district (District B in the following table). The owner, developer, or operator of the more intensive zoning district shall install and maintain a landscaped buffer yard on their lot or site, as set forth within this chapter. Buffer yards are not required of single-unit, two-unit, duplex, or townhome use types in the more intensive zoning district.

<b>BUFFER YARD REQUIREMENTS (IN FEET)</b>			
<b>District B (Less Intensive Adjacent District)</b>			
<b>District A (More Intensive District)</b>	<b>R-1*</b>	<b>R-2*</b>	<b>R-3*</b>
<b>R-3**</b>	20	20	10
<b>C-1</b>	10	10	10
<b>C-2</b>	20	20	20
<b>M-1</b>	30	30	30
*Applies to residential uses previously established.			
**Buffer requirements do not apply to single-unit, duplex, or townhouse residential uses established in District A.			

The buffer yard requirements set forth in the above table apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley. When a street separates adjoining zoning districts that require a buffer yard, the size of the required buffer yard shall be equal to one-half of the yard required in the table above. Each required buffer yard must be entirely landscaped.

5. Screening Standards.

A. Application. Screening is required as followed:

(1) Between adjacent zoning districts identified in the Buffer Yard Requirements table in Section 24.05 when one or more of the following conditions in the more intensive zoning district is directly visible from and faces the boundary of the less intensive zoning district:

- a. The rear elevation of buildings.
- b. Outdoor storage areas, or storage tanks, unless otherwise screened.
- c. Loading docks, refuse collection points, and other service areas.
- d. Major machinery or areas housing a manufacturing process.
- e. Major on-site traffic circulation areas or truck or trailer parking.
- f. Sources of glare, noise, or other environmental effects.

(2) Where specifically required within the City’s Zoning Code.

(3) As required by a decision of the Board of Adjustment as a conditional use

B. Opaque Barrier. A six-foot opaque barrier shall be provided which visually screens the conditions listed in Subsection 1 from the less intensive uses as follows:

- (1) A solid wood or masonry fence or wall at least six feet in height.
- (2) A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within two years of planting. All plantings shall comply with Chapter 151.
- (3) A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.

- (4) Any combination of these methods that achieves a cumulative height of six feet.
- C. Location. The required screening shall be installed no closer to the less intensive zoning district than one-half the width of the required buffer yard.
- D. Drainage. Screening shall not adversely affect surface water drainage.
- E. Interruptions. Screenings shall be allowed to be interrupted to provide for pedestrian or bike trail connections or access drives to service areas or for loading purposes provided that such interruptions do not exceed 20% of the length of the required screened area.

**1.32 PARKING AND LOADING REQUIREMENTS.** This section is designed to provide guidance and regulations regarding the development and use of off-street parking to service the needs of various uses defined within the City's Code. The regulations establish standards for the functional design of parking facilities while minimizing the effects on neighboring properties.

- 1. General Applications. All off-street parking area shall comply with the following minimum area and surface requirements.
  - A. All buildings and structures erected and all uses of lands in all districts established after the effective date of this Zoning Code shall provide parking as required under this chapter, unless a building permit has been issued and construction has begun at least six months prior to the effective date of the Zoning Code.
  - B. The provisions of this section shall not apply to the C-1 Central Business District and C-1A Downtown Commercial District.
  - C. A parking space shall not be less than 180 sq. ft.
  - D. Enclosed parking areas or garages shall meet the minimum parking space requirements as set forth in this section.
  - E. Owners of two or more uses or parcels of land may jointly agree to utilize the same parking spaces provided that such agreement is made in writing and recorded in the form of deeds, easements, leases, or other contract documents to establish such a joint use of the area.
  - F. No off-street parking shall be permitted within the required front yard in all residential zoning districts, except that portion of the driveway lying within the front yard may be used to satisfy off-street parking requirements.
  - G. Off-street parking for residential uses shall be located on the same lot or site as the use.
  - H. With the exception of tuck-under garages or enclosed parking areas, off-street parking areas for any multi-unit residential use shall be at least six feet from any main building and shall not be located in the front yard or side yard.
  - I. The Zoning Administrator may authorize an adjustment in the total parking requirements for separate uses located on the same site or for separate uses location on adjoining sites and served by the same parking facilities. The Zoning Administrator shall consider at least the following criteria in determining approval of such an adjustment:
    - (1) The characteristics and time of operation of each use, and difference in projected peak parking demand.

- (2) Potential reduction in total expected vehicle movements afforded by multiple uses of the parking facilities.
  - (3) Functional designs of the development and its parking facilities.
  - (4) Demonstrated ability to locate additional parking on the site to accommodate total parking requirements (proof of parking).
  - (5) Evidence of a written agreement and cross access easement that provides for the joint use and ongoing maintenance of parking facilities. Such agreement shall be entered into by all property owners involved and recorded with the Linn County Recorder against all properties named in the agreement and a copy filed with the City.
2. Minimum Off-Street Parking Requirements. Except for uses within the C-1, Central Business District, at the time of construction, alteration, moving into, enlargement of a structure or building, or change in the use of the land, off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as identified in the following table.



<b>USE TYPE</b>	<b>PARKING STANDARD</b>
<b>Residential Uses</b>	
Single Unit Dwelling	2 spaces per unit
Duplex	2 spaces per unit
Multi-Unit Dwelling	1.5 spaces per efficiency, studio, or 1-bedroom unit 2 spaces per unit for units for units with 2 or more bedrooms
Senior	1 space per unit
Assisted Living	1/3 space per unit
Mobile Home	2 spaces per unit
<b>Civic Uses</b>	
Assembly – Churches, Public Meeting Hall, Auditoriums, Gymnasiums	1 space per 4-person capacity
Cemetery	N/A
Colleges and Universities	1 space per 2 full time students
Day Care	1 space per 5 students + 1 space per employee for largest shift
Health Care – Clinic/Medical Office/Dental/Other Health Care	1 space per 300 sq. ft. + 1 space per employee for largest shift
Health Care – Overnight Hospital	1 space per 2 beds
Parks	N/A
Post Office	1 space per 500 sq. ft.
Primary School	1 space for each classroom or office room + as required for auditorium/gymnasium space
Public Safety	1 space per employee of maximum shift + 1 space per 1,000 sq. ft.
Public Works / Utilities	1 space per employee of maximum shift
Secondary School	1 space per employee for largest shift + 1/3 space for every 11 <sup>th</sup> and 12 <sup>th</sup> grade student
<b>Commercial Uses</b>	
Auto Rental	1 space per rental car + 1 space per employee of maximum shift + 1 space per 200 sq. ft. of indoor customer service area
Auto Repair*	5 spaces per repair/service stall
Bar, Cocktail Lounge, Tavern, Night Club, Other On-Site Drinking Establishment	1 space per 2-person capacity
Bank	1 space per 200 sq. ft.
Campground	1 space per camping unit
Cinema/Live Theater	1 space per 3-person capacity
Hotel, Motel, Other Temporary Lodging	1 space per rental room/suite + space per employee for largest shift
Retail	1 space per 250 sq. ft.
Restaurants – Dine-in	1 space per 3-person capacity in dining room
Restaurants – Drive Through/Pick Up	1 space per 50 sq. ft. of indoor customer service area

<b>USE TYPE</b>	<b>PARKING STANDARD</b>
Services – Barber, Salon, Spa, Animal Grooming, Financial, Insurance, etc.	1 space per 500 sq. ft.
Stables, Kennels	1 space per employee for largest shift + staff per 5,000 sq. ft. of site area
Veterinary Services	1 space per 500 sq. ft.
<b>Office Uses</b>	
Administrative, Business, Call Center, or Professional	1 space per 300 sq. ft.
<b>Industrial Uses</b>	
Agricultural Industry*	1 space per employee of largest shift + 1 space per vehicle stored on site
Manufacturing	1 space per 1,000 sq. ft.
Mining/Resource Extraction	1 space per employee of largest shift 1 space per vehicle stored on site
Outdoor Storage, Salvage Yards, Construction Yards*	1 space per employee of largest shift + 1 space per vehicle stored on site
Railroad Facilities	1 space per employee of largest shift + 1 space per vehicle stored on site
Warehousing, Indoor Storage, Data Storage	1 space per 1,000 sq. ft. up to 10,000 sq. ft. 1 space per 2,000 sq. ft. for additional sq. ft. above 10,000 sq. ft.

3. Persons with Disabilities Parking. Each off-street parking facility shall provide the number of parking spaces set forth in the following table designed and designated for use by persons with disabilities. Parking facilities for single-unit, duplex, two-unit, and mobile home residential uses are exempt from this requirement.

Required Minimum Number of Total Parking Spaces in Lot	Handicapped Accessible Parking Spaces Required
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20 spaces plus one for each 100 over 1,000

Note: Projects, which are required to comply with the Uniform Federal Accessibility Standards, shall provide a minimum of one handicapped parking space.

Van Accessible Stalls. One in every eight accessible spaces, but not less than one, shall be served by an access aisle with a minimum width of 96 inches and shall be designated as “Van Accessible.”

4. Off-Street Parking Design Standards. The following design standards shall apply to all developed or redeveloped parking spaces designed to meet the requirements of this chapter.

A. Dimensions. Standard parking spaces shall be designed in conformance with the following guidelines:

(1) Parking stalls shall have a minimum paved dimension of nine feet by 18 feet.

(2) Stall and aisle dimensions shall be as noted below for the given angle:

Angle	Curb Length	Stall Length	Aisle Width
45-degree	12.0'	18.0'	15'
60-degree	10.0'	18.0'	18.5' (one-way aisles)
90-degree	9'	18.0'	26'
Parallel	20.0'	8.0'	22'

(3) Parking facilities may provide a maximum of 40% of their total 90-degree angle stalls as designated compact stalls. Compact stalls at 90-degree angles shall be a minimum of 8.5 feet wide and 16 feet long.

(4) Spaces designated for the handicapped shall have a minimum width in accordance with the State of Iowa Accessibility Code. Each accessible space shall provide a barrier free route to an accessible building entrance, which shall not require users to walk or wheel behind parked cars. Such spaces shall be designated with an upright sign exhibiting the universal symbol for accessibility by the handicapped. All such spaces shall be designed in compliance with the State of Iowa Accessibility Code.

B. Pavement and Drainage.

(1) Required off-street parking facilities shall be hard surfaced with either asphalt or concrete. Alternative pavement materials may be approved by the Zoning Administrator on a case by case basis.

(2) Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties or public rights-of-way.

(3) A plan review of proposed parking facilities must be performed by City staff, prior to the development of the parking facilities. The design of the parking lot shall, to the maximum extent possible, retain or absorb the first 1/2" of rainfall on the hard-surfaced area of the parking area.

C. Landscape and Screening Requirements. Unless otherwise identified by the Code of Ordinances, each unenclosed parking facility over 3,000 square feet shall comply with the following regulations:

(1) Each unenclosed parking facility shall provide a minimum landscaped buffer of 10 feet along any street property line.

(2) Each parking facility that abuts a residential district shall provide a 10-foot landscaped buffer along its common property line with the residential district.

(3) Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to approval by the Zoning Administrator.

(4) Each unenclosed parking facility of over 4,500 square feet within a street yard shall provide interior landscaped area equal to no less than five percent of the total paved area of the parking facility. Parking facilities within the M-1 Light Industrial and M-2 Heavy Industrial Zones shall be exempt from this requirement.

(5) Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in Section 165.31.

D. Entrances and Exits.

(1) Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points as required by the City. Such driveways shall be designed to direct non-residential traffic away from residential areas.

(2) Parking facilities other than driveways for single-unit or duplex uses must permit vehicles to enter streets in a forward position.

E. Safety Features.

(1) Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving it and shall not create blind, hidden, or hazardous areas.

(2) Circulation patterns shall be designed in accordance with accepted standards of traffic engineering and safety.

F. Lighting. Any lighting used to illuminate any off-street parking area shall be arranged to direct light away from adjoining properties in any residential district and shall be downward cast or full cutoff fixture types.

G. Maintenance. All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility and providing proper care of landscaped areas.

H. Adjustment. For uses subject to Conditional Use Permit approval, see Section 165.21, the Board of Adjustment may adjust the minimum requirements of this section, in order to provide design, usability, attractiveness, or protection to adjoining uses in a manner equal to or greater than the minimum requirements of this Code.

5. Off-Street Loading Requirements. Any use which involves the receipt or distribution of freight, merchandise, supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading and circulation. Loading areas shall be designed to avoid undue interference with the public use of streets and sidewalks and to comply with the following regulations.

A. Schedule of Loading Spaces. Loading spaces for each use requiring them shall be provided in accord with the minimum requirements set forth in the following table:

Gross Floor Area of Use (Square Feet)	Number of Required Loading Spaces
5,000 or less	None
5,0001 to 25,000	1
25,001 to 75,000	2
75,001 and above	3

B. Design Standards.

- (1) Each loading space shall be at least 10 feet wide by 50 feet long, with a vertical clearance of at least 14 feet.
- (2) Paving of loading spaces and access areas shall be permanent, durable, and free of dust.
- (3) Off-street loading areas are subject to the landscaping and buffering requirements for parking facilities set forth in this chapter.

6. Recreational and Personal Vehicle Parking. Personal vehicles having current motor vehicle registration and current motor vehicle license plates and recreational vehicles on a single lot in a residential district subject to specific conditions are permitted based on the following regulations.

A. Location of Parking. Parking of recreational and personal vehicles is limited to the following regulations:

- (1) Parking is permitted within any enclosed structure when such structure conforms to the regulations of the zoning district in which it is located.
- (2) Parking of personal vehicles is permitted on a paved driveway (outside of an enclosed structure) within the front yard setback but shall in no case encroach upon the public right-of-way.
- (3) Parking of a personal vehicle may occur in the rear yard setback.
- (4) Heavy commercial vehicles shall not be parked on any lot within a residential zone, unless granted specific permission by the City.

B. Special Provisions for Recreational Vehicles and Boats. Where permitted, parking and storage of recreational vehicles and boats is subject to the following conditions:

- (1) Recreational vehicles and boats must be maintained in a clean, well-kept state.
- (2) Recreational vehicles and boats may not be permanently connected to utility lines.
- (3) Recreational vehicles and boats may not be used for the storage of goods, materials, or equipment other than those items that pertain to the use of the vehicle.

C. Storage and Parking of Vehicles, Boats, Campers, and Trailers. The storage or keeping of motor vehicles not having a properly issued current motor vehicle registration and current motor vehicle license plate properly displayed is prohibited on any lot, parcel, or tract of land or part thereof, situated within a residential zoning district is prohibited with the following exceptions:

- (1) The storage of any unlicensed or unregistered motor vehicle is a fully enclosed garage.
- (2) The storage of operable off-highway farm or industrial vehicles on tracts zoned Agricultural, Rural Residential, or Industrial and used in agricultural or industrial activity conducted on the premises.

**1.33 DRIVEWAY APPROACHES AND ACCESS OPENINGS.**

1. Compliance. It shall be unlawful for any person to construct or put in place any driveway approach or curb drop without first complying with the provisions of this Zoning Code.
2. Permit Required. It is unlawful for any person to cut into, remove, or destroy any part of any curb along the edge of any traveled way or to construct a driveway approach, without first securing a permit from the City.
- 3 Application for Permit. An application for a driveway permit shall be made to the City Administrator and shall contain the following information:
  - A. The name, address, phone number, and email address of the property owner and applicant if different.
  - B. The street address and legal description of the property for which the application is being submitted and the name of the street upon which the driveway approach is being requested, if different that the street address of the property.
  - C. If the application is being made by a tenant of the property, or someone other than the owner, a letter of approval from the property owner shall be attached to the application. The letter of approval shall state the specific design guidelines for which the approval is given which shall match the requested specifications shown in the application.
  - D. The application shall specify if the driveway approach being requested is a temporary approach or a permanent approach.
  - E. The application shall state the type of materials to be used in the construction of the approach including and the specific specifications of the construction including the depth of driveway approach material, sub-base materials, and depth, and total excavation depth.
  - F. The application shall provide the total width of the existing driveway approach and the total width of the driveway approach following the completion of the project.
  - G. The application shall have attached to it a plat map showing the parcel of land, the existing driveway, principal and accessory buildings, driveway approach, and the proposed new driveway approach areas.
  - H. Any other information deemed necessary in making a final decision on the application by the City.
4. Permit Fee. The application shall be submitted along with the appropriate fee as designated by resolution of the City Council.
5. Permit Issuance. If the proposed driveway approach conforms to and is compliance with the City's general specifications for construction of driveways and otherwise meets the terms of this Zoning Code and the City Code of Ordinances the City Administrator shall issue the permit for construction in the name of the owner of the property.
6. Denial of Permit. If the proposed application doesn't provide all the details required, if the applicant hasn't made payment of the required permit fee, or if the proposed project does not comply with all the regulations of the City the City Administrator shall deny the application and provide notice to the applicant in writing of the reasons for denial. The applicant may make modifications to the application and resubmit the application along with a new permit fee for reconsideration.

7. Construction As Outline In Application. The construction of a driveway approach shall be done in accordance and as outlined in the approved application. Any deviation from the proposed application shall be brought before the City for approval. If the deviation is a major change, in the opinion of the City, from the original application a new application may be required.
8. Duration of Permit. Each permit granted by the City shall be valid for a period of 90 days. Work shall commence on the project within 90 days of the approval of the permit and shall be completed within 180 days of the issuance of the permit. Failure to start within 90 days shall require the submission of a new permit and permit fee. Projects which are not completed within 180 days of the issuance of the permit shall require the applicant to submit an extension request along with the appropriate fee as designated by resolution of the Council.
9. Noncompliance. The following are grounds for immediate removal of a driveway approach by the City, the expense of which shall be the responsibility of the property owner:
- A. Construction of a driveway approach without a permit.
  - B. Construction of a driveway approach which does not conform to the permit issues, or to the provisions of the City Zoning Code or City Code of Ordinances.
  - C. Abandonment of use of a driveway approach.
10. Notice of Noncompliance. The City Administrator shall give written notice either by certified mail or personal services to the owner of the property whose driveway approach is found to be noncompliant. The notice shall be deemed served upon the date of personal service or delivery of the certified mail piece. The notice shall provide the property with a 30-day period for resolution of the noncompliance from the date of service of the notice or in the case of noncompliance that is determined by the City to be of potential serious risk of harm to the community a period of compliance shall be determined based on the potential risk determined by the City. All costs associated with the service of notice and the mitigation of any noncompliance issues shall be the cost of the property owner. Failure to pay such costs shall be deemed noncompliance.
11. Access Openings. No access opening shall be made to any residential property except in compliance with the following:
- A. Maximum width. No access from residential property onto a public street or highway of the City shall hereafter be of a width greater than 36 feet at the curb or of a width greater than 28 feet on the property line of said residential property except when approved by the Council. The maximum width may be split between multiple openings but shall not exceed the maximum allowed by this Code.
  - B. Materials. All access openings and driveways shall be constructed of gravel, white rock, concrete, asphalt, or pavers.
  - C. Visibility. Access openings shall be constructed to ensure clear vision within the required sight triangle as required by this Code. Parking spaces shall be at least 10 feet from the corner of any property and a minimum of five feet from any fire hydrant.
12. Nonconforming Driveway Approaches. Any nonconforming driveway or driveway approach in place prior to the adoption of this Zoning Code shall be allowed to remain in place as currently designed and constructed.

**1.34 FENCE REGULATIONS.** The following regulations shall apply to the construction and maintenance of fences within the City.

1. Construction Prohibited. Construction of a fence under the following conditions and within the following locations is prohibited:

- A. Construction within the vision clearance triangle on any property within the City.
  - B. On public right-of-way or any other public property without the written permission of the Council.
  - C. Construction of a fence without first obtaining a building permit for a permanent fence or a temporary fence permit as outlined in this section.
2. Permit Required. The construction of any fence within the City shall require a permit from the City following application by the property owner.
- A. Application for Permit. The property owner shall submit to the City on forms provided by the City an application requesting a permit for construction of a fence on private property. The application shall contain at a minimum the following information:
    - (1) Name, address, phone number, and email address of the applicant and property owner (if different).
    - (2) Legal description of the property on which the proposed fence will be constructed.
    - (3) A site plan showing the following information:
      - a. A north arrow.
      - b. The property lines of the property on which the fence is to be constructed.
      - c. Any known utility easements existing on the property.
      - d. The proposed location of the fence shown on the site plan.
      - e. A drawing showing the profile of the fence including the type of fence to be constructed and the height. If the height or style of the fence is proposed to change the profile shall show all profiles proposed.
      - f. In the case of an application from a property tenant, a letter from the property owner authorizing the construction of the fence.
    - (4) Any additional information deemed necessary by the City.
  - B. Permit Fee. Each application for a fence permit shall be accompanied by payment of the permit fee as set by resolution of the Council.
  - C. Review and Approval. Each application received by the City for a fence permit shall be reviewed by the City Administrator for compliance with the regulations of this Code. If the permit and the proposed construction of the fence meet the regulations of this Code and payment of the permit fee has been made the City Administrator shall issue the permit.
  - D. Denial of Permit. The City Administrator may deny construction of a fence for any of the following reasons:
    - (1) Failure to pay the permit fee.
    - (2) Failure to comply with the regulations of this Code.
    - (3) Failure to submit all required information and documents required as part of the application for a permit.



3. Maximum Height. In all zoning districts the maximum height of a fence shall be limited to the following:
  - A. No fence shall exceed a maximum height of six feet within either a side or rear yard. Except for the following:
    - (1) Fences may be approved by Conditional Use Permit following review by the Board of Adjustment for cases of athletic facilities including tennis courts and swimming pools. The Board of Adjustment may, in their sole discretion, implement additional conditions or restrictions in granting a Conditional Use Permit.
    - (2) Agricultural uses in agricultural zoning districts.
    - (3) Fences in commercial and industrial zoning districts which are in compliance with Subsection 6.
  - B. No fence shall exceed a maximum height of four feet within any front yard.
4. Fence Materials. Fences constructed within the City shall be limited to the following materials:
  - A. Barbed wire fences shall not be allowed in residential or commercial zoning districts.
  - B. Barbed wire fences shall be allowed in an industrial zoning district only for security purposes and only when the bottom strand of barbed wire is a minimum of six feet, six inches from ground level.
  - C. Electric fences are prohibited in all zoning districts exempt for the following uses:
    - (1) For agricultural uses within an agricultural zoning district when located a minimum of five feet from the property line and when clearly marked as an electrical fence at any point where the fence is within ten feet of a driveway, field entrance, sidewalk, or other common point of intersection between the public and the fence.
    - (2) Low voltage electrical fences, commonly called an invisible fence” which are buried underground shall be allowed within a commercial or residential district.
    - (3) No electric fence installed within the City in any zoning district shall be allowed to carry a charge greater than 25 milliamperes or a pulsating current longer than one-tenth per second in a one-second cycle.
    - (4) All electric fence charges shall carry the seal of an approved laboratory.
  - D. The finished side of the fence shall be installed to face to the adjoining property or public right-of-way.
5. Residential District Regulations. Fences constructed within a residential zoning district shall comply with the following additional regulations:
  - A. No fence shall be constructed within two feet of an existing property line in the side or rear yard unless the adjoining property owner and the property owner installing the fence execute and record with the County Recorder a written agreement providing for joint agreement to the location of a fence on within two feet of a property line. The written agreement shall also outline the ownership of the fence and who shall be responsible for maintenance and repair.

6. Commercial and Industrial District Regulations. Fences constructed within a commercial or industrial zoning district shall comply with the following additional regulations:
  - A. Fences in a commercial or industrial zoning district shall be limited in height to a maximum of eight feet in a side or rear yard unless an approved Conditional Use Permit is granted by the Board of Adjustment.
  - B. Fences in a commercial or industrial zoning district may be constructed on a property line following site plan approval by the City.
7. Temporary Fences. The following regulations shall apply to temporary fences:
  - A. Temporary fences shall not be installed without first obtaining a fence permit from the City as outlined in Subsection 2. Temporary construction fences shall be exempt from the permitting process.
  - B. In addition to the required application items in Paragraph A of Subsection 2 an application for a temporary fence shall include the length of time that the temporary fence will be maintained.
  - C. Temporary fences shall not be installed where a permanent fence would not be allowed by this Code unless the Council approves based on unique circumstances or in cases where the location would provide greater safety for the public.
  - D. Temporary fences may be approved by the City Administrator provided that they meet the requirements of this section and only in cases where the temporary fence shall not be in place for more than 30 days. A temporary fence permit that requests placement for more than 30 days shall require the approval of the City Council.
  - E. Temporary fences shall be made of either a plastic or chain link material and shall not include barbed wire or any electrified elements.

**1.34 SWIMMING POOLS.** The following regulations shall apply to the construction and maintenance of swimming pools within the City.

1. Shall require the property owner to obtain a building permit prior to the start of construction.
2. Shall be considered an accessory use on any lot when permitted.
3. Shall meet the setbacks required or the primary principal use within the zoning district upon which it is built.
4. Swimming pools and hot tubs which are permanently installed, or which exceed a standard water depth greater than two feet shall require a perimeter fence which meets the following requirements:
  - A. Shall be a minimum of four feet high and shall not exceed six feet in height as measured from the top of the railing to the average grade.
  - B. All gates providing access to the pool or hot tub shall be secured and able to be locked or secured so as to prevent unauthorized access to the pool by children.
5. Decks. Decks built even with an above ground pool side wall shall have a railing with a minimum height of 36-inches but not to exceed seven feet as measured from the top of the railing to the average grade.
6. Exceptions. Pools which are located within a fenced in yard, where the fence is a minimum of four feet and access to the yard is restricted shall not require any additional fencing.

7. All swimming pools located in a residential district shall be located within the side or rear yard. No swimming pools shall be located within the defined front yard.
8. All electrical equipment and installations shall comply with the State Electrical Code.
9. Nonconforming Pools. Any nonconforming pool in place prior to the adoption of this Zoning Code shall become compliant within six months of the adoption of this Code.

## CHAPTER 2

### USE TYPES

2.01 Purpose  
 2.02 Agricultural Uses  
 2.03 Civic Uses  
 2.04 Commercial Uses  
 2.05 Industrial Uses

2.06 Miscellaneous Type Uses  
 2.07 Office Uses  
 2.08 Residential Uses  
 2.09 Transportation Uses

**2.01 PURPOSE.** The purpose of this chapter is to establish a classification system for land uses and a consistent set of terms to define land uses permitted or conditionally permitted within the adopted zoning districts of the City.

**2.02 AGRICULTURAL USES.** Agricultural use types include the on-site production and sale of plant and animal products by agricultural methods. These uses include the following:

1. **Animal Production.** The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.
2. **Crop Production.** The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including incidental packing and processing.
3. **Farm.** An area which is used for the growing of the usual farm products such as vegetables, fruits, seed crops, crops and grains and their storage on the premises, as well as necessary accessory uses for treating or storing produce; provided that the operation of accessory uses shall be secondary to the normal farming activities and provided further that farming does not include the commercial feeding or housing of animals or poultry.
4. **Farm Dwelling, Principal.** A dwelling located on a farm and occupied by the owner, operator of the farm or renter.
5. **Farm Dwelling, Support Housing.** The occupancy of residential living accommodations by one agricultural employee and their family on the same property as the principal permitted residence, without regard to duration, which occurs exclusively in association with the performance of agricultural labor on the same property as the support housing.
6. **Horticulture.** The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.
7. **Livestock Sales.** Use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.
8. **Urban Agriculture.** Farms within the city including actions as cultivating, processing, and distributing food within the city. The following specific uses are part of urban agriculture:
  - A. **Home Garden.** A garden managed by one household for the production of produce for that homestead's consumption.
  - B. **Community Garden.** A garden managed by a group of individuals to grow/harvest produce for individual or group consumption, or for sale or donation with some stipulation. Generally, a community garden is no larger than a traditional single-unit residential lot.

- C. Market or Community Supported Agriculture Garden. These are gardens used to grow produce for donation or sale only, on a small scale (generally less than 1 or 2 acres) using traditional gardening methods. Sale can occur on or off site.
- D. Urban Farms. These areas are used to grow produce for donation or sale only, on a larger scale (generally 2-5 acres), either outside or within a structure, using more intensive methods such as vertical farming, aquaponics, etc. within a more urban setting (i.e. within the City of Lake City corporate limits). Sale can occur on or off site.
- E. Urban Animal Husbandry. The keeping of smaller animals (chickens, ducks, turkeys, goats, bees, fish, rabbits, or similar) within developed areas of the City.

**2.03 CIVIC USES.** Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with social importance. These uses include the following:

1. Administration. Governmental offices providing administrative, clerical, or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.
2. Campground. Private or publicly owned facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than seven consecutive days during any one-month period.
3. Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
4. Clubs and Community Centers. Uses providing meeting, recreational, or social facilities for a private, non-profit, or non-commercial association, primarily for use by members and guests.
5. College and University Facilities. An educational institution of higher learning, which offers a course of study, designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.
6. Convalescent Facilities. A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.
7. Cultural Facilities. A library, museum, or similar registered non-profit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.
8. Day Care Facilities (Limited). Any private agency, institution, establishment, or place, which provides supplemental, supervised care for no more than six individuals without overnight accommodations. This term includes home day care facilities, nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.
9. Day Care Facilities (General). Any private agency, institution, establishment, or place, which provides supplemental, supervised care for more than six individuals without overnight accommodations. This term includes home day care facilities, nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

10. **Detention Facilities.** A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.
11. **Emergency Residential Facilities.** A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis interventions for victims of rape, abuse, or physical beatings.
12. **Group Care Facility.** A facility licensed or approved by the State of Iowa or other appropriate agency, which provides for the care and short or long-term, continuous multi-day occupancy of more than five unrelated person who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program.
13. **Health Care.** A facility providing counseling, guidance, recuperative, medical, psychiatric, or surgical service for sick or injured persons or persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, or drug addiction exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors.
14. **Helipads.** A designated take-off and landing area for rotary wing aircraft. Helipads considered under the Civic Use Type, must be approved as a conditional use by the Zoning Board of Adjustment and must be accessory to a hospital or emergency medical center.
15. **Hospital.** A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors.
16. **Maintenance Facilities.** A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
17. **Parks and Recreation Facilities.** Publicly owned and operated parks, playgrounds, recreation facilities, and open spaces. This category shall include camping facilities owned and operated by the City and included as part of the City's park system.
18. **Postal Facilities.** Postal services, including post offices, bulk main processing or sorting centers operated by the United States Postal Service.
19. **Primary Educational Facilities.** A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools in the State of Iowa.
20. **Public Assembly.** Facilities owned and operated by a public agency or a charitable non-profit organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.
21. **Religious Assembly.** A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day-care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to the Property Tax Code of the State of Iowa shall constitute prima facie evidence of religious assembly use.
22. **Safety Services.** Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.

23. Secondary Education Facilities. A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in schools in the State of Iowa.
24. Utilities. Any above ground or below ground structures or facilities, other than lines poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.
25. Wildlife Refuge. Land set aside by local, state, federal, or private entities for the purpose of providing natural habitat for animal and plant species.

## **2.04 COMMERCIAL USES.**

1. Adult Oriented Businesses. Establishments or places of business engaged in providing entertainment and/or merchandise for adults as defined in Section 4.04(1) of this Zoning Code.
2. Agricultural Sales and Service Facilities. Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.
3. Automotive and Equipment Services. Establishments or places of business primarily engaged in sale, rental, leasing, and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:
  - A. Automotive Rental and Sales: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.
  - B. Auto Services: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles: and washing and cleaning and/or repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
  - C. Body Repair: Repair, painting, or refurbishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
  - D. Equipment Rental and Sales: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
  - E. Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages; tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage or body and fender repair services.

4. **Bed and Breakfast.** A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. For purposes of this definition, bed and breakfasts are always owned and operated by the resident owner of the structure, include no more than ten units, and accommodate each guest or visitor for no more than seven consecutive days during any one-month period.
5. **Brewery, Distillery, or Winery.** An industrial facility where malt, brewed, or distilled beverages are produced (in spaces in excess of the micro-producer limits) on the premises and then sold or distributed for off-premises consumption.
6. **Brewpub.** A retail food service use which involves the preparation and serving of food to seated patrons with on premises consumption of malt or brewed beverages produced at, and owned by the brewery in the same premises, or immediately adjacent premises. The facility is limited in production to a maximum of 10,000 gallons per year sold on-site to diners and up to 5,000 barrels to be sold to distributors for retail sale. Restaurant sales must account for at least 50% of the pub's revenue.
7. **Business Support Service.** Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial service, photography studios, and convenience printing and copying.
8. **Business or Trade School.** A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college, or university, or public or private educational facility.
9. **Cocktail Lounge.** A use engaged in the preparation and retail of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.
10. **Commercial Recreation.** Private businesses or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Typical uses include golf courses, driving ranges, theaters, private dance halls, or private skating facilities.
11. **Communications Services.** Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast tower, and their minor ancillary ground structures are classified as a "Miscellaneous Use Type."
12. **Construction Sales and Services.** Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures, and hardware. This use types excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales.
13. **Consumer Services.** Establishments, which provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses including automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.



14. Convenience Storage. Storage services primarily of personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses including mini warehousing.
15. Crematorium. A mortuary where corpses are cremated.
16. Food Sales. Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food sales establishments may include the sale of non-food items. However, the sales of non-food items may account for no more than 33% of the sales area of the food sales establishment. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
17. Funeral Services. Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. However, the use does not include crematoriums. Typical uses include funeral homes or mortuaries.
18. Gaming Facilities. Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to all other local, County, and State of Iowa Licensing requirements.
19. Kennels. Boarding and care services for dogs, cats, and similar small mammals or large birds; or any premises on which three or more animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, pet motels, or dog training centers.
20. Laundry Services. Establishments primarily engaged in the provision of laundering, clearing or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.
21. Liquor Sales. Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer, or wine for off-site consumption.
22. Lodging. Lodging services involving the provision of room and/or board, but not meeting the classification of bed and breakfast. Typical uses include hotels, apartment hotels, and motels.
23. Micro-producers. A use type that includes microbreweries, micro-wineries, and micro distilleries. A space limit of 20,000 square feet per facility is established for microbreweries, micro-wineries, and micro-distilleries and where 25% or more of the facilities production is sold directly to the consumer on-site, within a retail shop, bar, tasting room, tap-room, restaurant, or other similar facility.
24. Personal Improvement Services. Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a non-professional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
25. Pet Services. Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.
26. Research Services. Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

27. Restaurants. A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the establishment's gross income.

28. Retail Services, General. Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications providing the following products or services:

Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics, and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).

29. Stables and/or Riding Academies. The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

30. Surplus Sales. Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.

31. Trade Services. Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.

32. Vehicle Storage (Short-term). Short-term storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-away or impound yards but exclude dismantling or salvage. Long-term storage beyond 21 days constitutes an Industrial Use Type.

33. Veterinary Services. Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.

**5.05 INDUSTRIAL USES.** Industrial use types include the on-site extraction or production of goods by non-agricultural methods, and the storage and distribution of products.

1. Construction Yards. Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

2. Custom Manufacturing. Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

- A. The use of hand tools, or
- B. The use of domestic mechanical equipment not exceeding two horsepower, or
- C. A single kiln not exceeding 8 KW or equivalent.

- D. This category also includes the incidental direct sale to consumers of only those good produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.
3. Light Industry. Establishments engaged in the manufacturing or processing of finished products from previously prepared materials, including processing fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or un-enclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, and apparel assembly from fabrics, electronics, and manufacturing, printing shops and publishing houses.
  4. General Industry. Enterprises engaged in the processing, manufacturing, compounding, assembling, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.
  5. Heavy Industry. Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.
  6. Recycling Collection. Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
  7. Recycling Processing. Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to glass plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
  8. Resource Extraction. A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries; borrow pits, sand and gravel operations, and mining.
  9. Salvage Services. Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials, which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junkyards, or paper salvage yards.
  10. Vehicle Storage (Long-term). Long-term storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-away or impound yards but exclude dismantling or salvage. Long-term storage of 21 days or less constitutes a Commercial Use Type.
  11. Warehousing. Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, and open storage.

## **2.06 MISCELLANEOUS TYPE USES.**

1. Alternative Energy Production Devices. The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, geothermal energy installations, or water-powered mills or generating facilities.
2. Amateur Radio Tower. A structure(s) for the transmission or broadcasting of electromagnetic signals by FCC-licensed Amateur Radio operators.

3. **Broadcasting or Cellular Tower.** A structure(s) for the transmission or broadcasting of radio, television, radar, microwaves, or telecommunication signals ordinarily exceeding the maximum height permitted in its zoning district.
4. **Construction Batch Plant.** A temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.
5. **Landfill (Non-Putrescible Solid Waste Disposal).** The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing material and ceramic tile.
6. **Landfill (Putrescible and Non-putrescible Solid Waste Disposal).** The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Iowa. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage) and manure.
7. **Wind Energy Conservation System.** Any device, which converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

**2.07 OFFICE USES.** Office uses including uses providing for administration, professional services, and allied activities. These uses often invite customers to visit the facility, but visits are limited in external impacts that a commercial type use.

1. **Financial Services.** Provision of financial and banking services to consumers or clients. Walk-ins and drive-in services to consumers are provided onsite. Typical uses include banks, savings and loans, savings banks, and loan companies. An ATM that is not accompanied on site by an office of its primary financial institution is considered a "General Retail Services" use type.
2. **General Offices.** Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices, organization and association offices, banks or financial offices or professional offices.
3. **Medical Offices.** Use of a site for a facility which provides diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Doctors, dentists, operate medical offices or similar practitioners licensed for practice in the State of Iowa.

**2.08 RESIDENTIAL USES.** Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude living arrangements providing 24-hour skilled nursing or medical care, forced residence or therapeutic settings.

1. **Boarding House for Students.** A building other than a motel or hotel where, for compensation and by prearrangement for definite periods of time, a room is used or intended to be used for living or sleeping but not used for cooking or eating purposes.
2. **Co-Housing.** Use of a site for a housing project developed as a common development and including variety of types of housing and/or common facilities. Housing units are generally developed around shared open spaces and include a homeowner's association.
3. **Commercial Residential.** The use of a portion of a commercial business structure for no more than one residential dwelling unit. The dwelling unit must be located above, alongside or to the rear of the permitted businesses.

4. Downtown Residential. The use of upper levels above street level of a building within the Central Business District of the City for single- or multi-unit residential uses.
5. Duplex Residential. The use of a legally described lot for two dwelling units, each occupied by one family within a single building, excluding mobile home units, but including manufactured or modular housing units.
6. Economy Efficient Residential. A dwelling that is more than 240 sq. ft. and less than 500 sq. ft. with a minimum side elevation of no less than 12 ft and no more than 20 ft., minimum length of 20 ft. and a maximum length of 30 ft. built on a permanent foundation and so as to comply with local and state building and sanitary codes.
7. Manufactured Housing (also Modular Housing). Use of a site for one or more manufactured home dwellings.
8. Mobile Home Park. Use of a site under single ownership for one or more mobile home units. Generally, the land on which mobile homes are placed in a Mobile Home Park is leased from the owner of the facility.
9. Mobile Home Subdivision. Division of a tract of land into lots that meet all the requirements of the City's Subdivision Ordinance for the location of mobile homes. Generally, a lot within a Mobil Home Subdivision is owned by the owner of the mobile home placed upon such lot.
10. Multiple-Unit Residential. The use of a site for three or more dwelling units within one building.
11. Rural Residential. General, rural residential uses are defined by larger lot sizes of 10 or more acres, large yards, outbuildings, farm lanes, and agricultural uses that are more of a hobby than a commercial enterprise. Rural residential uses may have private sewer systems or water wells.
12. Single-Unit Residential. The use of a site for one dwelling unit.
  - A. Single-Unit Residential (Detached): A single unit residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.
  - B. Single-Unit Residential (Attached): A single-unit residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another single lot. This is also known as a Twin Home.
13. Two-Unit Residential. The use of a site for two dwelling units, each occupied by separate individuals, each in a separate building. This use type accommodates accessory living units or multi-generational housing.
14. Townhouse Residential. The use of a site for three or more attached dwelling units and separated by vertical sidewalls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.

**2.09 TRANSPORTATION USES.** Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

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

2. Railroad Facilities. Railroad yards, equipment serving facilities, and terminal facilities.
3. Transportation Terminal. Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, public transit facilities.
4. Truck Terminal. A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

**2.10 PERMITTED USE CHART.** The following charts identify which uses are permitted by zoning district or which may be a conditional use following approval by the City for each of the above use types.

<b>Agricultural Use Types</b>									
<b>USES</b>	<b>Ag District (A-1)</b>	<b>Rural Res. (R-R)</b>	<b>Low Density Res. (R-1)</b>	<b>Medium Res. (R-2)</b>	<b>Mobile Home Park Res. (R-3)</b>	<b>Central Comm. (C-1)</b>	<b>Highway Comm. (C-2)</b>	<b>General Ind. (M-1)</b>	<b>Additional Regulations</b>
Animal Production	P	C							
Crop Production	P	P						P	
Farm	P	P						P	
Farm Dwelling, Principal	P	P							
Farm Dwelling, Support Housing	P								
Horticulture	P	P					**C**	P	
Livestock Sales	P						**C**	P	
Home Garden	P	P	P	P	P	P	P	P	
Community Garden	P	P	**C**	**C**	**C**	**C**	**C**	P	
Market or Community Supported Agriculture	P	P	**C**	**C**	**C**	**C**	**C**	P	
Urban Farm	P	P					C	C	

Civic Use Types									
USES	Ag District (A-1)	Rural Res. (R-R)	Low Density Res. (R-1)	Medium Res. (R-2)	Mobile Home Park Res. (R-3)	Central Comm. (C-1)	Highway Comm. (C-2)	General Ind. (M-1)	Additional Regulations
Administration	C	C	C	P	P	P	P	P	
Campground	P	C			P		P	C	
Cemetery	P	C					P	P	
Clubs and Community Centers	C	C	C	C	C	P	P	P	
College and University Facilities	P	C	C	C	C	P	P	P	
Convalescent Facilities			C	P	P	P	P		
Cultural Facilities	P	C	C	P	P	P	P	P	
Day Care Facilities (Limited)	P	P	P	P	P	P	P	C	
Day Care Facilities (General)	C			C	C	P	P	C	
Detention Facilities							C	P	
Emergency Residential Facilities			C	P	P				
Group Care Facility			C	P	P				
Guidance Facilities						P	P	P	
Health Care					C	P	P	P	
Helipads					C	C	C	C	
Hospital					P	P	P	P	
Maintenance Facilities	P					C	P	P	
Parks and Recreational Facilities	P	P	P	P	P	P	P	P	
Postal Facilities						P	P	P	
Primary Educational Facilities			C	C	C	P	P	P	



<b>Civic Use Types - Continued</b>									
<b>USES</b>	<b>Ag District (A-1)</b>	<b>Rural Res. (R-R)</b>	<b>Low Density Res. (R-1)</b>	<b>Medium Res. (R-2)</b>	<b>Mobile Home Park Res. (R-3)</b>	<b>Central Comm. (C-1)</b>	<b>Highway Comm. (C-2)</b>	<b>General Ind. (M-1)</b>	<b>Additional Regulations</b>
Public Assembly						P	P	P	
Religious Assembly			C	C	C	P	P	P	
Safety Services	P	C	C	C	P	P	P	P	
Secondary Educational Facilities			C	C	C	P	P	P	
Utilities	P	P	C	C	C	C	P	P	

Commercial Use Types									
USES	Ag District (A-1)	Rural Res. (R-R)	Low Density Res. (R-1)	Medium Res. (R-2)	Mobile Home Park Res. (R-3)	Central Comm. (C-1)	Highway Comm. (C-2)	General Ind. (M-1)	Additional Regulations
Adult Oriented Businesses								P	
Agricultural Sales and Service Facilities	C						P	P	
Automotive and Equipment Services						C	P	P	
Automotive Rental and Sales						C	P	P	
Auto Services						P	P	P	
Body Repair						C	P	P	
Equipment Rental and Sales						C	P	P	
Equipment Repair Services						C	P	P	
Bed and Breakfast	C	C	C	C	C	P	P	P	
Business Support Service						P	P	P	
Business or Trade School						C	P	P	
Cocktail Lounge						P	P	C	
Commercial Recreation						C	P	P	
Communications Services						C	P	P	
Construction Sales and Services						C	P	P	
Convenience Storage	C						P	P	
Crematorium								P	
Food Sales						P	P		
Funeral Services						P	P	P	
Gaming Facilities						C	P	P	
Kennels							P	P	
Laundry Services						P	P	C	
Liquor Sales						P	P	C	
Lodging						C	P		
Personal Improvement Services					C	P	P	P	

Pet Services	C					P	P	P	
<b>Commercial Use Types - Continued</b>									
USES	Ag District (A-1)	Rural Res. (R-R)	Low Density Res. (R-1)	Medium Res. (R-2)	Mobile Home Park Res. (R-3)	Central Comm. (C-1)	Highway Comm. (C-2)	General Ind. (M-1)	Additional Regulations
Research Services								P	
Restaurants						P	P		
Retail Services, General					C	P	P	P	
Stables and/or Riding Academies	P	C						P	
Surplus Sales						C	P	P	
Trade Services						C	P	P	
Vehicle Storage (Short Term)							P	P	
Veterinary Services	C					C	P	P	

<b>Conservation Use Types</b>									
<b>USES</b>	<b>Ag District (A-1)</b>	<b>Rural Res. (R-R)</b>	<b>Low Density Res. (R-1)</b>	<b>Medium Res. (R-2)</b>	<b>Mobile Home Park Res. (R-3)</b>	<b>Central Comm. (C-1)</b>	<b>Highway Comm. (C-2)</b>	<b>General Ind. (M-1)</b>	<b>Additional Regulations</b>
Floodplain	P							P	
Undeveloped or Unimproved Land	P	P						P	
Water Control Structure	P	C			C		P	P	
Wildlife Refuge	P								

<b>Industrial Use Types</b>									
<b>USES</b>	<b>Ag District (A-1)</b>	<b>Rural Res. (R-R)</b>	<b>Low Density Res. (R-1)</b>	<b>Medium Res. (R-2)</b>	<b>Mobile Home Park Res. (R-3)</b>	<b>Central Comm. (C-1)</b>	<b>Highway Comm. (C-2)</b>	<b>General Ind. (M-1)</b>	<b>Additional Regulations</b>
Construction Yards							C	P	
Custom Manufacturing						C	P	P	
Light Industry							C	P	
General Industry								P	
Heavy Industry								P	
Recycling Collection								P	
Recycling Processing								P	
Resource Extraction								P	
Salvage Services								P	
Vehicle Storage (Long-term)								P	
Warehousing								P	

<b>Miscellaneous Use Types</b>									
<b>USES</b>	<b>Ag District (A-1)</b>	<b>Rural Res. (R-R)</b>	<b>Low Density Res. (R-1)</b>	<b>Medium Res. (R-2)</b>	<b>Mobile Home Park Res. (R-3)</b>	<b>Central Comm. (C-1)</b>	<b>Highway Comm. (C-2)</b>	<b>General Ind. (M-1)</b>	<b>Additional Regulations</b>
Alternative Energy Production Devices								P	
Amateur Radio Tower	P	P	C	P	P	P	P	P	
Broadcasting or Cellular Tower	C							P	
Construction Batch Plant								P	
Landfill (Non-Putrescible Solid Waste Disposal)								P	
Landfill (Putrescible and Non-Putrescible Solid Waste Disposal)								P	
Wind Energy Conservation System	P	C						P	

<b>Office Use Types</b>									
<b>USES</b>	<b>Ag District (A-1)</b>	<b>Rural Res. (R-R)</b>	<b>Low Density Res. (R-1)</b>	<b>Medium Res. (R-2)</b>	<b>Mobile Home Park Res. (R-3)</b>	<b>Central Comm. (C-1)</b>	<b>Highway Comm. (C-2)</b>	<b>General Ind. (M-1)</b>	<b>Additional Regulations</b>
Financial Services					C	P	P	P	
General Offices				C	C	P	P	P	
Medical Offices					C	P	P	P	

<b>Residential Use Types</b>									
<b>USES</b>	<b>Ag District (A-1)</b>	<b>Rural Res. (R-R)</b>	<b>Low Density Res. (R-1)</b>	<b>Medium Res. (R-2)</b>	<b>Mobile Home Park Res. (R-3)</b>	<b>Central Comm. (C-1)</b>	<b>Highway Comm. (C-2)</b>	<b>General Ind. (M-1)</b>	<b>Additional Regulations</b>
Boarding House for Students				C	P				
Co-Housing	C	C		P	P				
Commercial Residential						P	P	P	
Downtown Residential						P			
Duplex Residential				P	P				
Manufactured Housing	P	P	P	P	P				
Mobile Home Park					P				
Mobile Home Subdivision					P				
Multiple-Unit Residential				P	P		P		
Rural Residential	P	P							
Single-Unit Residential (Detached)	P	P	P	P	P				
Single-Unit Residential (Attached)			C	P	P				
Two-Unit Residential		C	C	P	P				
Townhouse Residential				P	P		P		



<b>Transportation Use Types</b>									
<b>USES</b>	<b>Ag District (A-1)</b>	<b>Rural Res. (R-R)</b>	<b>Low Density Res. (R-1)</b>	<b>Medium Res. (R-2)</b>	<b>Mobile Home Park Res. (R-3)</b>	<b>Central Comm. (C-1)</b>	<b>Highway Comm. (C-2)</b>	<b>General Ind. (M-1)</b>	<b>Additional Regulations</b>
Aviation Facilities	P							P	
Railroad Facilities						C	P	P	
Transportation Terminal							P	P	
Truck Terminal							C	P	

# CHAPTER 3

## ZONING DISTRICTS

- 3.01 Purpose
- 3.02 Districts
- 3.03 Provision for Official Zoning Map
- 3.04 Lost, Damaged, Destroyed Zoning Map
- 3.05 Interpretation of District Boundaries
- 3.06 Agricultural District (A-1)
- 3.07 Rural Residential District (RR)
- 3.08 Low-Density Residential District (R-1)
- 3.09 High-Density Residential District (R-2)
- 3.10 Mobile Home Park Residential District (R-3)
- 3.11 Central Commercial District (C-1)
- 3.12 Highway Commercial District (C-2)
- 3.13 General Industrial District (M-1)
- 3.14 Bulk Regulation Modifications

**3.01 PURPOSE.** For the purpose of regulating a restricting the height, location, size, and type of buildings, structures, and uses allowed on land within the City, the City is hereby divided into districts in accordance with a planning process.

**3.02 DISTRICTS.** The following zoning district classifications are hereby created:

1. A-1 .....Agricultural District
2. R-R.....Rural Residential
3. R-1 .....Low-Density Residential District
4. R-2 .....High Density Residential District
5. R-3 .....Mobile Home Park District
6. C-1 .....Central Commercial District
7. C-2 .....Highway Commercial District
8. M-1 .....General Industrial District

**3.03 PROVISION FOR OFFICIAL ZONING MAP.** The City is hereby divided into districts, as shown on the Official Zoning Map, which, together with all the explanatory matter thereon, is hereby adopted by reference and declared to be a part of the Zoning Code and Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Administrator, and bearing the seal of the City under the following words:

“This is to certify that this is the Official Zoning Map referred to in Section 3.03 of Ordinance No. \_\_\_\_\_ of the City of Lake City, Iowa”

Together with the date of the adoption of the ordinance. If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.

**3.04 LOST, DAMAGED, DESTROYED 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 City Council may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment

thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Administrator 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 (Ordinance No. \_\_\_\_ ) of the City of Lake City, Iowa.”

Unless the prior Official Zoning Map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment

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

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or other public rights-of-way shall be construed to follow such center lines.
2. Boundaries indicates as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines.
4. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
5. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed as following such center lines.
6. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
7. Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Official Zoning Map or if not dimensioned shall be determined by the scale shown on the map.

**3.06 AGRICULTURAL DISTRICT (A-1).** The intent of the Agricultural District (A-1) is to allow for the agricultural use of certain areas until such time as streets, utilities, and community facilities may be provided or programmed to ensure the orderly and beneficial conversion of these lands to nonagricultural uses.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications identified in Section 3.14.
  - A. Lot Area. The minimum lot area shall be one acre.
  - B. Lot Width. The minimum lot width shall be 66 feet.
  - C. Front Yard. The minimum front yard shall be 25 feet.
  - D. Side Yard. The minimum side yard shall be eight feet.
  - E. Rear Yard. The minimum rear yard shall be 25 feet.
  - F. Maximum Height. No building shall exceed a height of two and one-half stories or 25 feet, unless otherwise provided.

2. Permitted Accessory Uses and Structures. The following accessory uses, and structures shall be permitted:
  - A. Accessory uses and structures normally incidental and subordinate to the permitted use and structure, and to uses and structures permitted as exceptions.
  - B. Essential services.
  - C. Home occupations.
  - D. Private garage or carport.
  - E. Roadside stands for the sale of agricultural produce grown on the premises.
  - F. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work but in no case shall be left in excess of 30 days of the completion of work (defined as the issuance of an occupancy permit) or the abandonment of construction work.
3. Special Exception Uses and Structures. The following uses may be permitted in the Agricultural District (A-1) subject to approval by the Board of Adjustment as provided for in Sections 1.21 and 1.27.
  - A. Grain storage and grain drying facilities.
  - B. Transmitters, towers, and received equipment.

**3.07 RURAL RESIDENTIAL DISTRICT (RR).** The intent of the Rural Residential District (RR) is to allow for a low-density residential neighborhood with large lots and a more rural feel.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications identified in Section 3.14.
  - A. Lot Area. The minimum lot area shall be:
    - (1) Single unit dwelling – 8,000 sq. ft.
    - (2) Two-unit dwellings – 10,000 sq. ft.
    - (3) Other permitted uses – 10,000 sq. ft.
  - B. Lot Width. The minimum lot width shall be 66 feet.
  - C. Front Yard. The minimum front yard shall be 25 feet.
  - D. Side Yard. The minimum side yard shall be eight feet.
  - E. Rear Yard. The minimum rear yard shall be 25 feet.
  - F. Maximum Height. No building shall exceed a height of two and one-half stories or 25 feet, unless otherwise provided.
2. Permitted Accessory Uses and Structures. The following accessory uses, and structures shall be permitted:
  - A. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures 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 the completion or abandonment of the construction work but in no case shall be left in excess of 30 days of the completion of work (defined as the issuance of an occupancy permit) or the abandonment of construction work.

3. Special Exception Uses and Structures. The following uses may be permitted in the Rural Residential District (R-R) subject to approval by the Board of Adjustment as provided for in Sections 1.21 and 1.27.

- A. Grain storage and grain drying facilities.
- B. Transmitters, towers, and received equipment.

**3.08 LOW-DENSITY RESIDENTIAL DISTRICT (R-1).** The intent of the Low-Density Residential District (R-1) is to provide for low to medium density residential development with a limited number of institutional and recreational facilities permitted.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications identified in Section 3.14.

- A. Lot Area. The minimum lot area shall be:
  - (1) For a single-unit dwelling – 8,000 square feet
  - (2) For a two-unit dwelling – 10,000 square feet
  - (3) All other uses – 8,000 square feet
- B. Lot Width. The minimum lot width shall be 66 feet.
- C. Front Yard. The minimum front yard shall be 25 feet.
- D. Side Yard. The minimum side yard shall be eight feet.
- E. Rear Yard. The minimum rear yard shall be 25 feet.
- F. Maximum Height. No building shall exceed a height of two and one-half stories or 35 feet, unless otherwise provided.

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

- A. Accessory uses and structures normally incidental and subordinate to the permitted use and structure, 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 the completion or abandonment of the construction work but in no case shall be left in excess of 30 days of the completion of work (defined as the issuance of an occupancy permit) or the abandonment of construction work.

**3.09 HIGH-DENSITY RESIDENTIAL DISTRICT (R-2).** The intent of the High-Density Residential District (R-2) is to provide for the development of high-density residential development with a limited number of institutional and recreational facilities permitted.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications identified in Section 3.14.

- A. Lot Area. The minimum lot area shall be:
  - (1) For a single-unit dwelling – 8,000 square feet
  - (2) For two-unit dwellings – 10,000 square feet, unless on a corner lot in which case the minimum lot area may be less than 10,000 square feet, but must be greater than 8,499 square feet; R-2 corner lots with less than 10,000 square feet retain all the use privileges of R-1 as defined by the Chapter 2.10 Permitted Use Chart, but R-2 use privileges are solely restricted to the construction of Duplex Residential Units.
  - (3) For a multi-unit dwelling – 3,000 square feet per dwelling unit, but in no case less than a total of 12,000 square feet.
  - (4) All other uses – 8,000 square feet.
- B. Lot Width. The minimum lot width shall be 66 feet.
- C. Front Yard. The minimum front yard shall be 25 feet.
- D. Side Yard. The minimum side yard shall be:
  - (1) For single- and two-unit dwellings there shall be a side yard of not less than eight feet.
  - (2) For multi-unit dwellings there shall be a side yard of 12 feet.
- E. Rear Yard. The minimum rear yard shall be 10 feet.
- F. Maximum Height. No building shall exceed a height of two and one-half stories or 35 feet, unless otherwise provided.

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

- A. Accessory uses and structures normally incidental and subordinate to the permitted use and structure, 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 the completion or abandonment of the construction work but in no case shall be left in excess of 30 days of the completion of work (defined as the issuance of an occupancy permit) or the abandonment of construction work.

**3.10 MOBILE HOME PARK RESIDENTIAL DISTRICT (R-3).** The intent of the Mobile Home Park Residential District (R-3) is to provide for development of high-density residential neighborhoods with a limited number of institutional and recreational facilities permitted.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications identified in Section 3.14.
  - A. Lot Area. The minimum lot area shall be two acres for the entire park.
  - B. Lot Width.
  - C. Front Yard. All front yards shall be a minimum of 25 feet.
  - D. Side Yard.
  - E. Rear Yard.
  - F. Maximum Height.
  - G. For each mobile home located within the park the home shall be located on a sub-lot containing at least 3,000 square feet and which shall measure 40 by 75 feet.
  - H. Individual mobile homes shall be located within a park so that there is at least a 20 foot clearance between each mobile home and five foot open space between the mobile home, including any permanently enclosed appendage, and any driveway, walkway, or mobile home space boundary; and a 10 foot open space at the rear of the mobile home.
  - I. In addition, mobile home parks shall also comply with the supplement use regulations set forth in Section 4.07(5) of this Zoning Code.
2. Permitted Accessory Uses and Structures. The following accessory uses, and structures shall be permitted:
  - A. Accessory uses and structures normally incidental and subordinate to the permitted use and structure, and to uses and structures permitted as exceptions.
  - B. Essential services.
  - C. Home occupations.
  - F. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work but in no case shall be left in excess of 30 days of the completion of work (defined as the issuance of an occupancy permit) or the abandonment of construction work.

**3.11 CENTRAL COMMERCIAL DISTRICT (C-1).** The intent of the Central Commercial District (C-1) is to provide for a commercial area to serve the shopping needs of the trade area and to permit uses which will strengthen the central business district as the center of trade, service, governmental and cultural activities.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications identified in Section 3.14.
  - A. Lot Area. No minimum lot area shall be required.
  - B. Lot Width. No minimum lot width shall be required.
  - C. Front Yard. No minimum front yard shall be required.
  - D. Side Yard. No minimum side yard shall be required, except when adjoining a residential district, in which case an eight-foot side yard shall be provided.
  - E. Rear Yard. No minimum rear yard is required except when adjoining a residential district in which case a rear yard of 25 feet shall be provided.

- F. **Maximum Height.** No building shall exceed a height of two and one-half stories or 45 feet, unless otherwise provided.
2. **Permitted Accessory Uses and Structures.** The following accessory uses, and structures shall be permitted:
- A. Accessory uses and structures normally incidental and subordinate to the permitted use and structure, and to uses and structures permitted as exceptions.
  - B. Essential services.
  - C. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work but in no case shall be left in excess of 30 days of the completion of work (defined as the issuance of an occupancy permit) or the abandonment of construction work.
  - D. Awnings and canopies are allowed to extend over the public right-of-way as long as they provide for a minimum seven-foot clearance above the pedestrian walkway.

**3.12 HIGHWAY COMMERCIAL DISTRICT (C-2).** The intent of the Highway Commercial District (C-2) is to provide for a location that is 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 have access to primary streets, roads, and highways.

1. **Bulk Regulations.** The following minimum requirements shall be observed subject to modifications identified in Section 3.14.
- A. **Lot Area.** The minimum lot area shall be: 10,000 square feet.
  - B. **Lot Width.** The minimum lot width shall be 66 feet.
  - C. **Front Yard.** The minimum front yard shall be 25 feet.
  - D. **Side Yard.** No minimum side yard shall be required, except when adjoining a residential district, in which case eight feet shall be provided.
  - E. **Rear Yard.** No minimum rear yard shall be required, except when adjoining a residential district, in which case a rear yard of 25 feet shall be provided.
  - F. **Maximum Height.** No building shall exceed a height of two and one-half stories or 35 feet, unless otherwise provided.
2. **Permitted Accessory Uses and Structures.** The following accessory uses, and structures shall be permitted:
- A. Accessory uses and structures normally incidental and subordinate to the permitted use and structure, 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 the completion or abandonment of the construction work but in no case shall be left in excess of 30 days of the completion of work (defined as the issuance of an occupancy permit) or the abandonment of construction work.



**3.13 GENERAL INDUSTRIAL DISTRICT (M-1).** The intent of the General Industrial District (M-1) is to provide space for certain commercial and a wide range of industrial uses and structures which are able to meet certain performance standards to protect nearby non-industrial uses from undesirable environmental conditions.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications identified in Section 3.14.
  - A. Lot Area. The minimum lot area shall be 10,000 square feet.
  - B. Lot Width. The minimum lot width shall be 66 feet.
  - C. Front Yard. The minimum front yard shall be 25 feet.
  - D. Side Yard. No minimum side yard shall be required, except when adjoining a residential district, in which case eight feet shall be provided.
  - E. Rear Yard. No minimum rear yard shall be required, except when adjoining a residential district, in which case a rear yard of 25 feet shall be provided.
  - F. Maximum Height. No building shall exceed a height of two and one-half stories or 35 feet, unless otherwise provided.
2. Permitted Accessory Uses and Structures. The following accessory uses, and structures shall be permitted:
  - A. Accessory uses and structures normally incidental and subordinate to the permitted use and structure, and to uses and structures permitted as exceptions.
  - B. Essential services.
  - C. Day nursery or nursery schools provided by an employer for the benefit of employees working on the premises.
  - D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

**3.14 BULK REGULATION MODIFICATIONS.** The following modifications shall apply to the bulk regulations of each Zoning District as outlined here.

1. Lot Area and Width. Any lot of record at the time of passage of this Zoning Code having less area or width than herein required may be used for a single unit dwelling where such uses are permitted as provided in this Code; provided, however:
  - A. A lot of record at the time of passage of this Code having a lot width of 66 feet or less shall maintain the required side yard on each side of the dwelling, but such yard shall not be less than five feet.
  - B. A lot of record at the time of passage of this Code having a lot depth of 100 feet or less may have the required rear yard reduced to not less than 20 feet.
2. Yards.
  - A. When 30 percent or more of the block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the buildings on either side thereof, or, where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard greater than that required for the district in which it is located. Where an official line has been established for future widening or

- opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line.
- B. In the case where the block front improved with buildings amounts to less than 30 percent of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, the required minimum yards of the district shall be observed.
- C. Buildings on through lots shall provide the required front yard on both streets.
- D. The required side yard on the street side of a corner lot shall not be less than 50 percent of the front yard required on the lots to the rear of the corner lot, and no accessory building shall project beyond the required front yard on either street.
3. Use of Public Right-of-Way. No portion of the public road, street, alley, or right-of-way shall be used for display purposes or to provide any parking or loading area required by this Zoning Code.
4. Accessory Buildings. Accessory buildings and uses customarily incidental to that of the main building may be erected or established as permitted, subject to the following provisions:
- A. No accessory building shall be located within two feet of any side or rear lot line and shall not be located within five feet of any alley line.
- B. Accessory buildings in any district shall not occupy more than 30 percent of the required yard(s).
- C. No accessory building is permitted within the limits of the front yard.
- D. No accessory building shall be used for dwelling purposes.
- E. Any open unenclosed uncovered steps, ground level patios, eaves not more than two feet in width, or concrete slab driveways may project into a required yard.
- F. Accessory buildings attached to or connected to the principal building by a breezeway shall be considered to be a part of the principal building and must meet the yard requirements of the principal building.
- G. Satellite television reception discs shall be considered to be an accessory building and as such shall not be located within the front yard.
5. Building Height. The height regulations shall not apply to television and radio towers, church spires, belfries, monuments, farm buildings, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles, and other pertinent mechanical apparatus which may be erected to any height not in conflict with any other applicable regulations.

## CHAPTER 4

# SUPPLEMENTAL USE REGULATIONS

<p><b>4.01 Purpose</b></p> <p><b>4.02 Supplemental Use Regulations – Agricultural Uses</b></p> <p><b>4.03 Supplemental Use Regulations – Civic Uses</b></p> <p><b>4.04 Supplemental Use Regulations – Commercial Uses</b></p> <p><b>4.05 Supplemental Use Regulations – Industrial Uses</b></p> <p><b>4.06 Supplemental Use Regulations – Miscellaneous Uses</b></p>	<p><b>4.07 Supplemental Use Regulations – Residential Uses</b></p> <p><b>4.08 Supplemental Use Regulations – Accessory Uses</b></p> <p><b>4.09 Supplemental Use Regulations – Home-Based Businesses</b></p> <p><b>4.10 Supplemental Use Regulations – Outdoor Storage</b></p> <p><b>4.11 Supplemental Use Regulations – Temporary Uses</b></p>
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**4.01 PURPOSE.** The purpose of this chapter is to set forth additional standard and regulations for certain uses located within various zoning districts. The regulations provided within this chapter recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Chapter 2 of the City’s Zoning Code.

**4.02 SUPPLEMENTAL USE REGULATIONS – AGRICULTURAL USES.** The following supplement use regulations shall apply to the following agricultural uses within a zoning district. Nothing provided within these supplement use regulations shall relieve the property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit or agreement, or other permit issued under any local, state or federal law or statute.

1. Retail Sales Operations. Retail sales and operations of similar type facilities within the district shall be subject to the following requirements:
  - A. Any garden center located on a lot adjacent to a residential district must maintain a 20-foot landscaped buffer yard, consistent with the standards established in Chapter 16.
  - B. A roadside stand may be located within a required front yard but not closer than 40 feet to the edge of a traveled roadway.
  - C. A roadside stand may operate for a maximum of 180 days in any calendar year.
2. Animal Production and Husbandry. The following supplemental use regulations shall apply to uses within the Agricultural District involving animal production or husbandry.
  - A. Any building housing urban animals shall be located at least 20 feet from any property line and at least 30 feet from any habitable residence.
  - B. A limitation on the number of animals allowed shall be based on the size of the parcel in acres. The limitation shall be 0.5 animal units allowed per acre for lots less than 10 acres in size and may only be greater for lots sized 10 acres or more if the property owner is granted written approval by City Council that specifies a higher animal unit limit per acre. If a higher animal unit limit is approved by Council, Council may opt to specify in writing animal units per acre based on animal type (large hoofed animal, small hoofed animals, large fowl, small animals and fowl). Fractions that are less than 0.5 shall be rounded down to the nearest whole number. Fractions greater than 0.5 shall be rounded up to the nearest whole number. The following restriction applies only to parcels with less than 10 acres:
    - (1) One large hoofed animal (i.e. horse, mule, cow, llama, or other similar).

- (2) Four small hooved animals (i.e. sheep, goats, swine, or other similar).
- (3) Six large fowl (i.e. geese, turkeys, or other similar).
- (4) 10 small animals and fowl (i.e. rabbits, chickens, ducks, or other similar).

Formula: lot size in square feet, divided by 43,560, times 0.5 = allowable animal units (round up or down to nearest whole number).

The Zoning Administrator may determine the number of animals for species not listed based on similarity to those listed.

C. Animals shall not be allowed to roam free. The property owner or tenant must keep all permitted animals within appropriate enclosures including, but not limited to, fences, corrals, barns, stables, pens, coops, etc.

D. Each property is limited to no more than one enclosed structure per animal type without a conditional use permit.

E. Each building must be located no closer than 20 feet from any property line and not closer than 30 feet from any habitable residence.

F. All enclosures, including fences, corrals, and similar structures must adhere to setback regulations for the zoning district.

G. All litter and animal waste shall be removed on regular basis and disposed of promptly and properly.

3. Urban Agriculture. The following regulations shall apply to the use of land within the zoning district for urban agriculture.

A. Composting bins shall be permitted in the rear yard and interior side yards only and shall be located no closer than five feet from any property line and a minimum of 20 feet from any structure.

B. Composting bins shall be maintained and managed so as not to become a nuisance generating obsessive odors or pests.

C. Outdoor storage of equipment and materials used for urban agricultural practices shall be allowed only in rear yards and shall be screened from view of neighboring residential properties or fully enclosed in a garden shed or garage.

D. Garden areas shall not be allowed in any required side yard (within the setback area).

**4.03 SUPPLEMENTAL USE REGULATIONS – CIVIC USES.** The following supplement use regulations shall apply to the following civic uses within a zoning district. Nothing provided within these supplement use regulations shall relieve the property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit or agreement, or other permit issued under any local, state or federal law or statute.

1. Campgrounds. The following regulations shall apply to the use of land within the zoning district for a campground:

A. Minimum Size. Each campground established after the effective date of this Zoning Code shall consist of a minimum size of one acre.

B. Setbacks. Campgrounds shall maintain a 50-foot front yard setback and a 25-foot buffer yard setback from all other property lines.

- C. Utilities. Each campground shall maintain water supply, sanitary sewer disposal, and water and toilet facilities in compliance with the City Code of Ordinances; or, alternatively, be limited to use by self-contained campers, providing their own on-board water and disposal systems.
- D. Recreational Vehicles. For each recreational vehicle pad (or space) there shall be provided the following:
- (1) An electrical outlet.
  - (2) A sanitary sewer connection per IDNR requirements.
  - (3) A potable water connection per IDNR requirements.
  - (4) A minimum of two off-street parking spaces.
- E. Storm Shelter. The campground shall provide a storm shelter built according to state and federal rules and large enough to accommodate the population of the campground based on a minimum of two people per site. The storm shelter shall be located so that campground guests can reach the shelter within the safe response time as defined by FEMA.
- F. Accessory Structures. Porches, lean-tos, or additions to the recreational vehicle are not allowed. Canvas screened rooms and awnings are allowed.
- G. Permanent Dwelling Unit. One permanent dwelling unit is allowed per campground or recreational vehicle park that may be used by the park owner or resident superintendent.
2. Clubs and Community Centers. Clubs and community centers where identified as a permitted or conditional use shall comply with the following regulations:
- A. Clubs and community centers located adjacent to a residentially zoned lot shall maintain a buffer yard of not less than 15-feet along the common boundary with the residentially zoned lot.
  - B. Clubs and community centers located adjacent to a residentially zoned lot shall ensure that a minimum of visual barrier at least six feet high shall be provided between the residential lot and any parking facilities.
  - C. Clubs and community centers located adjacent to a residentially zoned lot shall ensure that any lighting on the outside of the building, including parking lot lighting and sign lighting, is designed in such a fashion that minimal spill over light will encroach upon the residential lot.
3. Detention Facilities. Detention facilities where identified as a permitted or conditional use shall comply with the following regulations:
- A. Detention facilities when adjacent to a residential lot shall maintain a 25-foot buffer yard setback from all adjacent residentially zoned properties.
  - B. Detention facilities when adjacent to a residentially zoning lot shall ensure that any security lighting is directed to remain onsite and that minimal spill over lighting is placed upon the residentially zoned lot.
4. Group Care Facilities and Group Homes. Each group care facility and group home shall comply with the following regulations:

- A. Each group care facilities or group home shall have and maintain a valid license issued by either the State of Iowa or another appropriate governmental subdivision.
- 5. Helipads. Helipads shall comply with the following regulations.
  - A. All helipads allowed shall first be subject to approval as a conditional use and with FAA approval.
  - B. Helipads allowed on a lot adjacent to a residentially zoned lot shall maintain a 50-foot buffer on all sides that are adjacent to a residentially zoned lot.
  - C. Helipads allowed on a lot adjacent to a residentially zoned lot shall maintain a visual and sound barrier of at least 12-foot high between any residential zoned lot and the helipad.
- 6. Maintenance Facilities. Maintenance facilities where identified as a permitted or conditional use shall comply with the following regulations:
  - A. Maintenance facilities which are adjacent to a residentially zoned property shall maintain a 15-foot buffer yard setback from all adjacent residentially zoned properties.
  - B. Maintenance facilities which are adjacent to a residentially zoned property or a property zoned C-1 shall provide for a visual barrier from any outdoor storage, supply yard, or debris piles that shall prevent individuals whether walking, standing, or driving by from having to view such storage facilities.
  - C. Maintenance facilities shall provide screening for all outdoor storage with a minimum six-foot high opaque fence of uniform design and color. The fence must be kept in good repair.

**4.04 SUPPLEMENTAL USE REGULATIONS – COMMERCIAL USES.** The following supplement use regulations shall apply to the following commercial uses within a zoning district. Nothing provided within these supplement use regulations shall relieve the property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit or agreement, or other permit issued under any local, state or federal law or statute.

- 1. Adult Oriented Businesses. In adopting these supplement use regulations, the City recognizes that adult oriented facilities have certain objectionable side effects which render these facilities incompatible with residential, public, and other family uses, when the adult facilities are located close to or adjacent to such uses. This section seeks to ensure that residential, public, family oriented business, and adult entertainment facilities will be located in separate and compatible locations, it is a subject of legitimate concern for the City to use its zoning power to preserve the quality of life, preserve the City's neighborhoods and to meet effectively the increasing encroachments upon the quality of life within the City.
  - A. Location. No person, whether as principal or agent, clerk or employee, either for themselves or any other person, or as an officer of any corporation, or otherwise shall place, maintain, own or operate any adult oriented business as define in Section 165.10(1)(H) in the following locations:
    - (1) In any district other than the M-1 District.
    - (2) Within 1,000 feet of any residentially zoned or used property.
    - (3) Within 2,000 feet of any parcel of real property upon which is located any of the following facilities:

- (i) A children’s day care, nursery school, preschool, elementary school, junior high school, or senior high school.
  - (ii) A religious institution which conducts religious programs.
  - (iii) Park or recreational facility operated and improved by the City, County, or State.
  - (iv) Federal, State, County, City, or special district governmental offices.
  - (v) Supermarket or convenience store.
  - (vi) Restaurant, fast food, or food establishment catering to the family market.
  - (vii) Museum or public library.
- (4) Within 1,000-feet of any other adult oriented business facility.
  - (5) Within 1,000 feet of any existing establishment selling alcoholic beverages for consumption on premises.
- B. Measurement of Distance. The distance between any two facilities at least one of which is an adult oriented business for the purposes of measuring the distance between two uses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.
- C. Advertising, Building Openings, and Visual Appearance. All building openings, entries, windows, etc. shall be located, covered, or screened in such a manner to prevent a view into the interior from any public or semipublic area. Adult material advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, or walkways, or from other areas, public or semipublic, in this case, “adult materials” shall be defined as material describing or depicting any specified sexual activity or “specified anatomical areas” (as defined in Section 165.10(1)(H)).
- D. Responsibilities of Operator. Every act or omission by an employee constitution a violation of the provisions of this section shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator’s negligent failure to supervise the employee’s conduct, and the operator committed the act or caused the omission.
- E. Minors. It shall be unlawful to allow a person who is younger than 18 years of age to enter or be on the premises of an adult-oriented establishment at any time that the establishment is open for business. The operator must ensure that an attendant shall prohibit any person under the age of 18 from entering the establishment. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished a valid driver’s license issued by a state reflecting that person’s age.
- F. Hours of Operation. An adult-oriented establishment may remain open for business between 10:00 a.m. and 12:00 a.m. (midnight) seven days a week.
2. Auto Service, Repair, Equipment Repair, and Body Repair. Auto service, repair, equipment repair, and body repair facilities where identified as a permitted or conditional use shall comply with the following regulations:

- A. Any spray-painting activity shall take place within structures specifically designed and constructed for that purpose and approved by the City.
  - B. Where permitted in commercial districts, all repair activities, including oil drainage, lifts, and other equipment, must take place within a completely enclosed building.
  - C. Outdoor storage is permitted only where incidental to the use provided that such storage is for no longer than 30 calendar days when within a screened storage facility and for no longer than 10 calendar days when stored in an open area on the property.
  - D. Outdoor storage is required to be screened from any adjacent residential use.
3. Auto Washing Facilities. Auto washing facilities where identified as a permitted or conditional use shall comply with the following regulations:
    - A. Each self-service and conveyor operated auto washing facility shall provide stacking space for a minimum of three automobiles per bay on the approach side and a minimum of one space per bay on the exit side of the building.
    - B. Any self-service and conveyor operated auto washing facility which utilizes automatic dryers or blowers as is located adjacent to a residentially zoned lot shall provide a 25-foot buffer area including a visual and noise buffer between the auto washing facility lot and the residentially zoned lot.
  4. Automotive and Equipment Rental and Sales. Automotive and equipment rental and sales where identified as a permitted or conditional use shall comply with the following regulations:
    - A. Required off street parking facilities shall be hard surfaced and maintained with materials sufficient to prevent mud, dust, and loose material.
  5. Bed and Breakfasts. Bed and Breakfasts where identified as a permitted or conditional use shall comply with the following regulations:
    - A. Bed and breakfasts permitted in the C-1 or C-1A District must provide any sleeping facilities only on levels above the street level except for units that are specifically designed and reserved for occupancy by handicapped individuals which may be located on the street level.
    - B. Bed and breakfasts permitted and located in a residential district shall be limited to no more than four individual units available for the staying public. Garbage, recycling, and materials needed for operation of the bed and breakfast shall be contained within an enclosed garage or other permitted accessory building.
    - C. Bed and breakfasts permitted and located in a residential district shall maintain the required number of hard surfaced parking spaces on or adjacent to their lot, but not including any parking allowed on public streets, rights-of-way, or public parking lots.
  6. Convenience Storage. Convenience storage facilities where identified as a permitted or conditional use shall comply with the following regulations:
    - A. The minimum lot size for a convenience storage facility shall be one acre in any permitted or conditional use zoning district.
    - B. For a convenience storage facility located in a residential or commercial zoning district or for a facility located in an industrial zoning district but within 1,000 feet of a residential or commercial zoning district, storage of hazardous materials shall be prohibited.



- C. Facilities shall maintain a landscaped buffer yard of at least 35 feet adjacent to any public right-of-way and adjoining residentially zoned lot. A buffer yard of at least 20 feet shall be maintained on any side adjacent to a commercially or industrially zoned lot.
  - D. Activities within the convenience storage facility shall be limited to the rental of storage units and the administration and maintenance of the same.
7. Kennels. Kennel facilities where identified as a permitted or conditional use shall comply with the following regulations:
- A. No building or dog runs shall be located nearer than 100 feet from any property line of a commercial or industrial use or 500 feet to a residential use or district.
  - B. All kennel facilities shall be screened around such facilities or at the property lines to prevent distracting or exciting animals. Screening shall include a minimum of a six-foot high opaque fencing.

**4.05 SUPPLEMENTAL USE REGULATIONS – INDUSTRIAL USES.** The following supplement use regulations shall apply to the following industrial uses within a zoning district. Nothing provided within these supplement use regulations shall relieve the property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit or agreement, or other permit issued under any local, state or federal law or statute.

1. Resource Extraction. Resource extraction where identified as a permitted or conditional use shall comply with the following regulations:
- A. A resource extraction use may not increase the amount of stormwater run-off onto adjacent properties or into the City stormwater collection system. Erosion control facilities shall be required, as necessary, including, but not limited to, retention and sediment basins.
  - B. Topsoil shall be collected and stored for redistribution following the end of the operation.
  - C. A perimeter safety screening is required for all sides of the property.
  - D. When the activity is adjacent to a residentially zoned lot or a lot that is being used for residential uses there shall be a visual screen installed and a buffer of 50-feet between the adjacent residential use lot.
  - E. At the completion of operations on the site the topography and soil of the site shall be restored and stabilized within nine months. The site shall be seeded, planted, and contoured in a way that prevents erosion. As an alternative the site may be used as a lake or body of water subject to the approval of the City Council.
2. Salvage Services. Salvage services where identified as a permitted or conditional use shall comply with the following regulations:
- A. Where a salvage services business adjoins a residentially zoned lot or a lot currently being for a residential lot the salvage business shall maintain a 40-foot buffer yard for the entire length of their property adjoining the residential lot.
  - B. Salvage service lots shall maintain a 10-foot high opaque fence on all sides of the operation.
3. Biofuels and Distillation Facilities. Biofuels and distillation facilities where identified as a permitted or conditional use shall comply with the following regulations:
- A. Access to the facility shall be paved and connect to a hard surface road.

- B. The facility shall not be located in an area where winds and other climatic events may disperse odor, steam, smoke, and other discharges from the facility.
- C. All fuel storage tanks shall be located in a manner that will not allow for contamination of groundwater or surface water.

**4.06 SUPPLEMENTAL USE REGULATIONS – MISCELLANEOUS USES.** The following supplement use regulations shall apply to the following miscellaneous use types within a zoning district. Nothing provided within these supplement use regulations shall relieve the property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit or agreement, or other permit issued under any local, state or federal law or statute.

1. Amateur Radio Towers. Amateur radio towers where allowed as a permitted or conditional use, shall be subject to the following additional requirements:
  - A. Radio towers, antennas, and other appurtenances operated by licensed amateur radio operators, where permitted may not exceed 75 feet in height. This height has been determined by the City to reasonably accommodate amateur service communications, and further represents the minimum practicable regulation to accomplish legitimate municipal land use regulation purpose as recognized under published guidelines of the FCC.
  - B. Special instances may require that amateur radio tower heights exceed 75 feet to achieve effective and reliable communications. In such cases, the Board of Adjustment may grant a conditional use permit to a licensed amateur radio operator for a specific tower height that exceeds 75 feet. In determining whether to grant such permission, the Board of Adjustment shall consider the federal guidelines in PRB-1 (Amateur Radio Preemption, 101 FCC 2d (1985); codified at C.F.R. Section 97.15(e)).
  - C. The setback of such radio towers from any adjacent property line shall equal the height of the tower.
2. Landfills. New landfills are not permitted with the zoning jurisdiction of the City.
3. Telecommunication Towers. In any district where radio, television, microwave, cellular, or other communication towers are allowed as a permitted or conditional use, such towers shall be subject to the following additional requirements:
  - A. Free-standing towers shall be located so that the distance from the base of the tower to any adjoining property line or the supporting structure of a separate neighboring tower is a minimum of 100 percent of the tower height. The applicant may appeal for and the Board of Adjustment may approve a reduction to the setback if it is determined that such reduction does not constitute a hazard to safety or property on adjacent properties or rights-of-way.
  - B. As part of the approval process the applicant may appeal for and the Board of Adjustment may permit the tower to exceed the height restrictions otherwise allowed in the district.
  - C. No signals, lights, or signs shall be permitted on towers unless required by the FCC or FAA. Should lighting be required, at the time of construction of the tower in cases where there are residential users located within a distance that is 300 percent of the height of the tower from the tower, then dual mode lighting shall be requested from the FAA. Lighting on towers shall not exceed the minimum requirements of the FAA or other regulatory agencies.

- D. Adequate safety measures are required at the base of the tower to prevent vandalism or hazards resulting from casual access to the facility. Security fences may include barbed wire provided that the bottom strand of the barbed wire shall be at least eight feet above ground level.
  - E. No structure may be built in any zoning district which exceeds the maximum height permitted under the rules of the FAA.
  - F. Noise and Emission Standards. No equipment shall be operated at towers and telecommunication facilities so as to produce noise in excess of applicable noise standards under WAC 173-60, except during emergencies or periodic routine maintenance which requires the use of a backup generator, where the noise standards may be exceeded temporarily.
4. Wind Energy Conservation Systems (WECS). In any district where Wind Energy Conservation Systems are allowed as a permitted or conditional use, such systems shall be subject to the following additional requirements:
- A. The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the radius of the rotor. A reduction of this requirement may be granted as part of a conditional use permit approval if the Board of Adjustment, after recommendation from the Zoning Administrator, finds that the reduction is consistent with public health, safety, and welfare.
  - B. The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction in this requirement may be granted as part of a conditional use permit approval if the Board of Adjustment, after recommendation from the Zoning Administrator, finds that the reduction is consistent with public health, safety, and welfare.
  - C. Any tower or rotor shall maintain a distance of at least 100 horizontal feet from any structure, power line, or antenna located on another property.
  - D. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.
  - E. A fence eight feet high with a locking gate shall be placed around any WECS tower base; or the tower climbing apparatus shall begin no lower than twelve feet above ground.
  - F. The height of the WECS may exceed the height restrictions of the base district by up to 50%. The bottom tip of any rotor must be at least 10 feet above any area accessible to pedestrians. In no case shall the height of the WECS violate any height limitation of the FAA.

**4.07 SUPPLEMENTAL USE REGULATIONS – RESIDENTIAL USES.** The following supplement use regulations shall apply to the following residential uses within a zoning district. Nothing provided within these supplement use regulations shall relieve the property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit or agreement, or other permit issued under any local, state or federal law or statute.

- 1. Commercial Residential. The following regulations shall apply to the use of land for commercial residential within the zoning district.
  - A. Residential uses in a C-1 or C-1A district is allowed provided the dwelling unit is above, alongside, or to the rear of the permitted business.
  - B. The dwelling unit is attached to the permitted business.

- C. Fire separations are provided per the City's approved Building Code, or the State Building Code if the City has not specifically approved a building code.
  - D. All required parking for the dwelling unit shall be provided in addition to any required parking for the business.
2. Downtown Residential. The following regulations shall apply to the use of land for downtown residential within the zoning district.
- A. Downtown residential is permitted only when on levels above the street level. A unit, or units, specifically designed for occupancy by disabled individuals may be developed at street level, subject to the approval of the Board of Adjustment.
3. Economy Efficient Residential. Economy efficient residential units where identified as a permitted or conditional use shall comply with the following regulations:
- A. An economy efficient residential unit must be placed on a permanent foundation in compliance with the current building code and must be connected to permanent utilities including water and sanitary sewer.
  - B. Economy efficient residential units that are supplied power by wind or solar systems must comply with the current zoning and building code regulations for wind and solar systems.
  - C. No more than one economy efficient residential unit may be located on a single lot unless part of a planned unit development.
  - D. Economy efficient residential units must comply with the setbacks as defined by the specific zoning district in which they are located.
  - E. Accessory buildings for an economy efficient residential unit may be up to 150% of the size of the primary structure.
4. Manufactured Housing. Manufactured housing where identified as a permitted or conditional use shall comply with the following regulations:
- A. The exterior material shall be a of a color, material, and scale comparable with those existing in, and adjacent to, the residential site on which the manufacture home dwelling is being permanently installed.
  - B. Permanent utility connections shall be installed in accordance with local regulations.
  - C. The home shall have all wheels, axles, transporting lights, and towing apparatus removed.
  - D. The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations.
5. Mobile Home Parks. Mobile home parks where identified as a permitted or conditional use shall comply with the following regulations:
- A. Certification. A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection, and any other applicable requirements shall be required for all Mobile Home Parks.
  - B. Minimum and Maximum Area. A mobile home park shall be considered one zoned lot. The minimum contiguous area of a mobile home park shall be 10 acres.

C. Density Requirements.

- (1) The maximum gross density of a Mobile Home Park shall be seven units per acre.
- (2) The minimum size of an individual mobile home space shall be 5,500 square feet.
- (3) Each mobile home space shall have a width of at least 50 feet and a length of at least 75 feet.

D. Site Development Standards.

- (1) Required Setback. Each mobile home park shall have a minimum perimeter setback of 55 feet from adjacent non-residential uses and 55 feet from adjacent residential uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.
- (2) All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened.
- (3) Recreational Area. Each mobile home park shall provide a minimum of 500 sq. ft. or five percent of the gross area excluding any area dedicated as a public right-of-way of open recreational space per unit whichever is greater. Required perimeter setbacks, buffers, factory-built home space, storage areas, or required yards shall not be credited toward the fulfillment of this requirement.
- (4) The minimum separation between a mobile home unit and attached accessory structures and any other mobile home unit and/or accessory unit shall be 20 feet.
- (5) An accessory structure on a mobile home space must maintain a minimum rear and side yard setback of five feet. A minimum distance of five feet shall be provided between any mobile home and an unattached accessory building.
- (6) Fences. All fences erected or placed with a factory-built home park shall comply with Section 165.33.

E. Street Access and Circulation Requirements.

- (1) Access to Public Street. Each mobile home park must abut to and have access to a dedicated public street. Direct access from a public street to a mobile home space is prohibited. The mobile home park shall provide a minimum of two separate entrance and exit roadways which shall not be less than 50 feet in width.
- (2) Streets. The mobile home park must provide interior vehicular circulation on a private internal street system. The internal transportation system shall be continuous and connected with other internal and public streets. Internal streets shall be a minimum of 24-feet wide with a minimum right-of-way of 40-feet. Private streets over 400-feet in length shall include adequate space for a cul-de-sac which shall have a minimum diameter of 100 feet.
- (3) The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an internal street shall be 10 feet.
- (4) Sidewalks. Each mobile home park shall provide a sidewalk system to connect mobile homes to common spaces and common buildings and to the public sidewalk system. Sidewalks shall be designed to meet the current state standards

for ADA compatibility. Sidewalks shall be constructed as required by Title VI Chapter 7 of the Code of Ordinances.

(5) Hard Surfaced. All streets and sidewalks within the mobile home park shall be hard surfaced.

(6) Off-Street Parking. Each mobile home space shall be provided with off-street parking for two vehicles. Each space shall measure not less than nine feet by 18 feet and shall comply with all City surfacing requirements.

(7) On-Street Parking. Internal streets where parking is allowed shall be a minimum of 29-feet and provide for a minimum of 50-foot right-of-way. On-street parking shall be limited to one side of the street only and shall be marked and signed as appropriate.

F. Tornado Shelters. Tornado shelters shall be provided in the mobile home park. Such shelter shall be built according to state and federal rules and large enough to accommodate the specific needs of the park and its residents.

G. Utilities. All mobile home parks shall comply with the standards for installation of streets, utilities, and other municipal improvements as set out in the Chapter 170 of the Code of Ordinances, subject to the following specific requirements as follows:

(1) All electric, gas, telephone, and other utility lines shall be installed underground.

(2) Fire hydrants shall be provided for proper fire protection within the mobile home park including installation of a fire hydrant within 300 feet of each factory-built home.

(3) Each individual unit shall be provided with an adequate, piped supply water for both drinking and domestic uses, sanitary sewer service, and a standard electrical service.

(4) The mobile home park shall be located on a well-drained site, properly graded to ensure drainage and proper retention where required.

(5) The water supply system shall be a system that is owned and operated by the City. The park shall provide a complete water main supply system, including hydrants, valves, and other appurtenances, which shall be extended into and throughout the park to the boundary line and shall connect to the municipal water system when installed. The water system shall be designed in accordance with the City's current design standards.

(6) The sewage collection system shall connect to the City's sewer collection system. Each residential unit shall be provided a sanitary sewer main of at least four inches in diameter, which shall be connected and established in compliance with the City's current design standards.

(7) An electric outlet supply of 240 volts (100 amperes) of service shall be provided for each residential unit space. The installation shall comply with all state and local electrical codes. Such electrical outlets shall be weatherproof.

(8) Where natural gas is provided, installation shall comply with all applicable code regulations.

(9) Street and yard lights shall be provided in such quantity and intensity to ensure a safe environment for the movement of pedestrians and vehicles at night.

All service buildings shall have a light outside the entrance of the building that shall be maintained so that the entrance is lit from dusk to dawn.

(10) The connection of sump pumps, foundation drains, and other similar stormwater drainage systems to the sanitary sewer collection system shall be prohibited.

H. Service and Accessory Buildings and Uses. All service and accessory building shall comply with the following requirements.

(1) All service buildings shall be permanent structures build in compliance with the City's current building code and all State codes.

(2) Each park shall provide an enclosed storage facility in an amount equal to 100 sq. ft. per mobile home space. The area shall be for the residents of the park to store trailers (of all types), boats, detached pickup campers, motor homes, and other similar items. The facility shall be topped with a dust and growth-free surface that facilitates drainage. Additionally, the facility shall be screened on all four sides by a solid fence at least six feet in height. Access to the storage facility shall be by hard surface.

I. Tie-Downs. All factory-built homes shall provide, install, and maintain an approved tie-down system to secure and maintain, in position, the mobile home, annexes thereto and auxiliary buildings. Approved tie-down systems shall be in compliance with all applicable rules and regulations contained in the City's current building code.

6. Multiple-Unit Residential. The following regulations shall apply to the use of land for multiple-unit residential within the zoning district.

A. Multiple-unit residential facilities shall provide off-street hard surfaced parking for all required parking.

B. Where required parking facilities adjoin another residential use lot there shall be a 15-foot buffer yard provided.

7. Townhouse Residential. The following regulations shall apply to the use of land for townhouse residential within the zoning district.

A. The minimum width for any townhouse lot sold individually shall be 25 feet, except within an approved planned unit development.

**4.08 SUPPLEMENT USE REGULATIONS – ACCESSORY USES.** The purpose of the following provisions is to establish a relationship between principal uses and accessory uses and to provide regulations to all the use, installation, and placement of accessory uses and buildings so as to not infringe upon the right of others to the enjoyment of their property. The following general guidelines apply to all accessory uses unless noted differently below:

1. General Accessory Use Regulations.

A. Accessory uses that are structurally part of or attached to the principal use conform to the regulations and guidelines established for the principal use.

B. No accessory building or use, other than an attached garage, shall be erected, placed, located, or moved into any required yard, except the rear yard.

C. Accessory buildings and uses may be allowed, as a special exception use, as the only structure on an independent lot provided the principal structure that it is associated with is located no more than 600 feet from the lot.

- D. No accessory building or structure shall be erected more than 120 days prior to the time of completion of the construction or establishment of the main building or use to which it is accessory.
  - E. Accessory buildings and structures shall be limited to 15 feet in height and shall be at least 10 feet from any main building and five feet from any lot line.
  - F. The total area of any accessory building or structure, including any private garage, located in whole or in part of the rear yard shall occupy less than 30 percent of the required minimum rear yard.
  - G. Attached private garages must meet the main building minimum yard requirements.
  - H. All properties in all low-density residential districts shall be limited to one garage and one accessory building
2. Agricultural Use Types. Garden centers, roadside stands, and similar accessory uses to an agricultural use are permitted subject to the regulations in Section 23.02.
3. Outdoor Storage Containers. Portable outdoor storage containers are subject to the following regulations:
- A. Portable storage containers are limited to a maximum of 15 days use within a residential or commercial zoned district.
  - B. Outdoor storage containers in the M-1 or M-2 district are restricted to the rear lot and shall not be visible from the front of an adjoining property or from a public or private street.
  - C. Storage containers shall not encroach upon or take up any required parking, nor shall they impede or divert traffic or emergency access to the property and the building on the property.
  - D. In no case shall storage containers be stacked upon one another.
  - E. The exterior of the storage container shall be maintained so that it is free of rust, holes, dents, and other corrosion.
  - F. At no time shall an outdoor storage container be used as a place of business or residence.
  - G. The temporary use of a construction trailer or container at a building site shall be exempt from these regulations provided that construction is actively occurring.
4. Solar Panels. Solar panels installed after the adoption of this ordinance shall comply with the following regulations:
- A. All solar panel installations shall only occur after, submission and approval of an application for review. The application for review shall include the location of the installation, name of the property owner, contact information for owner, proposed location on the property, full dimensions of the solar unit, all other documents required as per the City's Photovoltaic Installation Plan Review Check List or other documents as requested by the Zoning Administrator. Following review of the application, the Zoning Administrator shall either approve or deny the issuance of a permit. If the permit is denied the property owner may revise the application and reapply or appeal the denial to the Board of Adjustment. The appeal must be made in writing within 10 days of receipt of the denial.



- B. Solar panels that are attached to an integral part of the principal building may project a maximum of two feet into the required front yard, six feet into the required back yard, and two feet into the required side yard.
- C. Freestanding, or ground array, solar panels may only be located in the rear yard provided they do not exceed six feet in height and maintain the required setbacks.
- D. Solar panels shall comply with the setbacks and height requirements for the specific zoning district in which they are located, unless otherwise restricted within this Code.

**4.09 SUPPLEMENT USE REGULATIONS – HOME-BASED BUSINESSES.** Home-based businesses, no-impact home-based businesses, and home occupations permitted as an accessory use in residential units shall be subject to the following regulations:

1. External Effects.
  - A. The exterior appearance of the building shall not change due to the operation of a home-based business or home occupation, other than signage as permitted by this Code.
  - B. No noise, odors, bright lights, electronic interference, storage, or other external effects attributable to the home occupation shall be noticeable from any adjacent property.
  - C. Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic, or household uses.
  - D. No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
  - E. No home occupation shall discharge into any sewer, drainage way, stormwater system, or on the ground any material, which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes installations.
2. Employees. The home occupation shall employ no more than one full-time or part-time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by the non-resident employee.
3. Extent of Use. For all residential zoning districts, a maximum of 30 percent of the floor area of the dwelling may be devoted to the home occupation, inclusive of any detached accessory buildings used for the home occupation.
4. Signage. Signage designating the home occupation shall be permitted as provided by Chapter 5.
5. Traffic Generation.
  - A. Home-based businesses may generate no more than two vehicles at a time on a regular basis and up to five vehicles on an occasional basis.
  - B. Deliveries or service by commercial vehicles or trucks over ten tons gross empty weight is prohibited for any home-based business located on a local street.
6. Prohibited Home-Based Businesses/Home Occupations. The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:

- A. Animal hospitals.
- B. General retail sales.
- C. Mortuaries.
- D. Repair shops or service establishments including major electrical appliance repair, motorized vehicle repair, small engine repair, and related uses.
- E. Stables or kennels, unless in an R-R District.
- F. Welding, vehicle body repair, or rebuilding or dismantling of vehicles.
- G. Medical and dental clinics, hospitals.
- H. Restaurants, clubs, drinking establishments.
- I. Adult oriented businesses.

**4.10 SUPPLEMENT USE REGULATIONS – OUTDOOR STORAGE.** Outdoor storage is prohibited in all zoning districts except the M-1 and M-2 districts and except as provided for here:

- 1. Agricultural Uses. Outdoor storage where incidental to agricultural use is permitted.
- 2. Civic Uses. Outdoor storage where incidental to maintenance facilities use is permitted.
- 3. Commercial Uses.
  - A. Outdoor storage where incidental to agricultural sales and service; auto rentals and sales; construction sales and service; stables and kennels; and surplus sales uses is permitted.
  - B. Outdoor storage where incidental to auto service, equipment repair, and body repair uses is permitted provided that such storage is completely screened at the property lines by an opaque barrier.
- 4. Industrial Uses. Outdoor storage for industrial uses outside of an industrial zoning district (M-1 or M-2) shall not be allowed.

**4.11 SUPPLEMENTAL USE REGULATIONS – TEMPORARY USES.** The following provisions are intended to permit occasional and temporary uses and activities, when consistent with the objectives of the zoning code and when compatible with surrounding uses. Additionally, the following regulations are intended to prevent a temporary use from becoming a permanent use.

- 1. Temporary Use Types. The following temporary use types are permitted, subject to the regulations identified here:
  - A. Model home or apartments, if contained within the development to which they pertain.
  - B. Development sales offices which may remain in place until 90 percent of the lots or units within the development are sold and which may not be located within a mobile home or manufacture home or structure.
  - C. Public assemblies, display, and exhibits.
  - D. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that the events are located on property owned by the sponsoring non-profit organization and provided they are not located within a residential district.
  - E. Outdoor art shows and exhibits.

- F. Christmas tree or other holiday-related merchandise sale lots, provided that such facilities are not located in a residential district.
  - G. Construction site offices, if located on the construction site.
  - H. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month; and are located in commercial and industrial zoning districts. Additionally, when outdoor sales are done on a property owned by someone other than the person conducting the sale that they are in compliance with Chapter 122 of the City's Code of Ordinances.
  - I. Construction batch plants when they meet the following requirements:
    - (1) No plant may be located within 600 feet of a developed residential use, park, or school.
    - (2) The facility is located no more than one mile from the job site. The Zoning Administrator may extend this distance to two miles, if such extension avoids use of local street by plant-related vehicles and provides other safety benefits to the City.
    - (3) Hours of operation do not exceed 12 hours per day.
    - (4) The duration of the plant's operation does not exceed a total of 180 days.
  - J. Additional temporary uses that the Zoning Administrator determines to be similar to the previously described uses.
2. Required Conditions. The following conditions apply to all temporary uses permitted by this zoning code:
- A. Each site shall be left free of debris, litter, or other evidence of the use upon completion or removal.
  - B. The Zoning Administrator may establish other conditions as they deem appropriate
3. Temporary Use Permit. All temporary uses are subject to the issuance of a temporary use permit following application to the Zoning Administrator.
- A. Anyone requesting a temporary use shall file with the Zoning Administrator an application for a permit which shall include at a minimum the following information:
    - (1) Description of the proposed use;
    - (2) A diagram of its location, including identification of existing right-of-way, property lines, and location of public utilities;
    - (3) Information regarding hours and duration of operation; and
    - (4) Other information as deemed necessary to evaluate the application by the Zoning Administrator.
  - B. The Zoning Administrator may authorize the temporary use only if they determine the following:
    - (1) The use will not impair the normal operation of a present or future permanent use on the site.
    - (2) The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.

- C. The duration of the permit shall be explicitly stated on the permit.
- D. Decisions of the Zoning Administrator may be appealed to the Board of Adjustment.

## CHAPTER 5

# SIGN REGULATIONS

5.01 Short Title	5.09 Illumination
5.02 Purpose and Scope	5.10 Sign Permits
5.03 General Regulations	5.11 Method of Measurement
5.04 Prohibited Signs	5.12 Sign Type Regulations
5.05 Exempt Signs	5.13 Temporary and Portable Signs
5.06 Vision Clearance Area	5.14 Signs Permitted
5.07 Sign Setback Area	5.15 Signs Declared A Nuisance
5.08 Obstructions of Doors, Windows, and Fire Escapes	5.16 Nonconforming Signs

**5.01 SHORT TITLE.** This chapter of the City’s Zoning Code may be known and cited as the “Lake City Sign Code” and is referred to herein as the “Sign Code.”

**5.02 PURPOSE AND SCOPE.** The purpose and scope of this chapter is to provide standards for communicating information to residents, visitors, and travelers, within the City and its jurisdiction. The regulations recognize the need to protect public health, safety, and welfare; to maintain the City’s attractive appearance; to provide for adequate business identification, advertising, and communication of information; and to encourage the fair enforcement of sign regulations within the City.

**5.03 GENERAL REGULATIONS.** All signs within the City shall comply with the following general regulations:

1. Compliance. Each sign or part of a sign within the City shall comply with the provisions of this chapter and other relevant parts of the City’s Code of Ordinances.
2. Resolution of Conflicting Regulations. This chapter is not intended to repeal or interfere with the enforcement of other sections of the City Code. In cases where conflicts between this chapter and the City’s Code of Ordinances exist the more restrictive regulation shall apply.

**5.04 PROHIBITED SIGNS.** The following signs are prohibited in all zoning districts and shall be subject to immediate removal by the City if not removed by the owner upon notice of the City. The City in its sole discretion may also choose to immediately remove the sign, when in the determination of the City the sign creates an immediate hazard to the safety and well-being of the general public.

1. Any sign painted on or attached to rocks, trees, or other natural objects.
2. Signs or sign structures which resemble or conflict with traffic control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard.
3. Signs on public property or public right-of-way, unless specifically authorized by the City Administrator.
4. Portable signs except as otherwise permitted by this chapter and subject to a temporary sign permit.
5. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
6. Abandoned signs. Any abandoned sign must be removed within 60 days following the date of abandonment.

7. Signs that are not clean or in substantially good repair or are not affixed to a sound structure.
8. Signs advertising activities that are illegal under federal, State, or local laws and regulations.
9. Any sign attached to or placed on a vehicle or trailer continuously parked on public property or public right-of-way in excess of 24-hours; however, this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business. Public transit vehicles and taxis are exempt from this provision.
10. Snipe signs are prohibited unless they are removed within 72 hours of being put up.
11. Signs and their supporting structures shall not interfere with any equipment or lines for utilities, including water, sewer, gas, electricity, or communications. No permanent sign of any size shall be located in or overhanging any utility easement.

**5.05 EXEMPT SIGNS.** The following signs are permitted in any zoning district and are exempt from any other provision of this chapter.

1. Official signs authorized by a government or governmental subdivision that give traffic, directional, or warning information.
2. Seasonal decorations for display on private or public property.
3. Neighborhood or subdivision identification signs under 50 square feet.
4. Street numbers, house numbers, or address numbers.
5. Signs which are not visible from a public right-of-way, private way, or from a property other than that on which the sign is installed.
6. Signs and notices that are required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.

**5.06 VISION CLEARANCE AREA.** No sign may project into or be placed within a vision clearance area defined by a triangle with legs of 25 feet from the point at which property lines meet curbs or edges of two intersecting streets, private ways or courts or where intersections of a street, private way, or court and driveway (approach), meet.

**5.07 SIGN SETBACK AREA.** No sign other than on-premises directional signs shall be placed within any sign setback area.

**5.08 OBSTRUCTIONS OF DOORS, WINDOWS, AND FIRE ESCAPES.** No signs shall be permitted or erected in such a way that it would prevent free ingress to or egress from any door, window, or fire escape. No sign may be attached to any kind of standpipe or fire escape.

**5.09 ILLUMINATION.** Signs installed with lighting shall be installed in compliance with the following:

1. All lighting and lighted objects shall be positioned in such a way that the light emitted from the sign is not directed onto an adjoining property or onto a public street, avenue, alley, or highway.
2. Illuminated signs shall not be allowed to have flashing elements or red or blue emergency lights.
3. Illuminated signs shall not be of such intensity or brilliance as to cause a glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the driver's operation of a

motor vehicle. It is unlawful for any person to have any sign which is wholly or partially illuminated by lights or reflective surfaces that interfere with traffic safety or the vision of pedestrian or vehicular traffic. Additionally, it is unlawful for any person to have any sign which is so illuminated that it interferes with the effectiveness or obscures an official traffic sign, device, or signal.

**5.10 SIGN PERMITS.** Any installation, modification, or expansion of any sign, which is not exempt from the provisions of this chapter, shall be subject to the following permit process prior to installation or modification:

1. Application for Permit. The owner or tenant of a property desiring to install, erect, place, modify, or expand a sign requiring a permit as defined in this Code shall apply to the City Administrator on forms provided by the City prior to erecting or making any modification or expansion of a sign. At a minimum the application shall include the following information:
  - A. Name, address, and contact information of the applicant including email and phone number.
  - B. Identification of the premise whereby the sign is to be erected, modified, or expanded.
  - C. Site plan of the premise showing the location of the following items:
    - (1) Location of existing property lines.
    - (2) Location of existing buildings.
    - (3) Location of existing signs including the type of and dimensions of all existing signs.
    - (4) Proposed location of new sign or location of the sign to be expanded or modified.
  - D. Specification sheet for the proposed new or modified sign to include specific measurements of the sign and all required poles, attachments, and a graphic showing what will be displayed on the sign.
  - E. Stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by the City.
  - F. For temporary signs a proposed date by which the timeframe for placement will begin and end.
  - G. The name of the company and contact person who will be erecting the sign and related structure.
  - H. Other details as determined by the City or the City Administrator.
2. Permit Fee. The City shall charge a permit fee of every applicant for a sign permit as determined by resolution of the City Council. The City Council may waive fees based on their review and their sole decision.
3. Permit Review Process. The City Administrator shall review each permit for compliance with this Sign Code and make the determination as to if the permit will be issued or denied. The City Administrator shall have 14 calendar days by which to review the application and either make a determination on the issuance of a permit or to request additional information from the applicant.

4. **Approved Permits.** Upon approval of a sign permit the Building Official shall notify the applicant in writing of the status of their permit application and provide them with a signed permit granting them approval to begin work.
5. **Denied Permits.** Upon a determination that the application for a sign does not meet the requirements of the City's Sign Code the City Administrator shall notify the applicant in writing that their application for a sign is denied and provide them with specific reasons where the permit does not comply with the current Sign Code. Applicants shall have the ability to reapply within 30 days and not have to pay an additional permit fee.
6. **Appeal.** The applicant, upon notice of a denial of their permit application, shall have the option of appealing the City Administrator's decision to the City Council. Notice of appeal must be filed with the City Administrator within seven days of receipt of the notice of permit denial. The City Administrator shall schedule the hearing for the next regularly scheduled Council meeting unless the request for appeal is filed less than five days before the next regular Council meeting in which case the hearing will be held at the following regular City Council meeting.
7. **Expiration.** If a sign that has been issued a permit is not constructed in accordance with the approved permit within 180 days of the issuance of the permit, such permit shall expire and any future construction of a sign previously authorized shall require re-application as stated in this section.
8. **Assignment.** A current and valid sign permit shall be freely assigned to a successor as owner of the property or holder of a business license for the same premises.

**5.11 METHOD OF MEASUREMENT.** The following guidelines shall apply to measurements related to compliance of signs regulated by this chapter.

1. **Maximum Permitted Sign Area.** The maximum permitted sign area for a premise is set forth as a numerical limit or as a function of the frontage of the premises on a street. For properties with frontage on more than one street, the total frontage shall be calculated as the total of all frontages.
2. **Sign Area.**
  - A. Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, including individual letters painted or applied, excluding any structure essential for support or service of the sign, or architectural elements of the building.
  - B. The area of double-faced signs is calculated on the largest face only.
  - C. The sign area for ground signs, monument signs, and architectural sign bands is calculated as the area enclosing the extreme limits of the letters, symbols, and images.
3. **Height.** The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.
4. **Setback.** The setback of a sign is measured from the property line to the supporting frame of the sign face, mast, pole, or base of the sign; whichever is closest to the property line.

**5.12 SIGN TYPE REGULATIONS.** The following regulations apply to each specific sign type permitted under this chapter.

1. **Billboard.** Billboards permitted by this chapter shall comply with the following regulations:
  - A. No billboard shall be located within 100 feet of an intersection so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.



- B. No billboard shall be located within 100 feet of any lot in an R-R, R-1, R-2, or R-3 district.
  - C. No billboard shall be located within 100 feet of any highway structure, residence, or other billboard.
  - D. No billboard shall be located within 100 feet of a park, school, cemetery, public, or semi-public building.
  - E. No billboard shall be located within 75 feet of the center line of a City or County road, or within 100 feet of a State or Federal highway.
  - F. No sign shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
  - G. A billboard shall be permitted in a C-1 district provided the billboard shall not exceed 25 square feet in area when attached to an establishment.
  - H. A billboard shall be permitted in a C-2 district provided the billboard shall not exceed 100 square feet in area.
  - I. A billboard shall not be permitted within 20 feet of any property of residential use.
2. Ground Sign. Ground signs permitted by this chapter shall comply with the following regulations:
- A. Within an R-R, R-1, R-2, or R-3 district, a multi-unit residential complex containing in excess of three residential units.
  - B. Are permitted for use by churches and houses of worship within a R-R, R-1, R-2, or R-3 district.
3. Pole Signs. Pole signs permitted by this chapter shall comply with the following regulations:
- A. All pole signs are required to be placed within the required setbacks for the property on which it is installed.
  - B. Pole signs shall be displayed from permanently established poles located on the property.
  - C. Pole signs must maintain the following vertical clearances:
    - (1) Eight feet over private sidewalks, 10 feet if located within the vision clearance area;
    - (2) 15 feet over parking lots;
    - (3) 18 feet over driveways.
  - D. Pole signs may rotate but not at a rate greater than six revolutions per minute.
4. Banners. Banners permitted by this chapter shall comply with the following regulations:
- A. A banner sign projecting or attached to a building may not exceed the wall height of the building.
  - B. The maximum size of a banner is 120 square feet.

5. Canopy Signs. Canopy signs permitted by this chapter shall comply with the following regulations:
  - A. Canopy signs, where permitted, shall be counted as wall signs when calculating the total permitted sign area.
  - B. Canopy signs must maintain a vertical clearance of at least eight feet from the nearest sidewalk, stair, stoop, deck, landing, or platform.
6. Marquee Signs. Marquee signs permitted by this chapter shall comply with the following regulations:
  - A. Signs placed on, attached to, or constructed on a marquee are subject to the maximum projection and clearance regulations of projecting signs.
7. Projecting Signs. Projecting signs permitted by this chapter shall comply with the following regulations:
  - A. The maximum projection of any sign shall be limited to the following:
    - (1) Three feet over a public sidewalk less than 12 feet wide;
    - (2) Five feet over a public sidewalk 12 feet wide or greater;
    - (3) Five feet over private property.
  - B. A projecting sign may not be closer than two feet to the vertical plane of the inside curb line.
  - C. Projecting signs must maintain the following vertical clearances:
    - (1) Eight feet above a sidewalk;
    - (2) 15 feet over parking lots;
    - (3) 18 feet over driveways.
  - D. No projecting sign extending three feet or more from a property line may be located within 10 feet of any other projecting sign extending three feet or more from a property line, or five feet from an adjoining business frontage.
  - E. Projecting signs are not allowed in alleys.
  - F. Projecting signs composed of glass shall be made with safety glass or wire glass.
  - G. The distance between the principal faces of any projecting sign shall not exceed 18 inches.
8. Roof, Above Peak Signs. Above peak roof signs permitted by this chapter shall comply with the following regulations:
  - A. Each premise shall be limited to a maximum of one roof type sign either, integral or above peak.
  - B. A permitted above peak roof sign shall not exceed the maximum height limit permitted for the zoning district without the approval of a variance.
  - C. Off-premises roof signs shall not be permitted.
9. Roof, Integral Signs. Integral roof signs permitted by this chapter shall comply with the following regulations:

- A. Each premise shall be limited to a maximum of one roof type sign, either integral or above peak.
  - B. Integral roof signs may not exceed the permitted height for pole signs.
  - C. An integral roof sign must be mounted parallel to the wall of the building that it faces.
  - D. Off-premises roof signs shall not be permitted.
10. Wall Signs. Wall signs permitted by this chapter shall comply with the following regulations:
- A. A wall sign shall not extend more than 12 inches from the wall to which it is attached when extending over private property.
  - B. A wall sign must be parallel to the wall to which it is attached.
  - C. A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.
  - D. A wall sign may not extend beyond its building's roofline, or adjacent roofline whichever is higher.
  - E. A wall sign attached to a building on its front property line may encroach upon public right-of-way by no more than 18 inches. Such a wall sign shall provide minimum vertical clearance of eight feet.
  - F. For the purpose of calculating permitted sign areas pursuant to this chapter; signs painted on the walls of buildings shall be considered wall signs.
11. Window Signs. Window signs permitted by this chapter shall comply with the following:
- A. Window signs shall cover no more than 30 percent of the window on which they are located.
12. Balloon Signs. Balloon signs permitted by this chapter shall comply with the following regulations:
- A. Balloon signs are considered temporary signs and must also comply with Section 5.13 of this Code.
  - B. Balloon signs may not be displayed on public property or interfere with any person or vehicle on public property.

**5.13 TEMPORARY AND PORTABLE SIGNS.** Temporary and portable signs within the City shall comply with the following provisions as well as any other applicable provisions identified within this chapter.

- 1. Temporary Signs. Temporary signs are permitted as follows:
  - A. Temporary signs are permitted only in commercial and industrial zoning districts, except for temporary signs which shall be allowed in any district.
  - B. Temporary signs are limited to a maximum size of 12 square feet when located in any residential district and 40 square feet in any other zoning district.
  - C. No more than three temporary signs are permitted on any single premises at any one time and the total square footage of the two signs may not exceed the maximum as determined in Section 5.13(2).

- D. Temporary signs are limited to a maximum of 14 consecutive days on any single premises.
- 2. Portable Signs. Portable signs are permitted as follows:
  - A. In no case shall a sign that was designed for or used as a portable type sign be converted for use as a permanent wall, pole, or monument sign.
  - B. Portable signs are not allowed to have flashing lights or displays.
  - C. Portable signs are limited to a maximum size of 32 square feet.
  - D. Portable signs are not allowed on City property, including the City right-of-way.

**5.14 SIGNS PERMITTED.** Signs shall be permitted within individual zoning districts based on the following regulations:

- 1. Residential Districts. Properties within a residential district with a home-based business shall be permitted to have a maximum of two signs with a maximum of 16 square feet between the two signs. All home-based businesses signs shall be affixed to the structure and shall not protrude from or be affixed to a pole independent of the structure. In addition, no residential sign shall be placed on a roof or extend above the roof line of the house or building on which it is placed.
- 2. Commercial Districts. Signs are allowed within the commercial zoning districts and are limited to a maximum of 20 percent of the building frontage or 200 square feet in the case of the C-1 District and 300 square feet in the C-2 District.
- 3. Industrial Districts. Signs in the industrial zoning district are allowed up to a maximum of 25% of the building frontage or 400 square feet, whichever is less.

**5.15 SIGNS DECLARED A NUISANCE.** The owner of any unmaintained sign is prima facie responsible for the maintenance of that sign and is hereby in violation of this chapter. Signs which are abandoned or not maintained as required by this chapter may be declared a nuisance and handled as outlined in Title III, Chapter 2 of the City's Code of Ordinances.

**5.16 NONCONFORMING SIGNS.** All permanent signs in place and lawfully established on the effective date of this Code shall be considered as legal nonconforming signs. The copy of such sign may be changed from time to time, provided that the sign area shall not be enlarged beyond the sign area in existence on the effective date. As an exception to this, all portable signs or parts of signs which are being used as permanent signs shall not be considered legal non-conforming signs and shall be removed within six months from the effective date of this Code.

Any nonconforming sign which presently is or becomes structurally damaged or deteriorated, more than 50 percent of its replacement cost, shall be either removed or altered so as to comply with this chapter.

Passed by the Council of the City of Lake City, Iowa, on August 7, 2023.

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Tyler Holm, Mayor

Attest:

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Jacob Matthews, City Administrator/Clerk

Waving of First and Second reading: August 7, 2023

Third reading and final passage: August 7, 2023