

ZONING REGULATIONS

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PURPOSE AND DEFINITIONS

165.01 PURPOSE. These regulations are adopted for the purpose of promoting public health, safety, comfort, order, and general welfare to conserve and protect natural and manmade environment; to secure and provide the social and economic advantages resulting from an orderly, planned use of land resources; and to facilitate adequate but economical provisions for public improvements, all in accordance with an as permitted by the provisions of Chapter 414 of the State Code of Iowa

165.02 DEFINITIONS. For the purpose of this chapter, certain terms and words are hereby defined. As used herein, the word "building" includes "structure."

1. "Accessory building" means a subordinate building which is incidental to and customary in connection with the principal building or use of the premises.
2. "Accessory use" means a subordinate use which is incidental to and customary in connection with the principal building or use of the premises.
3. "Administrative Officer" means the individual designated by this chapter to administer the Zoning Ordinance and who is responsible for the enforcement of the

regulations imposed by said Ordinance. This person may also be referred to as the “Zoning Administrator.”

4. “Apartment house” –see “dwelling, multiple.”
5. “Basement/cellar” means that portion of the structure that is partially or wholly below grade.
6. “Bed and breakfast home” means a private residence which provides lodging and breakfast, which is owner-occupied and in which no more than two (2) guest families may be lodged at the same time. There shall be one (1) space of off-street parking per guest room in addition to two (2) spaces for the owners.
7. “Bed and breakfast inn” means a commercial facility used primarily for guest lodging, usually with several rooms for that purpose. Because it is a commercial enterprise, a bed and breakfast inn is subject to the same licensing, inspection, and taxation requirements as hotels or motels and restaurants.
8. “Board of Adjustment” means a Board created under this chapter which acts on variances, special uses, and conditional uses consistent with provisions found elsewhere in this chapter, all as provided for in Chapter 414 of the State Code of Iowa.
9. “Building” means any structure built for the support, shelter, or enclosure of persons, animals, chattel, or property of any kind, but not including any vehicle, trailer (with or without wheels) or any movable device, such as furniture, machinery, or equipment. “Building” includes decks/patios with or without a roof. When any portion of a building is completely separated from any other portion thereof by a division wall without openings or by a fire wall, then each such portion shall be deemed to be a separate building.
10. “Building permit” means a certificate issued by the administrative officer stating that the building and use comply with the provisions of this chapter.
11. “Clinic” means an establishment where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.
12. “Conditional use” means a use of property that will be permitted by the Board of Adjustment subject to the applicant meeting certain conditions and safeguards which will assure that the use will be in harmony with the general intent and purpose of these zoning regulations.
13. “Convenience store” means any retail establishment offering for sale food produce, household items and other goods commonly found in grocery stores, as well as retail gas sales.

14. "Deck/patio" means a covered or uncovered platform area or surfaced outdoor living area which projects from a building. Decks and patios are accessible at or from above grade and are attached to the ground.
15. "Dwelling" means any building, earth sheltered home, or manufactured housing designed and used exclusively for residential purposes.
16. "Dwelling, single-family" means a detached building arranged, designed, and intended to be occupied as the residence of a single family and having no party wall in common with an adjacent house or houses.
17. "Dwelling, two-family" means a detached building that is arranged, designed, or intended to be occupied as the residence of two (2) families or housekeeping units living independently of each other.
18. "Dwelling, multiple" means a building designed for or occupied exclusively by more than (2) families. This definition will include, but not be limited to, such buildings as are commonly referred to as apartment buildings, high-rises, or condominiums.
19. "Dwelling unit" means one (1) or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.
20. "Earth sheltered home" means a building designed to be used as a dwelling utilizing earth to shelter the building. The roof can be of conventional construction or covered with earth, but not of a temporary nature.
21. "Family" means a group of persons occupying a dwelling unit as an individual housekeeping organization. A family may include not more than four (4) persons not related by blood, marriage, adoption, or legal process.
22. "Family home" means a community-based residential home which is licensed as a residential care facility under Chapter 237 of the Code of Iowa, to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, "family home" does not mean an individual foster care family home licensed under Chapter 237 of the Code of Iowa.
23. "Farm" means an area which is used for the growing of the usual farm products such as vegetables, fruit, trees, and grain and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle sheep, and swine. "Farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, the operation of the accessory uses shall be secondary to that of the normal farming activities, and provided further, "farming" does not include the feeding of collected garbage or offal to swine or other animals.
24. "Filling station" means any building or premises primarily used for the sale, at retail, or motor vehicles or installing or repairing parts and accessories, but not including the

repairing or replacement of bodies or fenders of motor vehicles, or painting motor vehicles, and excluding public garages.

25. "Floor area" means the total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.

26. "Frontage" means all the property on one side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street, but not including property more than four hundred (400) feet distant on either side of a proposed building or structure.

27. "Garage, private" Means an accessory building or portion of a building in which one (1) or more motor vehicles are housed but in which no business service or industry connected with motor vehicles is carried on.

28. "Garage, public" means any building or premises except those used as a private or storage garage used for equipping, repairing, hiring, selling, or storing motor driven vehicles. The term "repairing" does not include an automotive body repair shop or the rebuilding, dismantling, or storage of wrecked or junked vehicles.

29. "Grade" means the average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any wall approximately parallels and is not more than five (5) feet from a street line. Then the elevation of the street at the center of the wall adjoining the street shall be grade.

30. "Home occupation" means any occupation or profession carried on by a member of the immediate family residing on the premises in connection with which there is used no sign other than a nameplate not exceeding two (2) square feet in area, provided that:

A. The occupation of profession does not occupy more than the equivalent of twenty percent (20%) of the floor area of one (1) story of the dwelling;

B. There is not display that will indicate from the exterior that the building is being utilized in whole or part for any purpose other than that of a dwelling;

C. No more than one (1) person not a member of the family residing on the premises is regularly employed;

D. The building includes no features of design not customary in buildings for residential use, and there is no emission of odor, gas, smoke, dust, or noise that will be detrimental to the residential character of the neighborhood; and

E. No addition shall at any time be added to the residence or any accessory building to be used for this home occupation. Only one (1) home occupation per household is permitted.

31. "Hotel" means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or lodging house.
32. "Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.
33. "Junk yard" means an area of any lot which is used for the storage, abandonment or keeping of junk, including scrap metals or scrap materials, or for the abandonment or dismantling of machinery, automobiles, or other vehicles or parts thereof.
34. "Lodging house" means a building or place where lodging and boarding are provided (or which is equipped regularly to provide lodging and boarding by pre-arrangement for definite periods) for compensation, for three (3) or more but not exceeding twelve (12) individuals, not open to transient guests, in contradistinction to hotels open to transient guests.
35. "Lot" means a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one (1) main building, together with its accessory building, open spaces, and parking spaces required by this chapter and having its principal frontage upon a street.
36. "Lot, corner" means a lot abutting upon two (2) or more streets at their intersection.
37. "Lot, depth of" means the horizontal distance between the front and rear lot lines.
38. "Lot, double frontage" means a lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.
39. "Lot lines" means the lines bounding a lot as defined herein.
40. "Manufactured home" is a factory-built structure built under authority of 42 U.S.C. §5043, is required by Federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976. If a manufactured home is placed in a mobile home park, the home must be titled and is subject to the mobile home square foot tax. If a manufactured home is placed outside a mobile home park, the home must be titled and is to be assessed and taxed as real estate.
41. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for habitation by one or more persons; but shall so include any vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not built to a mandatory building code, contains no State or Federal seals, and was built before June 15, 1976.

42. "Mobile home lot" means a parcel of and for placement of a single mobile home and the exclusive use of its occupants.
43. "Mobile home park" means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term "mobile home park" is not to be construed to include mobile homes, building, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students.
44. "Mobile home park development plan" means a custom-made design for a specific site or area consisting of drawing, maps, and engineering details setting forth the boundary, topography, and overall park design, including streets, parking facilities, mobile home lot locations, and services facilities.
45. "Modular home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner. If a modular home is placed in a mobile home park, the home is subject to the annual tax as required by Section 435.22. If a modular home is placed outside a mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate.
46. "Motel, motor court, motor lodge, or tourist court" means any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of transients.
47. "Nonconforming use" means any building or land lawfully occupied by a use at the time of passage of these zoning regulations or amendment thereto, which does not conform with the use regulation of the district in which it is situated.
48. "Nursing home" means a home for the aged or infirm in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions.
49. "Office" means a place where chattel or goods, wares, and merchandise are not commonly created, sold, or exchanged.
50. "Parking lot" means a parcel of land devoted to unenclosed parking spaces.
51. "Parking space" means an area of not less than two hundred (200) square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or leaving the parking space, shall not encroach upon any public right-of-way.

52. "Planning and Zoning Commission" or "Commission" means that Commission appointed by the Council under the provisions of Chapter 414.6 of the State Code of Iowa.
53. "Principal permitted uses" means those uses of property which may be approved by the Zoning Administrator if the other requirements of this chapter are met, as differentiated from a conditional use that can only be approved by the Board of Adjustment after it has set conditions which must be met by the applicant to ensure that the intent and purpose of this chapter be met.
54. "Regulatory flood" means a flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur in a particular stream. The regulatory flood generally has a frequency of approximately one hundred (100) years, determined from an analysis of floods on a particular stream and other streams in the same general region.
55. "Regulatory flood protection elevation" means the elevation to which uses regulated by this chapter are required to be elevated or flood-proofed.
56. "Right-of-way" means the land area where the right to possession of which is secured or reserved by the contracting authority for road purposes.
57. "Setback line" means a line parallel with the street line and at a distance equal to the depth of the front yard required by this chapter.
58. "Sign" means an identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.
59. "Site plan" is a drawing containing the following: the lot lines with the footage measurement of each boundary, the existing buildings and their location with footage measurement. The proposed addition or new structure shall be in broken lines. While the plan does not need to be to scale, it should be of sufficient detail that the Zoning Administrator can determine that the proposed addition or building and its location conforms to these regulations.
60. "Special use" means conditional use for purposes of this chapter.
61. "Story" means that portion of a building, other than a basement/cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it or each twelve (12) feet of height of the building.
62. "Story, half" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level.
63. "Street" means a public way which affords the principal means of access to abutting property.

64. "Structural alteration" means any change, except those required by law or ordinance that would prolong the life of the supporting members of a building or structure, such as bearing walls columns, beams, or girders.
65. "Structure" means anything constructed or erected, the use of which required permanent location on the ground or attached to something having a permanent location on the ground and including, but not limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and towers.
66. "Trailer" means mobile home.
67. "Utility permit" means a permit issued by the City authorizing the applicant to connect to the City water and/or sewer system.
68. "Variance" means an exception to the distance and height requirements of this chapter, granted by the Board of Adjustment, in appropriate cases and subject to appropriate conditions and safeguards.
69. "Yard" means an open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this chapter.
70. "Yard, front" means a yard across the full width of the lot extending from the front line of the main building to the front line of the lot.
71. "Yard, rear" means a yard extending the full width of the lot between the main building and the rear lot line.
72. "Yard, side" means a yard between the main building and the side line of the lot and extending from the front yard line to the rear yard line.
73. "Zoning Administrator" means the administrative officer appointed by the Council to administer and enforce the regulations contained in this chapter.

PERMITS, ENFORCEMENT, AND ADMINISTRATION

165.03 ZONING ADMINISTRATOR. The Council shall appoint a Zoning Administrator who shall act as administrative officer. It is the duty of said officer to administer and enforce the regulations contained herein.

165.04 BUILDING AND UTILITY PERMIT REQUIRED. It is unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, raising or moving of any building or structures, or of any portion thereof, without first having applied in writing to the Zoning Administrator for a permit to do so and a permit has been granted therefore. The construction or erection of items such as sidewalks, driveways, fences, and ornamental yard features shall be exempt from the permit requirements of this section, but shall comply with any applicable regulations found elsewhere in this Code of Ordinances.

1. Application Contents. Every application for a building and utility permit shall be in writing and delivered to the Zoning Administrator and shall be accompanied by a detailed site plan. Said application shall be on forms prescribed by the Zoning Administrator.
2. Application forms. Blank forms shall be provided by the Zoning Administrator for the use of those applying for permits as provided for in this chapter. Any permits issued by the Zoning Administrator shall be on standard forms for such purpose and furnished by the City.
3. Record. A careful record of all the applications, plans, and permits shall be kept in the office of the Zoning Administrator.
4. Fees. The fees to be charged for building and utility permits issued under this chapter shall be as set by resolution of the City Council.

165.05 BOARD OF ADJUSTMENT.

1. Creation and Membership. A Board of Adjustment, to be hereinafter referred to as the Board, is established. The Board shall consist of five (5) members appointed by the Mayor, subject to the approval of the Council. Terms shall be for five (5) years and vacancies shall be filled for the unexpired terms of any member whose office becomes vacant. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. All members of the Board shall serve without compensation. The board, subject to the approval of the Council, may employ such clerical and technical assistance as may be needed to carry on its work. The Board shall adopt its own rules of procedure, not in conflict with this chapter or the Code of Iowa, to enable it to perform its functions and duties. The Board shall elect its own Chairperson, who shall serve for one (1) year. Such Chairperson, or in the Chairperson's absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings of the

- Board shall be open to the public. The Clerk, or such other City employee as the Board may designate, shall serve as the Secretary of the Board. In the absence of the Secretary, the Chairperson of the Board may appoint one of the members of the Board to act as Secretary Pro Tem for the meeting. The Board shall have the power to call on any City department for assistance in the performance of its duties, and it shall be the duty of such department to render such assistance as may reasonably be required. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board.
2. Appeals to the Board. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing, with the officer from whom the appeal is taken and with the Board, a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
 - A. Each appeal shall be accompanied by a fee as set by the resolution of the Council to be paid by the appellant to the Clerk. In addition, the appellant shall have a signed consent to the variance by the neighboring property owner(s) who is affected by the requested variance.
 - B. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.
 - C. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative officer certifies to the Board, after the notice of appeal shall have been filed with such officer that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the administrative officer and on due cause shown.
 - D. The Council shall review variances granted by the Board of Adjustment before their effective date and the Council may remand a decision to grant variance to the Board of Adjustment for further study. The effective date of the variance is thirty (30) days from the date of the remand.
 - E. Variances from Setbacks for side, rear, and front yards shall be granted by the Board of Adjustment upon the condition that the lot lines will be established by a registered Surveyor. The survey pins on the lot lines will be "flagged" by the Surveyor. The Zoning Administrator, or Designee, will be contacted by the Surveyor to inspect where the property pins and flags are located. Such person shall also contact the two property owners to make sure they are both in agreement with the location of the property pins. The Surveyor only needs to locate the pins on the effected property line(s) where the Board of Adjustment has

granted a variance. In the event of the property owners do not agree to the lot line, the applying property owner will be required to obtain a formal survey.

3. Jurisdiction. The Board shall have the following powers:
 - A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative officer in the enforcement of this chapter or any ordinance adopted pursuant thereto.
 - B. To hear and decide special exceptions.
 - C. To authorize upon appeal in specific cases such variance from the terms of these zoning regulations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of these zoning regulations shall be observed and substantial justice done. The Board may require any appropriate conditions and stipulations as they deem necessary to assure that the preceding requirements will be fully complied with. Such conditions and stipulations attached to the approval shall be complied with, and a violation of these conditions shall be considered the same as any violation of the other provisions of this chapter.

In exercising the above-mentioned powers, the Board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from any may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative officer or to decide in favor of the applicant on any matter which is required to pass under this chapter or to affect any variation in this chapter.

4. Appeal from Decision of Board. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment under the provisions of this chapter, or any taxpayer or any officer, department, board, or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

165.06 AMENDMENTS. The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven (7) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City. In no case shall the notice be published more than twenty (20) days prior to the hearing. Notwithstanding Section 414.2 of the Code of Iowa, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions

have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against a change or repeal which is filed with the Clerk and signed by the owners of twenty percent (20%) or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent (20%) or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths (3/4) of all the members of the Council. The protest, if filed, must be filed before or at the public hearing. Proposed amendments not recommended by the Commission shall become effective only upon a favorable vote of three-fourths (3/4) of the members of the Council. All zoning amendment application forms shall be approved by resolution of the Council.

165.07 BUILDING PERMIT REQUIRED. No new or remodeled building or structure shall be used or occupied, and no change in the existing occupancy use of a building or a structure or portion thereof shall be made until the Zoning Administrator has issued a building certificate therefore as provided for in this chapter.

1. Certificate Issued. After final inspection, if it is found that the building or structure complies with all the provisions of this code, the Zoning Administrator shall issue a building certificate which shall contain the following:
 - A. The building permit number.
 - B. The address of the building.
 - C. The name and address of the owner.
 - D. A description of that portion of the building for which a certificate is issued.
 - E. A statement that the described portion of the building complies with the requirements of this code and the use to which the building complies with the requirements of this code and the use to which the building or structure is to be devoted complies with the use designation as provided for in these zoning regulations.
 - F. The signature of the Zoning Administrator.
2. Temporary Certificate. A temporary building certificate may be issued by the Zoning Administrator for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.
3. Existing Occupancy. Buildings in existence at the time of the passage of the ordinance codified in this chapter may have their existing use or occupancy contained if such use or occupancy was legal at the time of the passage of this ordinance codified in this chapter, provided such continued use is not dangerous to life.

165.08 VIOLATION; PENALTY. Any person, whether acting directly or through employees or agents, that violates, disobeys, omits or neglects provisions of this chapter shall be deemed to have committed a municipal infraction under Chapter 3 of this Code of Ordinances, and shall be subject to the provisions of that chapter for any violation.

GENERAL PROVISIONS

165.09 APPLICATION OF REGULATIONS. The general provisions hereinafter set forth in these sections qualify or supplement the district regulations appearing elsewhere in this chapter.

165.10 COMPLIANCE REQUIRED. Except as herein otherwise provided, no building or premises shall hereafter be used, and no building shall be extended, erected, converted, moved, rebuilt, or altered, except in conformity with all the district regulations established by this chapter for the district in which it is to be located and until a building permit has been secured from the administrative officer as provided herein. Building permits shall not be issued for construction of improvements on premises which premises are not adjacent to a dedicated street or alley of the City unless the application for such permit has been submitted to and approved by the Board of Adjustment.

165.11 ANNEXATIONS. Any additions to the incorporated area of the City resulting from annexation by the City or otherwise shall be automatically classified as in the Agricultural District until otherwise classified by amendment; however, the Council may, on its own volition or on petition by owners of property located within the territory being annexed and after public notice and hearing as provided by this chapter, designate a new classification for said territory.

165.12 STREET VACATIONS. Whenever any street, road, or other public way is vacated by official action of the City, the zoning district adjoining each side of such street, road, or public way shall be extended automatically to the center of such vacation, and all area included in the vacation shall be subject to all the regulations of the extended district.

165.13 MINIMUM SWELLING SIZE. Any dwelling constructed, erected or located on any lot shall be at least twenty-four (24) feet in width and length at the most narrow point, excepting mobile homes located in approved mobile home parks. All dwellings shall be placed on continuous foundations. These regulations shall not be construed to prohibit the parking and use of one mobile home upon private property occupied or zoned for residence purposes for a period of time not exceeding seventy-two (72) hours when same is used by the occupant of said property, relative, or friends.

165.14 MOBILE HOME PARKS. It is unlawful for any person to operate a mobile home park within the City unless the following regulations are complied with:

1. Each yard abutting on a perimeter public right-of-way shall be considered a perimeter yard and shall be a minimum of twenty-five (25) feet in depth. All other perimeter yards shall have a minimum depth of twenty (20) feet. Yard requirements may be increased where the Board of Adjustment deems necessary.
2. The Board of Adjustment may require that an area with a minimum of ten (10) feet in width be reserved along the perimeter of the mobile home park and may require the erection of a decorative fence or wall six (6) feet in height within said area, to be constructed of a material which will provide a significant visual and sound barrier and/or screen plantings to be provided and maintained with a minimum height of

- eight (8) feet at maturity, or as otherwise required by the Board of Adjustment. This area may be included as part of the perimeter yard depth.
3. One permanent, low-illuminated identification sign may be permitted at any entrance to a mobile home park. Such sign shall be of ornamental metal, stone, masonry, wood or other permanent material and shall indicate only the name of the mobile home park. The sign shall not exceed sixteen (16) square feet in surface area and shall meet all other requirements of sign regulations of the City.
 4. Parking areas shall be provided in all mobile home parks for use of park occupants and guests at the rate of at least two (2) off-street car spaces for each mobile home lot. Required car parking spaces shall be located so as to provide convenient access to the mobile home but shall not exceed a distance of one hundred (100) feet from the mobile home that it is intended to serve. All parking areas shall be constructed with hard, smooth, dust-free surfacing.
 5. Sufficient off-street parking and storage area may be provided to meet anticipated requirements of park occupants for storing of boats, boat trailers, travel trailers, pickups, coaches, truck tractors, trucks over three-quarter (3/4) ton pickup size, and similar items. Said area shall be in addition to parking required elsewhere in this section and if designated areas for this use are insufficient, said area shall be expanded. Parking and storage of vehicles and items listed in this subsection shall not be permitted in other than required parking areas.
 6. Temporary mobile home storage may be permitted prior to permanent placement on the mobile home stand; such temporary storage of a mobile home shall not exceed seventy-two (72) hours or, if this seventy-two (72) hour limit is exceeded, the owner of such stored mobile home shall notify the City.

165.15 BASEMENT OR CELLAR OCCUPATION. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially complete.

165.16 ACCESSORY BUILDING IN REAR YARD. Accessory buildings may be built in a required rear yard, but such accessory buildings shall not occupy more than thirty-five percent (35%) of required rear yard and shall not be nearer than six (6) feet to any side or rear lot line, except that when a garage is entered from an alley at right angles, it shall not be located closer than ten (10) feet to the alley line.

165.17 ACCESSORY BUILDINGS. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises. The maximum square footage shall not exceed 1,008 square feet, and the maximum wall height shall not exceed 12 feet. The maximum overall height shall be limited to one story and 18 feet.

165.18 UNOBSTRUCTED YARD REQUIRED. Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the projection of sills, belt courses,

cornices, and ornamental features which are not to exceed twelve (12) inches. No accessory building, garage, or structure shall be placed in any required front yard area.

165.19 TWO FAMILY OR MULTIPLE DWELLING CONSIDERED AS ONE BUILDING. For the purpose of the side yard regulations, a two (2) family dwelling or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.

165.20 ONE MAIN BUILDING ON LOT. Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this chapter. Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract but only when the buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

165.21 MORE THAN ONE MAIN BUILDING ON THE LOT. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for the multiple dwelling, institutional, motel, or hotel purposes, there may be more than one main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel shall have a minimum dimension of twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings, and forty (40) feet for three- or four-story buildings.

165.22 DWELLINGS ABOVE COMMERCIAL AND INDUSTRIAL STRUCTURES. No side yards are required where dwelling units are erected above commercial and industrial structures.

165.23 DOUBLE FRONTAGE LOTS. Where lots have double frontage on two non-intersecting streets, the required front yard shall be provided on both streets.

165.24 SIDE YARD AND FRONT YARD ON CORNER LOT. The required side yard on the street side of a corner lot shall be one-half (1/2) the required front yard on such street. However, if an adjacent lot fronts on the same street, the entire required front yard must be provided. In any case, the allowable building width shall not be reduced to less than thirty-two (32) feet, and no accessory building shall project beyond the required front yard on either street.

165.25 SIDE YARD REDUCTION. Whenever a lot at the effective date of these zoning regulations has a width of less than sixty (60) feet, the side yards may be reduced to a width of less than ten percent (10%) of the width of the lot, but in no instance shall it be less than five (5) feet.

165.26 FRONT YARD ADJUSTMENT. Whenever thirty percent (30%) or more of the frontage on one side of a street in any block has been built up with buildings having a front yard, then the building line of buildings to be erected shall not be less than that of the natural building line of the block, as determined by existing buildings.

165.27 “R-1” DISTRICT FENCE AND WALL HEIGHT. In any “R-1” District, fences and walls not exceeding six (6) feet in height are permitted within the limits of side and rear yards. A fence or wall not exceeding four (4) feet in height is permitted within the limits of front yards. No portion of fences and walls exceeding four (4) feet in height is permitted within the limits of front yards. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment. On any corner lot in any “R-1” District, no fence, wall, or other structure shall be erected to a height of more than three (3) feet above the elevation of their established curb grade at the intersection of the streets on that part of any yard which is bounded by the street lines of the intersecting street and a line connecting two (2) points on the street lines which will obstruct the view of the drivers of vehicles approaching the street intersection shall be placed or maintained within such area.

Fencing permits are required for all fences, including the “invisible type fence”. Perimeter fence shall mean any fence constructed on the property line or within two feet of and parallel to the property line. The cost for the permit shall be \$20.00. The property owner is required to locate the official survey pins and expose same for view or have a lot survey made by a licensed surveyor with corner pins located.

Fence height shall be allowed as per this section, however, finials or posts shall be allowed to be up to 12” higher than the fence height. The finished side of the fence is to be to the neighbor’s side with the posts on the inside of the fence. In the case of a fence with center line posts and both sides are finished, the provision that posts are to be on the inside does not apply.

However, the Zoning Administrator shall be given to authority, after review of the fence permit application, to not require the survey pins be exposed if it is clear that the proposed fence is not on or near a property line, or if it is clear that the location of the proposed fence is entirely on the property of the requesting party.

165.28 LOT TO PROVIDE OWN SPACE REQUIREMENTS. No yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot, and no yards or other open space about an existing building or any building hereafter constructed for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building.

165.29 CONSTRUCTION IN PROGRESS. If actual construction has been started on any building at the time of the passage of the ordinance codified in this chapter, nothing contained herein shall require any change in the plans, construction, or designated use of any such building or part thereof.

165.30 BUILDING HEIGHT LIMITATION. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located. If said building is to be located in an area regulated by airport height zoning, any lower height requirement of that airport zoning regulation shall prevail.

165.31 STRUCTURES CONSIDERED PART OF BUILDING. Any portion of a building which is covered by a roof and any structure attached to the building shall be considered as part of the building for purposes of determining yard and height requirements of this chapter.

165.32 LIVESTOCK AND POULTRY. The keeping or raising of poultry or livestock is prohibited except on premises containing two (2) acres or more. In addition, such poultry or livestock must be contained at a distance of at least two hundred fifty (250) feet from any residence now existing or hereafter erected.

165.33 NONCONFORMING USES. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which such building is located. The lawful use of a building existing at the time of the adoption of these zoning regulations may be continued, even though such use does not conform with the provisions hereof. Such use may be extended throughout the building, provided no structural alterations except those required by law or ordinance are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. If a nonconforming building is removed, the future use of such premises shall be in conformity with the provisions of this chapter. When a nonconforming use has been changed to a conforming use or to a more restricted nonconforming use, such use shall not thereafter be changed to a less restricted use. If, by amendment to this chapter, any property is hereafter zoned to a more restrictive district by a change in district boundaries or the regulations and restrictions in any district are made more restrictive or of a higher classification, the provisions of this chapter relating to the nonconforming use of buildings or land existing at the time of the enactment of the ordinance codified in this chapter shall apply to buildings or land occupied or used at the time of the passage of such amendment. No nonconforming building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty-five percent (65%) of its value shall be restored until a permit is secured from the Board of Adjustment.

165.34 PLANNED UNIT DEVELOPMENT. “Planned unit development” means an area of land to be developed as a single entity for a number of dwelling units and uses ancillary thereto, the plan for which may not conform to the lot size, bulk, or type of building, density, lot coverage, required open space, or other requirements in any district established by this chapter. Exceptions to provision found in this chapter are hereby made for planned unit developments. Planned unit development, for purposes of this chapter, shall be considered a type of subdivision and will require approval as delineated in the City’s subdivision regulations.

DISTRICT REGULATIONS

165.35 DISTRICT ESTABLISHED. In order to classify, regulate, and restrict the locations of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and use of buildings hereafter erected or structurally altered; to regulate and limit the intensity of use and the lot areas; and to regulate and determine the areas of yards, courts, and other open spaces surrounding such buildings, the City is hereby divided into districts of which there shall be six (6) in number, known as;

“AG-1”	Agricultural District
“R-1”	Residential District
“C-1”	General Business District
“C-2”	Highway Business District
“I-1”	Light Industry District
“I-2”	Heavy Industry District

165.36 MAP. The boundaries of these districts are established and designated upon the map to be known as the Official Zoning Map of the City, which map, with all its designations and information, is made a part of this chapter as if the same were fully set forth herein. The Official Zoning Map is on file in the office of the Clerk. †

165.37 DISTRICT BOUNDARIES. Where there is uncertainty as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply: the boundaries of the various districts established by this chapter are street lines, alley lines, property lines, lot boundary lines. Where the distance to any boundary line from a street line, property line, or lot line is indicated by the Official Zoning Map, such measurement shall control.

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

165.38 AG-1 – AGRICULTURAL DISTRICT.

1. Intent. The AG-1 Agricultural District is created to provide for those lands within the corporate limits of Garner which are not planned for development in the immediate future and which are primarily used for farming purposes.
2. Principal Permitted Uses.
 - A. Farms, farm buildings other than those used for livestock, truck gardens, orchards, and nurseries.
3. Conditional Uses. These uses are subject to conditional approval of the Board of Adjustment.
 - A. Livestock raising facilities and raising of livestock.
 - B. Extraction of minerals or raw material.
 - C. Transient enterprises, such as carnival and circus rides and shows.
 - D. Veterinary establishments.
 - E. Home occupations.
 - F. Single-family residences other than farm houses, which are a principal permitted use.
 - G. Public and private recreational uses such as parks, trails, golf courses, hunting and fishing areas, and wildlife preserves.
 - H. Cemeteries.
 - I. Railroads, streets and roads, bridges, power transmission lines, and public utilities.
4. Yard Requirements. No building shall be located closer than sixty (60) feet from the right-of-way of any public roadway.

165.39 R-1 – RESIDENTIAL DISTRICT.

1. Intent. The R-1 Residential District is intended to provide for general residential neighborhoods consisting primarily of single or two family dwellings.
2. Principal Permitted Uses.
 - A. Single or two-family dwellings and family homes as defined in Section 165.02 of this chapter.
 - B. Public playgrounds and parks.
 - C. Accessory buildings.
 - D. Swimming pools when enclosed by a non-climbable fence at least six (6) feet in height.
3. Conditional Uses. The following uses may be permitted, subject to approval of the Board of Adjustment.
 - A. Churches.
 - B. Public schools and private educational institutions having a curriculum approved by the Iowa Department of Education or regulated by the Department of Human Services.
 - C. Public Garages.
 - D. Offices or studios of professional persons.
 - E. Nurseries and greenhouses.
 - F. Public libraries or public museums, clubs, lodges, or social or community center buildings.
 - G. Funeral parlors and mortuaries.
 - H. Neighborhood grocery stores.
 - I. Mobile home parks.
 - J. Multi-family dwellings.
 - K. Hospitals, clinics and nursing homes.
 - L. Home occupations.

- M. Bed and breakfast home.
 - N. Other uses such as above when there is clear evidence that such uses would not seriously affect the value and character of the surrounding development.
4. Minimum Lot Area. Except as may be otherwise provided, every dwelling hereafter erected in the R-1 District shall have a lot area of not less than six thousand (6,000) square feet for each single-family dwelling, three thousand (3,000) square feet per family for two-family dwellings, or two thousand (2,000) square feet per family for multi-family dwellings.
 5. Yard Requirements. Except as may be otherwise provided, the yard requirements for the R-1 District are as follows:
 - A. Front Yard. There shall be a front yard of not less than twenty-five (25) feet. Whenever thirty percent (30%) or more of the frontage on one side of a street in any block has been built up with buildings having a front yard, then the building line of buildings to be erected shall not be less than that of the natural building line of the block, as determined by existing buildings.
 - B. Side Yard. There shall be a yard on each side of not less than six (6) feet in width. The required minimum width of side yards for a church, school, museum, hospital, or similar building shall be fifty percent (50%) more than the formulation shown above.
 - C. Rear Yard. There shall be a rear yard of not less than twenty(20) feet, except in any block where there is an inner court not less than sixty-five (65) feet square. There shall be no rear yard required for any lot, the full width of which abuts on such court. An accessory building may occupy not more than thirty-five percent (35%) of a required rear yard area.
 6. Height Regulations. Buildings and structures in the R-1 District shall not exceed thirty-five (35) feet in height.
 7. Parking Requirements.
 - A. Each single-family, two-family, and multi-family dwelling shall provide parking space on the lot occupied by the main building or garage space in the main building or in an accessory building sufficient to accommodate two (2) motor cars for each family or dwelling unit.
 - B. Church, school and college auditoriums, theaters, general auditoriums, stadiums, and other similar places of public assembly which are erected on new sites shall provide one (1) off-street parking space for each ten (10) seats of the audience seating capacity provided in the main auditorium. Said parking space shall be provided on the same lot as the place of public assembly or on another lot within five hundred (500) feet of said place of public assembly.

- C. Hospitals, clinics, sanitariums, dispensaries, and welfare institutions shall provide at least one (1) off-street parking space for each three hundred (300) square feet of floor area in said buildings, such space to be located within three hundred (300) feet of the buildings.
- D. Office or studios of professional persons and funeral homes shall provide one (1) off-street parking space for each three hundred (300) square feet of floor space in the building devoted to the aforementioned uses.

165.40 C-1 – GENERAL BUSINESS DISTRICT.

1. Intent. The C-1 General Business District is created for the purpose of providing an orderly and planned development of business within the C-1 District.
2. Principal Permitted Uses.
 - A. Retail business or service establishments such as the following:
 - Antique shop
 - Apparel shop
 - Appliance store, sales and repair
 - Automobile accessory store and auto sales
Including repair work incidental to this use.
 - Bakery whose products are sold only at retail
 - Bank or savings and loan
 - Barber shop
 - Bed and breakfast homes
 - Bicycle shop, sales and repair
 - Bookstore
 - Bus depot
 - Business or professional offices
 - Camera shop for retail sales only
 - Candy shop for retail sales only
 - Car wash
 - Commercial parking lot
 - Convenience stores
 - Dairy Store
 - Dance studio
 - Department store
 - Drapery shop
 - Drug store
 - Dry cleaning and laundry pick-up stations
 - Flower shop
 - Food stores and lockers
 - Funeral parlors and mortuaries
 - Furniture store
 - Garden Shop
 - Gas stations and garages for general repair, but not including wrecking or used
parts yard
 - Gift shop
 - Greenhouse of retail sales
 - Hardware store
 - Hobby shop
 - Hotel
 - Interior decorating shop
 - Jewelry store
 - Key shop

- Landscape center
- Laundromat
- Loan office
- Lumber yard
- Monument sales yard
- Motel
- Music store
- Newspaper office
- Office supply store
- Paint store
- Pet shop
- Photographer studio
- Radio and television station and studios
- Recreation centers such as swimming pools, bowling alleys, billiard parlors, and pool halls
- Sporting goods store
- Tailor shop
- Theatre
- Variety store

- B. Accessory buildings.
 - C. Public parks and buildings.
 - D. Other uses similar to those listed which will not cause excessive dust, noise, smoke, or odor and which will not be detrimental to the general appearance and character of the general business district.
 - E. Any floor above the main ground level floor may be arranged and used for dwelling purposes provided that two off-street parking spaces are provided for each single-family dwelling unit and that a viable, authorized C-1 General Business District use occurs on the main ground level floor.
3. Conditional Uses. The following and similar uses may be allowed in the C-1 District, subject to approval of the Board of Adjustment.
- A. Group homes.
 - B. Recreation vehicle parks, tourist courts, and cabins.
 - C. Mobile home parks.
 - D. Bed and breakfast inns.
4. Height Regulations. Building and structures in the C-1 District shall not exceed forty-five (45) feet in height.
5. Yard Regulations. There are no yard regulations in the C-1 district.

165.41 C-2 – HIGHWAY BUSINESS DISTRICT.

1. Intent. The C-2 Highway Business District is created primarily to provide for those types of businesses that are customarily located along major thoroughfares of a city.
2. Principal Permitted Uses.
 - A. Gasoline filling station and convenience stores.
 - B. Motels and hotels.
 - C. Automobile, truck, trailer, and garden and farm implement establishments, including sales lots.
 - D. Retail stores or trade shops.
 - E. Funeral homes or mortuaries.
 - F. Offices and office buildings.
 - G. Restaurants, including drive-in restaurants.
 - H. Cocktail lounges, bowling alleys, dance halls, or skating rinks.
 - I. Hospitals, clinics and nursing homes.
 - J. Public garages and automobile repair shops, including body shops.
 - K. General service and repair establishments such as cleaning, laundry, plumbing and heating, printing, and upholstering.
 - L. Accessory buildings.
 - M. Animal hospital, veterinary clinic, or kennel, provided all phases of the business are conducted within a building where noises and odors are not evident.
 - N. Bed and breakfast homes.
 - O. Bed and breakfast inns.
 - P. Any other commercial enterprises similar to the above listed uses which will not produce significant amounts of dust, noise, smoke, odor, or objectionable types or amounts of vehicular traffic.
3. Yard Requirements. Except as may be otherwise provided, the yard requirements in the C-2 District are as follows:

- A. Front Yard. In the C-2 District on Highway 18, no building shall be built closer than sixty (60) feet from the right-of-way of said highway. If a C-2 District adjoins a residence district within the same block, then that residence district front yard requirements shall apply to that portion of the C-2 District within that block. In the C-2 District, whenever thirty percent (30%) of the frontage on one side of a street in any block has been built up with buildings, then the setback line of buildings to be erected shall not be less than that of the natural building line of the block as determined by existing buildings.
 - B. Side Yard. There are no side yard requirements within the C-2 District except where a lot adjoins any residential district, in which case the adjacent side yard shall be a minimum of ten (10) feet.
 - C. Rear Yard. There are no rear yard requirements within the C-2 District.
4. Height Regulations. Buildings and structures within the C-2 district shall not exceed forty-five (45) feet in height.
 5. Parking Regulations. The parking requirements for any buildings hereafter erected shall be as follows:
 - A. Retail Store or Service Establishment. The minimum parking space requirements for a retail store or service establishment shall be as follows: one (1) off-street parking space for each two hundred (200) square feet of building floor area.
 - B. Motels and Lodging Houses. Motels and lodging houses shall provide at least one (1) off-street parking space for each individual's sleeping room or living unit.
 - C. Offices and Funeral Homes. There shall be one (1) off-street parking space provided for each three hundred (300) square feet of floor space in the building devoted to the aforementioned uses.
 - D. Restaurants, Cocktail Lounges, Night Clubs, Bowling Alleys, Dance Halls, Skating Rinks or Similar Establishments. Such establishments shall provide one (1) off-street parking space for each one hundred (100) square feet of floor area devoted to the aforementioned uses.

165.42 I-1 – LIGHT INDUSTRY DISTRICT.

1. Intent. The I-1 Light Industry District is created to provide for those commercial and light manufacturing industries which do not qualify for location in the business districts, but which are not heavy manufacturing industries.
2. Principal Permitted Uses.
 - A. Wholesale establishments.
 - B. Truck terminals.
 - C. Blacksmith and machine shops.
 - D. Sheet metal shops.
 - E. Storage and distribution warehouses.
 - F. Printing shops.
 - G. Builder's or contractor's plant or storage yard.
 - H. Building materials sales and storage and concrete mixing.
 - I. Lumber yards, including millworks.
 - J. Carpenter and cabinet shops.
 - K. Feed stores.
 - L. Bakery, wholesale.
 - M. Plumbing and heating shops.
 - N. Open yards for storage and sales.
 - O. Automobile repair garages, including body shops.
 - P. Raising of crops.
 - Q. Accessory buildings.
 - R. Any other light manufacturing or commercial enterprises similar to the above listed uses which will not produce significant amounts of dust, noise, smoke, odor, or objectionable types or amounts of vehicular traffic.
 - S. Bed and breakfast homes.

- T. Bed and breakfast inns.
3. Conditional Uses. The following uses may be permitted, subject to the conditional approval of the Board of Adjustment.
 - A. Mining and extraction of minerals and raw minerals.
 4. Yard Requirements. Except as may be otherwise provided, the yard requirements of the I-2 district shall be as follows:
 - A. Front Yard. There is not front yard requirement in the I-1 District unless the I-1 District adjoins a residential district within the same block, in which case the residence district front yard requirement shall apply to the portion of the I-1 District within that block.
 - B. Side Yard. There are no side yard requirements within the I-1 District, except where a lot in the I-1 District adjoins any residential district, in which case the adjacent side yard shall be a minimum of ten (10) feet.
 - C. Rear Yard. There are no rear yard requirements in the I-1 District.
 5. Height Regulations. The height of buildings and structures within the I-1 District shall not exceed forty-five (45) feet in height.
 6. Parking Requirements. The minimum parking space requirements for an establishment in the I-1 District shall be one (1) parking space for every two (2) employees on the maximum working shift, plus space to accommodate all trucks or other vehicles used in connection therewith.

165.43 I-2 – HEAVY INDUSTRY DISTRICT.

1. Intent. The I-2 Heavy Industry District is created to provide for those heavy manufacturing industries which do not qualify for location in the I-1 Light Industry District.
2. Principal Permitted Uses.
 - A. Food product manufacture, excluding fish and meats.
 - B. Concrete mixing, including concrete products manufacture.
 - C. Contractor's equipment storage yard.
 - D. Laboratory, experimental or testing.
 - E. Sawmill, including the manufacture of wood products.
 - F. Manufacture and assembly from previously prepared materials such as cloth, leather, plastics, metal, stone, or wood.
 - G. Raising of crops.
 - H. Any other heavy industrial use similar to the above uses which would not create excessive amounts of dust, smoke, gas, noise, fumes, odor, vibration, fire or explosion.
3. Conditional Uses. The Board of Adjustment may approve as conditional uses those industrial uses which may prove objectionable by reason of odor, noise, smoke, or hazard such as the following:
 - A. Slaughter houses and stock yards.
 - B. Distillation of ethanol.
 - C. Acid or chemical manufacture or storage.
 - D. Cement, lime, gypsum, or similar material manufacture.
 - E. Explosive manufacture or storage.
 - F. Fertilizer manufacture or storage.
 - G. Garbage, offal, or dead animal reduction.
 - H. Petroleum refining or storage.

- I. Rubber goods, manufacture.
 - J. Salvage yard or junk yard, provided that the premises on which such activity is conducted shall be wholly enclosed within a building, wall, or fence not less than six (6) feet in height, completely obscuring the activity.
 - K. Mining and extraction of minerals and raw minerals.
4. Yard Requirements. Except as may be otherwise provided, the yard requirements for the I-2 District shall be as follows:
- A. Front Yard. There is no front yard requirement in the I-2 District unless the I-2 District adjoins a residential district within the same block, in which case the residence district front yard requirement shall apply to that portion of the I-2 District within that block.
 - B. Side Yard. There are no side yard requirements within the I-2 District except where a lot in the I-2 District adjoins any residential district, in which case the adjacent side yard shall be a minimum of ten (10) feet.
 - C. Rear Yard. There are no rear yard requirements in the I-2 District.
5. Parking Requirements. The minimum parking space requirements for an establishment in the I-2 District shall be one (1) parking space for every two (2) employees on the maximum working shift, plus space to accommodate all trucks or other vehicles used in connection therewith.
6. Height Regulations. The height of buildings and structures within the I-2 District shall not exceed forty-five (45) feet in height.

165.44 TOWER/ANTENNA REGULATIONS.

1. **Applicability.** A tower structure shall be no closer to any public right-of-way or other property line than the distance equivalent to the height of the structure, including accessories or antenna mounted a top the structures. Said distance shall be measured from the street right-of-way and from all property lines of the proposed site to the center of the structure's base. A tower structure shall be located on a parcel not less than 1 acre in size. A Conditional Use Permit may be required from the Zoning Board of Adjustment with approval of the Council, only after meeting the general site requirements as herein established. All tower structures shall be protected from unauthorized access by a security screen or fence not less than six (6) feet high and an appropriate anti-climbing device.
2. **Public Property.** Antennas or towers located on public property owned or controlled by the City shall be exempt from the requirement to obtain a Conditional Use Permit under this section.
3. **Amateur Radio, Private or Non-commercial Antennas.** This section shall not govern any tower or the installation of any antenna that is less than 45 feet in height and is owned and operated by a federally licensed amateur radio station operator or is exclusively for receive-only antennas.
4. **Pre-existing Towers and Antennas.** Any tower or antenna for which a permit has been properly issued prior to July 10, 2001, shall not be required to meet the requirements of this section, other than the requirements of the FAA and the FCC. Any such towers or antennas shall be referred to in this section as "pre-existing towers" or "pre-existing antennas."
5. **Availability of Suitable Existing Towers, Other Structures or Alternative Technology.** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the decision makers that no existing tower, structure or alternative technology can accommodate the applicant's needs.
6. **Zoning District Allowed.** Towers and antennas as described in this section shall be allowed to be constructed in the following zoning district:
 - A. AG-1 Agricultural District
 - B. C-2 Highway Business District
 - C. I-1 Light Industry District
 - D. I-2 Heavy Industry District
7. **Principal or Accessory Use.** Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations including but not limited to setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot

shall control even though the antenna tower may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this section shall not be deemed to constitute the expansion of a non-conforming use or structure.

8. Removal of Abandoned Antennas and Towers. Any tower or antenna that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such antenna or tower shall remove same within 90 days or receipt of notice from the City notifying the owner of such abandonment. If said antenna or tower is not removed within said 90 days, the City may remove such antenna or tower at the owner’s expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

9. Lighting. Towers and antennas shall not be artificially lighted unless required by the FAA, or other applicable authority, including the City. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

10. State and Federal Requirements. All towers and antennas must meet or exceed standards and regulations of the FAA, FCC and any other agency of the State or Federal government having authority to set rules and regulations pertaining to towers and/or antennas.

11. Signs. No signs shall be allowed on an antenna or tower, other than safety or warning signs.

EDITOR’S NOTE	
The following ordinances have been adopted amending Ordinances No. 301, the Official Zoning Map adopted December 14, 1999, and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.	
ORDINANCE NUMBER	DATE ADOPTED
302	January 11, 2000
306	February 27, 2001
308	April 24, 2001