

## CHAPTER 165

# GENERAL REGULATIONS

165.01 Title	165.17 Yard Requirements
165.02 Jurisdiction	165.18 Permitted Obstructions in Required Yards
165.03 Purpose	165.19 Accessory Buildings and Uses
165.04 Consistency with Comprehensive Plan	165.20 Site Plan Review Process
165.05 Amendments	165.21 Conditional Use Permit
165.06 Planning and Zoning Commission Recommends	165.22 Good Neighbor Meeting
165.07 District Regulations, Restrictions, and Boundary Creation	165.23 Zoning Code Amendment Process
165.08 Courtesy Notice	165.24 Nonconforming Uses
165.09 Abbreviations and Acronyms	165.25 Annexed Territory
165.10 Definitions	165.26 Schedule of Fees and Charges
165.11 Provisions of Ordinance Declared to Be Minimum Requirements	165.27 Board of Adjustment
165.12 Zoning Affects Every Building and Use	165.28 Appeals From the Board of Adjustment
165.13 Lot	165.29 Complaints Regarding Violation
165.14 Reductions in Lot Area Prohibited	165.30 Violations
165.15 Obstructions to Vision at Street Intersections Prohibited	165.31 Landscaping and Screening Requirements
165.16 Temporary Buildings	165.32 Parking and Loading Requirements
	165.33 Fence and Hedge Requirements
	165.34 Building Height Measurement

**165.01 TITLE.** The title of Chapters 165 thru 169 shall be known as the Zoning Ordinance of the City of Ely or the Ely Zoning Code.

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

**165.03 PURPOSE.** The purpose of this Zoning Code is for promoting the health, safety, morals, and the general welfare of the community or for the purpose of preserving historically significant areas of the community, the 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)*

**165.04 CONSISTENCY WITH COMPREHENSIVE PLAN.** The 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.

**165.05 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.

**165.06 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.

**165.07 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.

**165.08 COURTESY NOTICE.** As per State law Section 362.3 of the *Code of Iowa*, notification shall be published between 4 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.

**165.09 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

**165.10 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. "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.
  - B. "Abut" means to physically touch or boarder upon, or to share a common property line.
  - C. "Abutting" means to have lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
  - D. "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.
  - E. "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.
  - F. "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.
  - G. "Agent of owner" means any person showing written verification that they are acting for, and with the knowledge and consent of, a property owner.
  - 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:
    - (1) "Adult art" or "adult modeling studio" means an establishment or business which provides the services of modeling 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; provided entrance to such establishment and such services 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.

(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" mean any business or establishment where a "specified sexual activity" or a "specified anatomical area" is displayed.

(6) "Adult entertainment" means any exhibition of any motion picture, live performance, display, or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas.

(7) "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."

(8) "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 areas" for observation by persons therein.

- (9) "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."
- (10) "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.
- (11) "Sexual encounter center" means a place provided by any business, agency, or person where, for any form of consideration or gratuity, persons 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."
- (12) "Specified anatomical areas" means less than completely and opaquely covered human genitals, mature human buttocks, and mature human female breasts below a point immediately above the top of the areola; and human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (13) "Specified sexual activities" means human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling, or touching of human genitals, public region, buttock, or female breast, minors engaged in prohibited sexual act or stimulation of a prohibited sexual act.
- I. "Agricultural uses" means uses primarily adapted for growing or raising crops or animals which are used for food, fuel, or fiber.
- J. "Alley" means a public way, other than a street, affording secondary means of access to abutting property.
- K. "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.
- L. "Amenity" means a natural or human made feature that enhances or makes a particular property more attractive or satisfying.
- M. "Apartment" means a suite of rooms forming one residential unit, typically in a building containing a number of individual apartments.
- N. "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.

O. “Average natural grade” means the average elevation of the natural grade based upon 12 points of measure along the perimeter of the building prior to any cut and fill. Each point of measure shall be located (first) at every corner of the building and (second) every 30 feet along continuous walls with lengths over 50 feet. For the purposes of this definition a “corner” shall mean a change in wall place of 30 degrees or more. If a building has more than 12 corners, then each corner shall be a point of measure regardless of the 12-point requirement.

2. Definitions for words beginning with “B.”

A. “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 individually platted lot or parcel unless the lot or parcel is part of a planned unit development.

B. “Basement” means a level of a building below street level that has a least one-half of its height below the surface of the adjacent ground.

C. “Beginning of construction” means the initial incorporation of labor and materials into the foundation of a building or structure.

D. “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.

E. “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.

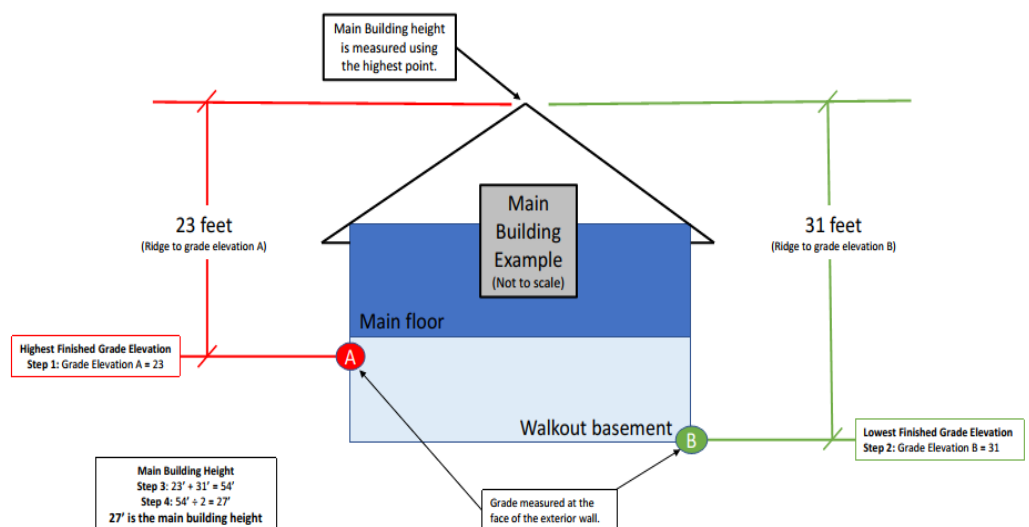
F. “Buffer yard” means a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

G. “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.

H. “Building coverage” means the area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

- I. “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.
- J. “Building footprint” means the outer boundary of a building established by the location of its exterior walls.
- K. “Building height measurement” means the formula for how a building height is calculated within this Zoning Code. The height of a building shall be calculated as outlined in the following diagram:

#### Appendix A: Main Building Height Measurement using Grade Elevation



Nov.2017

- L. “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. “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.

D. “Common area” means an area held, designed, and designated for common or cooperative use within a development.

E. “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.

F. “Comprehensive plan” means the duly adopted Comprehensive Plan of the City.

G. “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*.

H. “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.

I. “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 jointed to another building in such a manner as not to constitute an enclosed or covered connection.



- D. "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.
  - E. "Driveway" means a permanently paved, surfaced area providing vehicular access between a street and an off-street parking or loading area.
  - F. "Dumpster" means any unit designed for the collection of large quantities of trash, yard waste, building or construction debris, trees, or limbs and designed to be delivered and picked up by a truck.
  - G. "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.
  - H. "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. "Enclosed" means a roofed or covered space fully surrounded by walls.
  - C. "Essential services" means the construction of, alteration to, or maintenance of facilities instrumental to the overall quality of life of a City. These facilities are constructed and maintained by the public utility company, City, County, or State and may consist of underground or overhead transmission mains and wires, underground transmission and collection systems, communication lines, supply or disposal systems, including wires, poles, drains, sewers, pipes, conduits, cables, fire and police alarm boxes, traffic signals, hydrants, towers, substations, gas regulator stations, and other similar equipment, accessories, and buildings that are reasonably necessary for the furnishing of adequate service by the public utility, City, County, or State for the public health, safety, and general welfare.
6. Definitions for words beginning with "F."
- A. "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 vehicles 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.

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 herein 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 an accessory occupational use conducted entirely within a dwelling unit by its inhabitants, 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. "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 "I."
- A. "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.
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 adjoins 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. “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.
- E. “Mixed use development” means a single development, which incorporates complementary land use types.
- F. “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.
- G. “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.
- H. “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.

14. Definitions for words beginning with “N.”

A. “Natural grade” means the original condition of the ground surface as it existed prior to mechanical grading or disturbance. Where the original condition of the ground surface cannot be determined, the City may approve a topographic survey of the property prepared by a civil engineer or land surveyor licensed in the State of Iowa indicating the approximate original condition of the ground surface of the site as can best be determined from record and survey data.

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 as 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. "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.
  - B. "Outdoor storage" means the storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.
  - C. "Outdoor storage container" means any new or used prefabricated metal or steel enclosure used for the accessory storage of supplies, equipment, inventory, goods, commodities, or construction-related materials; or temporary offices for active construction sites; designed without an axle or wheels; and capable of being mounted on a chassis for movement by truck, trailer, or railcar. This definition includes, but is not limited to, cargo, shipping, and freight containers, garbage and recycling containers, containers mounted on a truck and portable moving containers as defined in this chapter; and excludes typical residential accessory buildings built on a foundation, footings, or slab such as garages and storage sheds.
  - 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 165.19.
  - 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. "Permanent" means any structure, building, or use that is located on a lot in excess of 12 consecutive months regardless of the location on the lot.

- F. "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.
- G. "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.
- H. "Planning and Zoning Commission" means the Planning and Zoning Commission of the City, as authorized by Chapter 22 of this Code of Ordinances.
- I. "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.
- 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 moving containers" means any new or used prefabricated units that can be rented by residential or business customers for temporary accessory moving and storage activities, but not limited to such products trademarked as "PODS" (Personal on Demand Storage), "SAM" (Store and Move), and "Door to Door." Such containers are typically delivered to a site by truck, left on site for a temporary loading period, then retrieved by truck and delivered to another location, which may include a storage facility.
- L. "Premises" means a lot, parcel, tract, or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.
- M. "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.
- N. "Property line" see lot line.
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 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.

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. "Semi-public building" means any component building of a college, school, hospital, animal hospital, library, place of worship, museum, research center, rehabilitation center or similar facility, or a municipal building.

C. "Setback" means the required distance between every structure and the lot lines of the lot on which it is located.

D. "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.

E. "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.

F. "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.

G. "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.

H. "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.

I. "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 a 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.
- J. "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. "Tiny home" means a single-unit residential dwelling that is 400 square feet or less in floor area excluding lofts.
  - 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, stormwater, 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.
23. Definitions for words beginning with "W."
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.

**165.11 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS.** In their interpretation and application, the provisions of this Zoning Code 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.

**165.12 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 the cost to repair such structure does not exceed 50 percent of the original value of the structure.

**165.13 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.

**165.14 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.

**165.15 OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS PROHIBITED.** On a corner lot, there shall be provide an unobstructed view across a triangle formed by joining points measured 20 feet along the property line from the intersection of two streets or 15 feet along both the street and alley line from the intersection of a street and alley. 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 30 inches above grade or in the case of trees, 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, form the edge of the nearest traveled way.

**165.16 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.

**165.17 YARD REQUIREMENTS.** The following requirements shall apply to 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 Zoning Code, 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 Zoning Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Code 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.

**165.18 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 and 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 no 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 according Section 165.33.
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, a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

**165.19 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 a 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 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.
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 when the 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 40 percent of the rear lot area.
10. Swimming Pools shall be constructed in accordance with the City's current Building Code and the current version of the Swimming Pools, Spas, and Hot Tubs Code as adopted by the City.
11. Detached private garages and outbuildings in residential districts within the corporate limits for automobiles 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. wood or steel stud framing, sheathing, and exterior finish).

- A. Be constructed of materials that meet building code requirements.
  - B. The sidewalls of said building shall not exceed 15 feet in height.
  - C. The maximum overall height of said building shall be 20 feet for detached garages and 20 feet for any other outbuilding but not in excess of the maximum elevation of the main structure on the lot, not including any antenna or chimney (this shall apply only within the R-1, R-2, and R-3 districts).
  - D. Garages shall have an overhang of at least six inches.
  - E. Garages shall have a maximum width of 36 feet.
12. Regulation 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 islands 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.
13. No single lot shall be permitted to have more than two accessory buildings or uses combined at any one time.
14. The total area coverage of the combined accessory buildings and uses on a lot shall not exceed 30 percent of the rear yard area.

**165.20 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 and 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 their designee.

4. Review Process. The following process shall be utilized for the review of a new or updated site plan:

A. A site plan meeting the application standards outlined in Subsection 3 of this section shall be submitted to the Zoning Administrator. In addition to the application the submittal of a site plan for review shall include a minimum of 12 paper copies no greater in size than 11" x 17", one electronic copy, and the application fee as determined by the City Council by resolution.

B. Upon receipt of the site plan application and all required documents the Zoning Administrator shall perform a general review of the documents to ensure that all the required information is included.

C. Within 20 days of receipt the Zoning Administrator shall schedule a Planning and Zoning Commission meeting for the purpose of reviewing the site plan application.

D. The Zoning Administrator will distribute copies of the site plan application and all related documents to the Planning and Zoning Commission members and the City's Engineer and any other relevant parties at least 15 days prior to the scheduled Planning and Zoning Commission meeting.

E. The Zoning Administrator shall publish notice of the Planning and Zoning Commission meeting as required by the *Code of Iowa*.

F. The Planning and Zoning Commission shall meet in open session for review of the site plan application and shall allow for public comment regarding the site plan. The Commission shall have the option of making a recommendation on the approval or denial of the site plan at their meeting or they may delay action on the recommendation until a later date, provided that they are in compliance with Paragraph G of this subsection. A simple majority vote of the Commission shall be required to approve or deny an application.

G. The Commission shall make a recommendation to the City Council on a site plan application submitted for review within 35 days of the initial meeting set to review the site plan.

H. The Zoning Administrator shall forward the recommendation of the Planning and Zoning Commission to the City Council within 10 days of the Commission's action on the site plan application. The Council shall act on the application within 60 days of receipt.

I. If the applicant chooses to make changes to the site plan or the site plan application that are determined by the Zoning Administrator to be substantial following the Planning and Zoning Commissions recommendation,

the application shall be considered to have been withdrawn and a new application will need to be submitted including any required fees as determined by the City Council and approved by resolution.

5. Evaluation. The Planning and Zoning Commission, City Council, and 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.

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) Outside Storage. All outdoor storage area must be screened from surrounding streets and less intensive land uses.

(8) Stormwater Management. The development shall adequately and appropriately handle stormwater to prevent overloading of public stormwater 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.

(9) 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.

6. Appeal. An applicant may appeal the denial of an application by filing a formal notice of appeal to the Zoning Administrator who shall notify the Board of Adjustment who will conduct the appeal.

7. 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, 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.

8. 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 to the criteria in Section 165.20(5).

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.

9. Approval to Run with Land. An approval of a site plan review shall run with the land for a period of two years from the date of approval. A subdivider may request, in writing, an extension of time from the City. Only one such extension shall be allowed for a period not to exceed 180 days. Expiration of an approved site plan shall require that the Subdivider submit a new request for approval utilizing the process outlined in this section.

**165.21 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:

(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 and 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 their designee.

3. Review and Evaluation Process. 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. Outside Storage. All outdoor storage area must be screened from surrounding streets and less intensive land uses.
- N. Stormwater Management. The development shall adequately and appropriately handle stormwater to prevent overloading of public stormwater 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.

- O. 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.
- P. 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 Linn 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.

**165.22 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 a general understanding of the proposed request.

E. The City shall also publish notice of the Good Neighbor Meeting as outlined in Section 18.05 of this Code of Ordinances.

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 Administrator 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.

**165.23 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 or the official boundaries of the individual zoning districts. Changes 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, stormwater 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 of 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 owners 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 300 feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of  $\frac{3}{4}$ ths 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.

**165.24 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 165.31 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 165.31.

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 provisions 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 non-conforming 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 50 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.

**165.25 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.

**165.26 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.

**165.27 BOARD OF ADJUSTMENT.**

1. Establishment. A Board of Adjustment is hereby established which shall consist of five regular board members appointed for five-year terms. Members shall be appointed by the City Council and are 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 165.21.

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 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 a distance of 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 Chapter 3 of this 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 165.30.

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 Clerk, 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 required by this Code, 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.

**165.28 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*.

**165.29 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.

**165.30 VIOLATIONS.** Any person, firm, or corporation who violates or fails to comply with the provisions of this Zoning Code shall be guilty of a municipal infraction pursuant to Chapter 3 of this 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 this 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.

**165.31 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 165.33.

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 Administrator 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 A (More Intensive District)</b>	<b>District B (Less Intensive Adjacent District)</b>				
	<b>R-1A*</b>	<b>R-1B*</b>	<b>R-2*</b>	<b>R-3*</b>	<b>R-4, MH*</b>
<b>R-4, MH**</b>	20	20	10	10	---
<b>C-1, C-1A</b>	10	10	10	10	10
<b>C-2</b>	20	20	20	20	20
<b>M-1</b>	30	30	30	30	30
<b>M-2</b>	40	40	40	40	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 Subsection 4 of this section 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 higher density development 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 of this Code of Ordinances.
  - (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 percent of the length of the required screened area.

**165.32 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. These regulations establish standards for the functional design of parking facilities while minimizing the effects on neighboring properties.

- 1. General Applications. All off-street parking areas 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 located 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 Clerk.

2. Minimum Off-Street Parking Requirements. Except for uses within the C-1, Central Business District, and C-1A, Downtown Commercial 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.



USE TYPE	PARKING STANDARD
<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
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USE TYPE	PARKING STANDARD
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.

\*See regulations for outdoor storage and vehicle storage within Section 165.19.

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

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 percent 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 ½-inch of rainfall on the hard-surfaced area of the parking area.

(4) All off-street parking facilities will comply with the City's stormwater design ordinances. (Also see Chapter 147 Construction Site Erosion and Sediment Control and Chapter 148 Illicit Discharge Ordinance.)

C. Landscape and Screening Requirements. Unless otherwise identified by this 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 in 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.

**165.33 FENCE AND HEDGE REQUIREMENTS.** The following regulations shall apply to all fences and hedges established and located within a front, side, or rear yard, or within five feet of a lot line.

1. Fence and Hedge Requirements General. All fences and hedges shall comply with the following requirements:

A. Maximum Height. No fence or hedge shall exceed seven feet in height except fences and hedges located in an R-1, R-1A, R-1B, R-2, R-3, or R-4 district which are located in the front yard shall not exceed four feet in height.

B. Height Measurement. In all areas except for the required clear visibility zone, fence height shall be measured from the natural grade at the base of the fence to the uppermost part of the fence. Within the clear visibility zone, fence height shall be measured from surface of the closest adjoining pavement to the uppermost portion of the fence or hedge.

C. Location in Relationship to Streets and Alleys. No fence or hedge shall be located within three feet of an alley or five feet of a street right-of-way.

D. Barbed Wire and Electric Fences. Fences constructed of barbed wire shall only be allowed in the A-1, M-1, and M-2. Electric fences shall only be allowed within the A-1 Zoning District and only for the use in livestock operations with the sole exception of a low-voltage "invisible fence" used to keep dogs on private property. In addition, the following regulations shall apply to the use of barbed wire and electric fences:

(1) Barbed wire and electric fences shall not be allowed within five feet of a public sidewalk or within four feet of a street right-of-way where a public sidewalk does not exist.

(2) In cases where a barbwire or electric fence is necessary for the protection of domestic animals, all barbwire, whether suspended vertically or horizontally, must be at least five feet above the average level grade of the fenced area.

(3) No electric fence 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 chargers shall carry the seal of an approved testing laboratory.

2. Swimming Pool Fences. Fenced enclosures shall be provided for outdoor swimming pools with a depth of 18 inches or more and shall meet the requirements of the most current version of the International Swimming Pool and Spa Code adopted by the City and the following requirements:

A. The fence shall not be located within three feet of an alley.

B. Front yard fences may not extend into the area of the front yard between the front lot line and front yard setback required by the Zoning Code.

[The next page is 431]



## CHAPTER 166

### USE TYPES

166.01 Purpose

166.02 Agricultural Uses

166.03 Civic Uses

166.04 Commercial Uses

166.05 Industrial Uses

166.06 Miscellaneous Type Uses

166.07 Office Uses

166.08 Residential Uses

166.09 Transportation Uses

166.10 Permitted Use Charts

**166.01 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.

**166.02 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 one or two 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 two to five 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's 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.

**166.03 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 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 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 mail 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.
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 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.
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.

#### **166.04 COMMERCIAL USES.**

1. Adult Oriented Businesses. Establishments or places of business engaged in providing entertainment and/or merchandise for adults as defined in Section 165.10(1)(H).
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, 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 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 percent 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 service 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 that 33 percent 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 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 percent 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.

**166.05 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 eight 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.

#### **166.06 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 define by

the Federal Environmental Protection Agency and/or the State. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree pars, 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.

**166.07 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 more limited in external impacts than 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 businesses offices, organization and association offices, banks or financial offices, or professional offices.

3. Medical Offices. Use of a site for a facility which provide 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.

**166.08 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 Mobile 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.

**166.09 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, and public transit facilities.
4. Truck Terminal. A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

**166.10 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.

USES	A-1	R-R	R-1	R-1A	R-1B	R-2	R-3	R-4	MH-R	C-1	C-1A	C-2	M-1	M-2	P-1
<b>AGRICULTURAL USE TYPES</b>															
Animal Production	P	C												C	
Crop Production	P	C											P	P	C
Farm	P	C												P	
Farm Dwelling, Principal	P	P												P	
Farm Dwelling, Support Housing	P	C												C	
Horticulture	P	C	P			P							C	C	
Livestock Sales	C												C	C	C
Home Garden	P	P	P	P	P	P	P	P	P						
Community Garden							P	P	P						C
Market or Community Supported Agriculture	P											C	C	C	C
Urban Farm	P	C											C	C	
Urban Animal Husbandry	P	C													
<b>CIVIC USE TYPES</b>															
Administration		P	P	P	P	P				P	P	P	P		P
Campground												P	P	C	C
Cemetery	C	C										P	P	P	P
Clubs and Community Centers			P	P	P	P			P	P	P	P			P
College and University Facilities											P				
Convalescent Facilities		P	C			C	P	P				P	P	P	
Day Care Facilities (Limited)	C	P	P	P	P	P	P	P	P	P	P	P	C	C	
Day Care Facilities (General)						P	P	P	P	P	P	P	C	C	
Detention Facilities													C	C	
Emergency Residential Facilities	P	P	P	P	P	P	P	P							

Group Care Facility		P				P	P	P							
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USES	A-1	R-R	R-1	R-1A	R-1B	R-2	R-3	R-4	MH-R	C-1	C-1A	C-2	M-1	M-2	P-1
<b>CIVIC USE TYPES - CONTINUED</b>															
Health Care										P	P	P			P
Helipads															C
Hospital															P
Maintenance Facilities												P	P	P	P
Parks and Recreational Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Postal Facilities										P	P	P			P
Primary Educational Facilities		C	C	C	C	C	C	C			C	P			P
Public Assembly												C	C		P
Religious Assembly		C	P	P	P	P	P	P		P	P	P	P	P	
Safety Services			P	P	P	P	P	P	P	P	P	P	P	P	P
Secondary Educational Facilities		C	C	C	C	C	C	C			C	P			P
Utilities	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P
Wildlife Refuge	P	C												C	P
<b>COMMERCIAL USE TYPES</b>															
Adult Oriented Businesses														P	
Agricultural Sales and Service Facilities												P	P		
Automotive Rental and Sales										P		P			
Auto Services										P		P	P		
Body Repair										C		C	P		
Equipment Rental and Sales											P				
Equipment Repair Srvs.										C		P	P		
Bed and Breakfast		C	C	C	C	C	C	C							
Brew Pub										P	P	P			
Brewery, Distillery, Winery													P	P	



USES	A-1	R-R	R-1	R-1A	R-1B	R-2	R-3	R-4	MH-R	C-1	C-1A	C-2	M-1	M-2	P-1
<b>COMMERCIAL USE TYPES - CONTINUED</b>															
Business Support Service										P	P				
Business or Trade School										P	P				
Cocktail Lounge										P	P	P			
Commercial Recreation										P	P	P			
Communications Services										C	C	P	P	P	
Construction Sales and Services												P	P		
Convenience Storage												P	P	P	
Crematorium												P			
Food Sales										P	P	P			
Funeral Services			C	C	C	P	P	P							
Gaming Facilities												P	C		
Kennels	C											C	P		
Laundry Services										P	P	P			
Liquor Sales										P	P				
Lodging										P		P			
Micro-Producers										C	P	P			
Personal Improvement Services										P	P	P			
Pet Services												C			
Research Services												C	P	P	
Restaurants										P	P	P			
Retail Services, General										P	P	P			
Stables and/or Riding Academies	P													P	
Surplus Sales										C		P	P		
Trade Services												C	P	P	
Vehicle Storage (Short Term)												P	P	P	
Veterinary Services												C	P	P	

USES	A-1	R-R	R-1	R-1A	R-1B	R-2	R-3	R-4	MH-R	C-1	C-1A	C-2	M-1	M-2	P-1
<b>INDUSTRIAL USE TYPES</b>															
Construction Yards													P	P	
Custom Manufacturing													P	P	
Light Industry													P	P	
General Industry												C	P	P	
Heavy Industry													P	P	
Recycling Collection														P	
Recycling Processing														C	
Resource Extraction														P	
Salvage Services														C	
Vehicle Storage (Long-term)													C	P	
Warehousing													P	P	
<b>MISCELLANEOUS USE TYPES</b>															
Alternative Energy Production Devices	C											C	C	C	
Amateur Radio Tower	P	P	P	P	P	P	P	P	P			P	P	P	P
Broadcasting or Cellular Tower										C	C		C	C	C
Construction Batch Plant													C	P	
Wind Energy Conservation System	C	C												C	
<b>OFFICE USE TYPES</b>															
Financial Services										P	P	P			
General Offices										P	P	P			
Medical Offices										P	P	P			

USES	A-1	R-R	R-1	R-1A	R-1B	R-2	R-3	R-4	MH-R	C-1	C-1A	C-2	M-1	M-2	P-1
<b>RESIDENTIAL USE TYPES</b>															
Boarding House for Students								P				P			
Co-Housing						C	P	p	P						
Commercial Residential										P	P	P			
Downtown Residential										P	P				
Duplex Residential				C	P	P	P	P							
Economy Efficient Dwelling	P	P				C	P	P							
Manufactured Housing						P	P	P							
Mobile Home Park								C	P						
Mobile Home Subdivision									P						
Multiple-Unit Residential						P	P	P							
Rural Residential		P													
Single-Unit Residential (Detached)		P	P	P	P	P	P	P							
Single-Unit Residential (Attached)						P	P	P							
Two-Unit Residential						P	P	P							
Townhouse Residential							P	P							
<b>TRANSPORTATION USE TYPES</b>															
Aviation Facilities	P													C	
Railroad Facilities													P	P	
Transportation Terminal												P	P	P	
Truck Terminal												P	P	P	

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## **CHAPTER 167**

# **ZONING DISTRICTS**

<b>167.01 Zoning Districts Established</b>	<b>167.10 Residential Mobile Home Park/Manufacture</b>
<b>167.02 Agricultural District (A-1)</b>	<b>Home Park/Factory-Built Home Park District</b>
<b>167.03 Rural Residential (R-R)</b>	<b>(MH-R)</b>
<b>167.04 Single Unit Residential (R-1)</b>	<b>167.11 Central Business District (C-1)</b>
<b>167.05 Single Unit Residential (R-1A)</b>	<b>167.12 Downtown Commercial District (C-1A)</b>
<b>167.06 Single Unit Residential (R-1B)</b>	<b>167.13 Highway Commercial District (C-2)</b>
<b>167.07 Multi-Unit Residential (R-2)</b>	<b>167.14 Light Industrial District (M-1)</b>
<b>167.08 Multi-Unit Residential (R-3)</b>	<b>167.15 Heavy Industrial District (M-2)</b>
<b>167.09 Multi-Unit Residential (R-4)</b>	<b>167.16 Public Use District (P-1)</b>
	<b>167.17 Planned Unit Development (PUD)</b>

**167.01 ZONING DISTRICTS DESIGNATED.** The following zoning districts are hereby designated within the City:

1. Agricultural District (A-1)
2. Rural Residential District (R-R)
3. Single-Unit Residential District (R-1)
4. Single-Unit Residential District (R-1A)
5. Single-Unit Residential District (R-1B)
6. Multi-Unit Residential District (R-2)
7. Multi-Unit Residential District (R-3)
8. Multi-Unit Residential District (R-4)
9. Residential Mobile Home Park/Manufactured Home Park/Factory-Built Home Park District (MH-R)
10. Central Business District (C-1)
11. Downtown Commercial Business District (C-1A)
12. Highway Commercial District (C-2)
13. Light Industrial District (M-1)
14. Heavy Industrial District (M-2)
15. Public Use District (P-1)
16. Planned Unit Development (PUD)

**167.02 AGRICULTURAL DISTRICT (A-1).** The purpose of this section 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 Agricultural Zoning District (A-1) of the City.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications contained in Chapter 168, Supplemental Use Regulations, or where a special exception or variance has been granted by the Board of Adjustment.



<b>A-1 Agricultural District</b>						
			<b>Setbacks</b>			
<b>Use</b>	<b>Lot Area (acres)</b>	<b>Lot Width (feet)</b>	<b>Front Yard (feet)</b>	<b>Rear Yard (feet)</b>	<b>Side Yard (feet)</b>	<b>Maximum Height (feet)</b>
Single Unit Residential	10	150	25	30	10	35*
Other Permitted Uses	10	150	40	40	20	35*
Conditional Uses	10	150				35*
Accessory Structure						
*Plus an additional two feet for each story above one.						

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. 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.
- G. Ag related uses including barns, grain bins, etc.

Also see Sections 165.19 and 168.08 of this Code of Ordinances.

3. Off Street Parking. Off-street parking shall be provided in accordance with Section 165.32.

4. Signs. Signs are regulated as provided for in Chapter 169.

5. Special Regulations. The following special regulations shall apply to uses permitted either directly or by conditional permission within this zoning district. They shall be supplemental to and in addition to other provisions applying to the property.

- A. Feed lots, corrals, winter quarters. Feed lots or corrals in which animals are kept at a density of over 10 head per acre or where feed bunkers or water are placed so animals naturally tend to bunch up, shall not be closer

than 300 feet from any property line adjoining properties used for residential, commercial, or light manufacturing purposes.

(1) Such feed lots, or corrals, shall maintain drainage so as to avoid excessive concentration of contaminated water and such drainage shall be arranged so contaminated water does not drain into watercourses in such a manner that it reaches neighboring properties at a concentration noticeable to normal senses.

(2) Manure in such feed lots or corrals shall not be allowed to accumulate to objectionable proportions and each feeding pen shall be scraped at least once a month, weather permitting.

B. Provisions must be made for the disposal of manure, other organic wastes, or chemical(s) in such a manner as to avoid pollution of ground water or any lake, river, or receiving stream. Livestock confinement buildings for the purpose of raising hogs, poultry, or cattle must conform to the provisions of Subparagraphs C thru F of this section.

C. Pasturing of livestock shall be restricted to no closer than 100 feet of residentially or commercially zoned land.

D. Agricultural uses are permitted with no restrictions on the operation and use of such vehicles or machinery as is customary and incidental to typical agricultural uses.

E. There shall be no restrictions to the sale or marketing of products raised on the premises, provided that all marketing or sales signs, banners, flags, or other advertising conforms to the regulations in Chapter 169.

F. There shall be no restrictions to the sale or marketing of products raised on the premises, provided that any buildings, structure, or yard for the raising, feeding, housing, or sale of livestock or poultry shall be located at least 300 feet from residentially zoned land. In addition, there shall not be any disposal of garbage, rubbish, or offal, other than regular removal, within 300 feet of property zoned as residential or commercial.

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**167.03 RURAL RESIDENTIAL DISTRICT (R-R).** The purpose of this section 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 Rural Residential Zoning District (R-R) of the City.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications contained in Chapter 168, Supplemental Use Regulations, or where a special exception or variance has been granted by the Board of Adjustment.

R-R Rural Residential District							
Use	Lot Area (acres)	Lot Width (feet)	Lot Depth (feet)	Setbacks			Maximum Height (feet)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Single Unit Residential	1	80	100	25	50	20*	35^
Other Permitted Uses	1	80	100				35^
Conditional Uses							
Accessory Buildings				40#	20	10*	80% of Main Building
*Street Side, Corner Lot 25 feet ^Or 2 and ½ Stories whichever is less #Or 2 Feet Behind the Front Building Line of the Main Building, whichever is Greater. Minimum lot width and depth may not be construed to imply a minimum lot size of 8,000 sq. ft.							

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. 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.

Also see Sections 165.19 and 168.08 of this Code of Ordinances.

3. Off Street Parking. Off-street parking shall be provided in accordance with Section 165.32.

4. Signs. Signs are regulated as provided for in Chapter 169.
5. Special Regulations. The following special regulations shall apply to uses permitted either directly or by conditional permission within this zoning district. They shall be supplemental to and in addition to other provisions applying to the property.
  - A. Feed Lots, Corrals, Winter Quarters. Feed lots, corrals, and winter quarters are not permitted within this zoning district without a variance.
  - B. Pasturing of livestock shall be restricted to no closer than 100 feet of residentially or commercially zoned land.
  - C. Agricultural uses are permitted with no restrictions on the operation and use of such vehicles or machinery as is customary and incidental to typical agricultural uses.
  - D. There shall be no restrictions to the sale or marketing of products raised on the premises, provided that all marketing or sales signs, banners, flags, or other advertising conforms to the regulations in Chapter 169.
  - E. There shall be no restrictions to the sale or marketing of products raised on the premises, provided that any buildings, structure, or yard for the raising, feeding, housing, or sale of livestock or poultry shall be located at least 300 feet from residentially zoned land. In addition, there shall not be any disposal of garbage, rubbish, or offal, other than regular removal, within 300 feet of property zoned as residential or commercial.

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**167.04 SINGLE UNIT RESIDENTIAL DISTRICT (R-1).** The purpose of this section 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 Single Unit Residential Zoning District (R-1) of the City.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications contained in Chapter 168, Supplemental Use Regulations, or where a special exception or variance has been granted by the Board of Adjustment.

R-1 Single Unit Residential District							
Use	Lot Area (feet)	Lot Width (feet)	Lot Depth (feet)	Setbacks			Maximum Height (feet)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Single Unit Residential	9,500	80	100	25	30	8*	35^
Other Permitted Uses	10,000	90		40	40	20*	35^
Conditional Uses							
Accessory Buildings							
*Street Side, Corner Lot 25 feet ^Or 2 and ½ Stories whichever is less Minimum lot width and depth may not be construed to imply a minimum lot size of 8,000 sq. ft.							

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. Private swimming pools.
- F. Private greenhouses not operated for commercial purposes.
- G. Garden houses.

Also see Section 165.19 of this Code of Ordinances.

3. Off Street Parking. Off-street parking shall be provided in accordance with Section 165.32.
4. Signs. Signs are regulated as provided for in Chapter 169.

5. Special Regulations. The following special regulations shall apply to uses permitted either directly or by conditional permission within this zoning district. They shall be supplemental to and in addition to other provisions applying to the property.

A. Temporary Buildings. Temporary buildings used in conjunction with construction work, provided that such buildings are removed within 30 days of the completion of construction work, defined as the issuance of an occupancy permit.

[The next page is 431]

**167.05 SINGLE UNIT RESIDENTIAL DISTRICT (R-1A).** The purpose of this section 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 Single Unit Residential Zoning District (R-1A) of the City.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications contained in Chapter 168, Supplemental Use Regulations, or where a special exception or variance has been granted by the Board of Adjustment.

<b>R-1A Single Unit Residential District</b>							
<b>Use</b>	<b>Lot Area (feet)</b>	<b>Lot Width (feet)</b>	<b>Lot Depth (feet)</b>	<b>Setbacks</b>			<b>Maximum Height (feet)</b>
				<b>Front Yard (feet)</b>	<b>Rear Yard (feet)</b>	<b>Side Yard (feet)</b>	
Single Unit Residential	6,250	50	125	25	30	8*	35^
Other Permitted Uses	6,250	50				*	^
Conditional Uses							
Accessory Buildings							
*Street Side, Corner Lot 15 feet ^Or 2 and ½ Stories whichever is less							

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. Private swimming pools.
- F. Private greenhouses not operated for commercial purposes.
- G. Garden houses.

Also see Sections 165.19 and 168.08 of this Code of Ordinances.

3. Off Street Parking. Off-street parking shall be provided in accordance with Section 165.32.
4. Signs. Signs are regulated as provided for in Chapter 169.



5. Special Regulations. The following special regulations shall apply to uses permitted either directly or by conditional permission within this zoning district. They shall be supplemental to and in addition to other provisions applying to the property.

A. Temporary Buildings. Temporary buildings used in conjunction with construction work, provided that such buildings are removed within 30 days of the completion of construction work, defined as the issuance of an occupancy permit.

EDITOR'S NOTE			
The Ely Zoning Map, adopted in 1992, and amendments thereto have been adopted amending the Official Zoning Map of the City and have not been codified herein, but are specifically saved from repeal and are in full force and effect.			
ORDINANCE	ADOPTED	ORDINANCE	ADOPTED
135	September 29, 1993		
142	November 11, 1996		
143	November 11, 1996		
144	November 11, 1996		
145	November 11, 1996		
155	May 11, 1998		
192	January 8, 2007		
201	December 10, 2007		
205	August 11, 2008		
207	October 13, 2008		
210	October 13, 2008		
216	November 9, 2009		
219	April 16, 2010		
226	May 9, 2011		
233	March 11, 2013		
238	May 12, 2014		
240	May 11, 2015		

242	November 9, 2015		
253	March 13, 2017		
263	October 16, 2017		

[The next page is 431]

**167.06 SINGLE UNIT RESIDENTIAL DISTRICT (R-1B).** The purpose of this section 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 Single Unit Residential Zoning District (R-1B) of the City.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications contained in Chapter 168, Supplemental Use Regulations, or where a special exception or variance has been granted by the Board of Adjustment.

R-1B Single Unit Residential District							
Use	Lot Area (feet)	Lot Width (feet)	Lot Depth (feet)	Setbacks			Maximum Height (feet)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Single Unit Residential	8,000	70	100	25	30	8*	35^
Other Permitted Uses	10,000	90		40	40	20**	35^
Conditional Uses							
Accessory Buildings							
*Street Side, Corner Lot 15 feet **Street Side, Corner Lot 25 feet ^Or 2 and ½ Stories whichever is less Minimum lot width and depth may not be construed to imply a minimum lot size of 7,000 sq. ft.							

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. Private swimming pools.
- F. Private greenhouses not operated for commercial purposes.
- G. Garden houses.

Also see Sections 165.19 and 168.08 of this Code of Ordinances.

3. Off Street Parking. Off-street parking shall be provided in accordance with Section 165.32.
4. Signs. Signs are regulated as provided for in Chapter 169.

5. Special Regulations. The following special regulations shall apply to uses permitted either directly or by conditional permission within this zoning district. They shall be supplemental to and in addition to other provisions applying to the property.

A. Temporary Buildings. Temporary buildings used in conjunction with construction work, provided that such buildings are removed within 30 days of the completion of construction work, defined as the issuance of an occupancy permit.

[The next page is 431]

**167.07 MULTI-UNIT RESIDENTIAL DISTRICT (R-2).** The purpose of this section 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 Multi-Unit Residential Zoning District (R-2) of the City.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications contained in Chapter 168, Supplemental Use Regulations, or where a special exception or variance has been granted by the Board of Adjustment.

R-2 Multi-Unit Residential District							
Use	Lot Area (feet)	Lot Width (feet)	Lot Depth (feet)	Setbacks			Maximum Height (feet)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Single Unit Residential	9,500	80	100	25	30	8*	35^
Two-Unit Residential	6,000 plus 1,500 sq. ft. per dwelling unit	80	100	25	30	10*	35^
Other Permitted Uses				40	40	20**	35^
Conditional Uses							
Accessory Buildings							
*Street Side, Corner Lot 15 feet **Street Side, Corner Lot 25 feet ^Or two stories whichever is less Minimum lot width and depth may not be construed to imply a minimum lot size of 8,000 sq. ft.							

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. Private swimming pools.
- F. Private greenhouses not operated for commercial purposes.
- G. Garden houses.

Also see Section 165.19 of this Code of Ordinances.

3. Off Street Parking. Off-street parking shall be provided in accordance with Section 165.32.
4. Signs. Signs are regulated as provided for in Chapter 169.
5. Special Regulations. The following special regulations shall apply to uses permitted either directly or by conditional permission within this zoning district. They shall be supplemental to and in addition to other provisions applying to the property.
  - A. Temporary Buildings. Temporary buildings used in conjunction with construction work, provided that such buildings are removed within 30 days of the completion of construction work, defined as the issuance of an occupancy permit.
  - B. The subdivision of a single lot with a with a single unit or two-unit dwelling may be allowed, provided the following requirements are met:
    - (1) The lot or parcel of real estate being divided into two parcels must originally meet all the requirements for uses permitted in this Zoning District.
    - (2) A two-unit dwelling must be in existence or be constructed thereon, consisting of two laterally attached dwelling units with each unit having a separate access and separate utility services, including gas, water, sewer, and electricity.
    - (3) The division of the lot or parcel shall be done in a manner that results in one single-unit dwelling being located on either side of a common boundary line with the common wall, between the two laterally joined single-unit dwellings, being on the common boundary line.
    - (4) Prior to division of the lot or parcel there shall be submitted to the Zoning Administrator two copies of the proposed restrictive and protective covenants providing that the owners of each parcel upon division are jointly and severally liable and responsible for the maintenance and repair of the common wall as well as of all other common aspects including, but not limited to, utilities, water, sanitary sewer, storm sewer, easements, and driveways, all to the point of division. The Zoning Administrator shall, within 15 days, determine whether the proposed covenants meet the requirements of this paragraph and shall thereupon return one copy of the covenants to the owners, at which time the owners shall have said covenants recorded at the office of the Linn County Recorder. If the Zoning Administrator determines that the proposed covenants are not satisfactory, the owner shall be notified and may submit a revised set

of proposed covenants which shall embody any corrections or clarifications deemed necessary by the Zoning Administrator.

(5) The two-unit dwelling shall, in all other respects, other than the divided ownership thereof, be considered as any other two-unit dwelling and shall meet all requirements pertaining thereto.

C. As a special exception to the minimum lot width for residential lots in this district, in the case of a single-unit residential (attached) or twin home the minimum lot width shall be 40 feet provided that the two lots combined shall have a combined frontage of 80 feet.

[The next page is 431]

**167.08 MULTI-UNIT RESIDENTIAL DISTRICT (R-3).** The purpose of this section 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 Multi-Unit Residential Zoning District (R-3) of the City.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications contained in Chapter 168, Supplemental Use Regulations, or where a special exception or variance has been granted by the Board of Adjustment.

R-3 Multi-Unit Residential District							
Use	Lot Area (feet)	Lot Width (feet)	Lot Depth (feet)	Setbacks			Maximum Height (feet)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Single Unit Residential	9,500	80	100	25	30	One Story - 8* Two Stories – 10* Three Stories – 12*	35^
Two-Unit Residential	6,000 plus 1,500 sq. ft. per dwelling unit over one	80	100	25	30	10*	35^
Other Permitted Uses			40	40	20	20*	35^
Conditional Uses							
Accessory Buildings							
*Street Side, Corner Lot 25 feet ^Or three stories whichever is less Minimum lot width and depth may not be construed to imply a minimum lot size of 8,000 sq. ft.							



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. Private swimming pools.
- F. Private greenhouses not operated for commercial purposes.
- G. Garden houses.

Also see Sections 165.19 and 168.08 of this Code of Ordinances.

3. Off Street Parking. Off-street parking shall be provided in accordance with Section 165.32.

4. Signs. Signs are regulated as provided for in Chapter 169.

5. Special Regulations. The following special regulations shall apply to uses permitted either directly or by conditional permission within this zoning district. They shall be supplemental to and in addition to other provisions applying to the property.

- A. Temporary Buildings. Temporary buildings used in conjunction with construction work, provided that such buildings are removed within 30 days of the completion of construction work, defined as the issuance of an occupancy permit.
- B. The subdivision of a single lot with a with a single unit or two-unit dwelling may be allowed, provided the requirements of Section 167.07(5)(B) are met:

[The next page is 431]

**167.09 MULTI-UNIT RESIDENTIAL DISTRICT (R-4).** The purpose of this section 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 Multi-Unit Residential Zoning District (R-4) of the City.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications contained in Chapter 168, Supplemental Use Regulations, or where a special exception or variance has been granted by the Board of Adjustment.

R-4 Multi-Unit Residential District							
Use	Lot Area (feet)	Lot Width (feet)	Lot Depth (feet)	Setbacks			Maximum Height (feet)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Single Unit Residential	9,500	80	100	25	30	1-Story 8* 2-Story 10*	35^
Two-Unit Residential	6,000 plus 1,500 sq. ft. per unit in excess of one.	80	100	25	30	1-Story 8* 2-Story-10*	35^
Other Permitted Uses				40	40	20*	35^
Conditional Uses							
Accessory Buildings							
*Street Side, Corner Lot 25 feet ^Or three stories whichever is less Minimum lot width and depth may not be construed to imply a minimum lot size of 8,000 sq. ft.							

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. Private swimming pools.
- F. Private greenhouses not operated for commercial purposes.
- G. Garden houses.

Also see Sections 165.19 and 168.08 of this Code of Ordinances.

3. Off Street Parking. Off-street parking shall be provided in accordance with Section 165.32.
4. Signs. Signs are regulated as provided for in Chapter 169.
5. Special Regulations. The following special regulations shall apply to uses permitted either directly or by conditional permission within this zoning district. They shall be supplemental to and in addition to other provisions applying to the property.
  - A. Temporary Buildings. Temporary buildings used in conjunction with construction work, provided that such buildings are removed within 30 days of the completion of construction work, defined as the issuance of an occupancy permit.
  - B. The subdivision of a single lot with a with s single unit or two-unit dwelling may be allowed, provided the requirements of Section 167.07(5)(B) are met:

[The next page is 431]

**167.10 RESIDENTIAL MOBILE HOME PARK/MANUFACTURE HOME PARK/FACTORY-BUILT HOME PARK DISTRICT (MH-R).** The purpose of this section 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 Residential Mobile Home Park/Manufacture Home Park/Factory Built Home Park Zoning District (MH-R) of the City.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications contained in Chapter 168, Supplemental Use Regulations, or where a special exception or variance has been granted by the Board of Adjustment. The following bulk requirements shall apply to each development within this district:

A. Individual residential unit lots within a mobile home, manufactured home, or factory-built home park requirements shall be as follows:

(2) No factory-built home shall be located within eight feet of the side yard lot line for the space. In determining the clearance requirements, an annex shall be considered an integral part of the factory-built home.

(3) No factory-built home shall be located closer than 20 feet from the front yard lot line or 25 feet from the rear yard lot line for the space.

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. Private garage or carport.

D. Private tennis courts and swimming pools (non-profit).

E. Private greenhouses (non-profit).

3. Off Street Parking. Off-street parking shall be provided in accordance with Section 165.32.

4. Signs. Signs are regulated as provided for in Chapter 169.

5. Special Regulations. The following special regulations shall apply to uses permitted either directly or by conditional permission within this zoning district. They shall be supplemental to and in addition to other provisions applying to the property.

A. Temporary Buildings. Temporary buildings used in conjunction with construction work, provided that such buildings are removed within 30 days

of the completion of construction work, defined as the issuance of an occupancy permit.

B. All Special Use Regulations as identified in Section 168.07(4)

[The next page is 431]

**167.11 CENTRAL BUSINESS DISTRICT (C-1).** The purpose of this section 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 Central Business District Zoning District (C-1) of the City.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications contained in Chapter 168, Supplemental Use Regulations, or where a special exception or variance has been granted by the Board of Adjustment.

<b>C-1 Central Business District</b>							
<b>Use</b>	<b>Lot Area (square feet)</b>	<b>Lot Width (feet)</b>	<b>Lot Depth (feet)</b>	<b>Setbacks</b>			<b>Maximum Height (feet)</b>
				<b>Front Yard (feet)</b>	<b>Rear Yard (feet)</b>	<b>Side Yard (feet)</b>	
Commercial Uses	None	None	None	None	None	None	42^
Multi-Unit Dwellings	6,000 plus 1,500 sq. ft. per dwelling unit in excess of one	80		25	30	10*	42^
Other Permitted Uses							
Conditional Uses							
Accessory Buildings							
*Street Side, Corner Lot 15 feet ^Or three stories Minimum lot width and depth may not be construed to imply a minimum lot size of 8,000 sq. ft.							

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.

3. Off Street Parking. Off-street parking shall be provided in accordance with Section 165.32.

4. Signs. Signs are regulated as provided for in Chapter 169.

5. Special Regulations. The following special regulations shall apply to uses permitted either directly or by conditional permission within this zoning district. They shall be supplemental to and in addition to other provisions applying to the property.

- A. Temporary Buildings. Temporary buildings used in conjunction with construction work, provided that such buildings are removed within 30 days

of the completion of construction work, defined as the issuance of an occupancy permit.



[The next page is 431]

**167.12 DOWNTOWN COMMERCIAL DISTRICT (C-1A).** The purpose of this section 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 Downtown Commercial Zoning District (C-1A) of the City.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications contained in Chapter 168, Supplemental Use Regulations, or where a special exception or variance has been granted by the Board of Adjustment.

C-1A Downtown Commercial District							
Use	Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Setbacks			Maximum Height (feet)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Commercial Uses	None	None					42^
Other Permitted Uses							
Conditional Uses							
Accessory Buildings							
*Only when abutting an agricultural or residential district **Only when abutting an agricultural or residential district ^Or three stories Minimum lot width and depth may not be construed to imply a minimum lot size of 8,000 sq. ft.							

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.
3. Off Street Parking. Off-street parking shall be provided in accordance with Section 165.32.
4. Signs. Signs are regulated as provided for in Chapter 169.
5. Special Regulations. The following special regulations shall apply to uses permitted either directly or by conditional permission within this zoning district. They shall be supplemental to and in addition to other provisions applying to the property.
  - A. Temporary Buildings. Temporary buildings used in conjunction with construction work, provided that such buildings are removed within 30 days of the completion of construction work, defined as the issuance of an occupancy permit.
  - B. Residential Use. Residential units above the first floor only if the first floor of the building is configured and intended for use as a retail use, business,

or similar commercial activity shall be a permitted use when they comply with these special regulations.

(1) Residential use of the first floor of any existing structure which is used for residential purposes as of September 10, 2012 and was used for residential purposes on the first floor prior to January 1, 2010 shall be allowed to continue as a permitted use.

(2) Buildings in this district that do not comply with these provisions when included in this zoning district must comply by no later than six months after the property has been included in this zoning district.

C. Doorways, Stairways, and Ramps. Doorways adjacent to the sidewalk on Dows Street for buildings built or renovated to greater than 150 percent of the pre-renovation value six months after the property has been included in this zoning district, must be set back to allow doors to open outward and not swing into the right-of-way. Similarly, stairways and ramps for buildings for which a building permit is issued six months after the property has been included in this zoning district shall not be located upon the sidewalk or right-of-way.

[The next page is 431]

**167.13 HIGHWAY COMMERCIAL DISTRICT (C-2).** The purpose of this section 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 Highway Commercial Zoning District (C-2) of the City.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications contained in Chapter 168, Supplemental Use Regulations, or where a special exception or variance has been granted by the Board of Adjustment.

C-2 Highway Commercial District							
Use	Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Setbacks			Maximum Height (feet)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Commercial Uses	10,000	None		25	30*	8**	35^
Other Permitted Uses							
Conditional Uses							
Accessory Buildings							
*Only when abutting an agricultural or residential district **Only when abutting an agricultural or residential district ^Or two and one half stories Minimum lot width and depth may not be construed to imply a minimum lot size of 8,000 sq. ft.							

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.
3. Off Street Parking. Off-street parking shall be provided in accordance with Section 165.32.
4. Signs. Signs are regulated as provided for in Chapter 169.
5. Special Regulations. The following special regulations shall apply to uses permitted either directly or by conditional permission within this zoning district. They shall be supplemental to and in addition to other provisions applying to the property.
  - A. Temporary Buildings. Temporary buildings used in conjunction with construction work, provided that such buildings are removed within 30 days of the completion of construction work, defined as the issuance of an occupancy permit.

[The next page is 431]

**167.14 LIGHT INDUSTRIAL DISTRICT (M-1).** The purpose of this section 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 Light Industrial Zoning District (M-1) of the City.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications contained in Chapter 168, Supplemental Use Regulations, or where a special exception or variance has been granted by the Board of Adjustment.

<b>M-1 Light Industrial District</b>							
<b>Use</b>	<b>Lot Area (square feet)</b>	<b>Lot Width (feet)</b>	<b>Lot Depth (feet)</b>	<b>Setbacks</b>			<b>Maximum Height (feet)</b>
				<b>Front Yard (feet)</b>	<b>Rear Yard (feet)</b>	<b>Side Yard (feet)</b>	
Commercial and Industrial Uses	10,000			None	None	None	55^
Other Permitted Uses							
Conditional Uses							
Accessory Buildings							
*Only when abutting an agricultural or residential district **Only when abutting an agricultural or residential district ^Or four stories Minimum lot width and depth may not be construed to imply a minimum lot size of 8,000 sq. ft.							

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.
3. Off Street Parking. Off-street parking shall be provided in accordance with Section 165.32.
4. Signs. Signs are regulated as provided for in Chapter 169.
5. Special Regulations. The following special regulations shall apply to uses permitted either directly or by conditional permission within this zoning district. They shall be supplemental to and in addition to other provisions applying to the property.
  - A. Temporary Buildings. Temporary buildings used in conjunction with construction work, provided that such buildings are removed within 30 days of the completion of construction work, defined as the issuance of an occupancy permit.
  - B. Transitional Yards. Transitional lots shall be required in the following situations:

(1) Side and Rear Lot. Where a side or rear lot line coincides with a side or rear lot line in an adjacent residential or commercial district, a transitional yard shall be provided along such side or rear lot line and such yard shall be at least equal in depth to that yard required in the abutting district.

(2) Front Lot. Where a lot within the M-1 district fronts on a street which forms the boundary line between the M-1 district and a residence or commercial district, then such lot shall provide a front yard at least equal in depth to the front yard required in such abutting district.

[The next page is 431]

**167.15 HEAVY INDUSTRIAL DISTRICT (M-2).** The purpose of this section 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 Heavy Industrial Zoning District (M-2) of the City.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications contained in Chapter 168, Supplemental Use Regulations, or where a special exception or variance has been granted by the Board of Adjustment.

M-2 Heavy Industrial District							
Use	Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Setbacks			Maximum Height (feet)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Commercial and Industrial Uses	None			35	25	15*	55^
Other Permitted Uses							
Conditional Uses							
Accessory Buildings							
*Corner Side Yard – 25 feet ^Or four stories Minimum lot width and depth may not be construed to imply a minimum lot size of 8,000 sq. ft.							

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.

3. Off Street Parking. Off-street parking shall be provided in accordance with Section 165.32.

4. Signs. Signs are regulated as provided for in Chapter 169.

5. Special Regulations. The following special regulations shall apply to uses permitted either directly or by conditional permission within this zoning district. They shall be supplemental to and in addition to other provisions applying to the property.

- A. Temporary Buildings. Temporary buildings used in conjunction with construction work, provided that such buildings are removed within 30 days of the completion of construction work, defined as the issuance of an occupancy permit.

- B. Transitional Yards. Transitional lots shall be required in the following situations:



(1) Side and Rear Lot. Where a side or rear lot line coincides with a side or rear lot line in an adjacent residential or commercial district a transitional yard shall be provided along such side or rear lot line and such yard shall be at least equal in depth to that yard required in the abutting district.

(2) Front Lot. Where a lot within the M-2 district fronts on a street which forms the boundary line between the M-2 district and a residence or commercial district, then such lot shall provide a front yard at least equal in depth to the front yard required in such abutting district.

[The next page is 431]

**167.16 PUBLIC USE DISTRICT (P-1).** The purpose of this section 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 Public Use Zoning District (P-1) of the City.

1. Bulk Regulations. The following minimum requirements shall be observed subject to modifications contained in Chapter 168, Supplemental Use Regulations, or where a special exception or variance has been granted by the Board of Adjustment.

P-1 Public Use District							
Use	Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Setbacks			Maximum Height (feet)
				Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Commercial and Industrial Uses	None			None	None	None	55 <sup>^</sup>
Other Permitted Uses							
Conditional Uses							
Accessory Buildings							
*Only when abutting an agricultural or residential district **Only when abutting an agricultural or residential district ^Or four stories Minimum lot width and depth may not be construed to imply a minimum lot size of 8,000 sq. ft.							

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.
3. Off Street Parking. Off-street parking shall be provided in accordance with Section 165.32.
4. Signs. Signs are regulated as provided for in Chapter 169.
5. Special Regulations. The following special regulations shall apply to uses permitted either directly or by conditional permission within this zoning district. They shall be supplemental to and in addition to other provisions applying to the property.
  - A. Temporary Buildings. Temporary buildings used in conjunction with construction work, provided that such buildings are removed within 30 days of the completion of construction work, defined as the issuance of an occupancy permit.

[The next page is 431]

**167.17 PLANNED UNIT DEVELOPMENT (PUD).** The Planned Unit Development is designed to encourage the creative design of new living and retail areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings and open space, while promoting the health, safety, welfare, and morals of existing and future residents of surrounding neighborhoods.

The Planned Unit Development is an overlay district and is used in conjunction with the underlying primary zoning district for the property. Rezoning of the property is required before the regulations contained within this section shall modify the primary zoning district regulations.

1. Permitted Uses. Uses permitted in the primary zoning district are permitted in the Planned Unit Development District.
2. Conditional Uses. Uses identified as conditional uses in the primary zoning district are allowed when the requirements for approval of a conditional use are approved, including the requirement to comply with any special conditions that are required by the City Council.
3. Temporary Uses. Temporary uses allowed within the primary zoning district are allowed within the Planned Unit Development when appropriately authorized under the primary zoning district.
4. Accessory Uses. All accessory uses are allowed as provided for in the primary zoning district
5. Supplemental Use Requirements. The following supplemental use requirements, in addition to those supplemental use requirements that are a part of the primary zoning district shall apply to development within a Planned Unit Development:
  - A. Adverse Effect. The proposed PUD shall not have a substantially adverse effect on the development of the neighboring area.
  - B. Use Limitations. Within a PUD, no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except for any use permitted in this district. All uses must be approved as shown on the development plan as specified in this section.
  - C. Standards and Conditions for Development. Any development for classification as a Planned Unit Development shall be consistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and where applicable the following standards and conditions:
    - (1) The applicant shall satisfy the Planning and Zoning Commission and the City Council that they have there is an ability to carry out the proposed plan, including financial assurances.

- (2) The applicant shall provide documentation on the schedule and phasing of the proposed development such that construction shall begin within 12 months following approval of the final application by the City. A minimum of 50 percent of the proposed total development shall be completed within a period of three years following approval of the final application by the City. If any part of this subsection is not met the approval shall expire. The applicant may, after showing good cause, request an extension of the plan approval for a period not to exceed two years.
- (3) The applicant shall provide and record all easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposits, or other financial guarantees for public improvements as may be required by the City to ensure that timely and correct performance will be made by the developer and to protect the public interest in the event of abandonment of the plan prior to completion.
- (4) The site shall be accessible from public roads that are adequate to carry the expected traffic imposed on them by the proposed development.
- (5) Streets and driveways in the proposed development shall be adequate to serve the occupants of the development and where such infrastructure is deeded to the City as public infrastructure shall meet the minimum construction standards of the City. The City shall have the right to inspect and require testing of public infrastructure to ensure compliance prior to the acceptance of such infrastructure.
- (6) The development shall not impose an undue burden on public services such as fire or police services.
- (7) The entire lot or parcel to be included in the PUD shall be held in single ownership or control, or in the case of joint ownership the application shall be signed by all owners and all owners shall be jointly responsible.
- (8) Off-street parking shall comply with the City Code and Section 165.32 of this Zoning Code.
- (9) The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of the development not used for structures, parking and loading areas, or access ways shall be landscaped as shown in the approved development plan and in accordance with Section 165.31 of this Zoning Code.

(10) When a commercial use abuts a residential use within the plan, the plan shall identify appropriate screening requirements in compliance with Section 165.31 of this Zoning Code, except when such uses are separated by a street right-of-way.

(11) All residential and commercial buildings and structures shall set back at least 25 feet from the perimeter of the land zoned PUD. Additional setbacks may be required when the proposed use abuts a heavily traveled thoroughfare.

(12) Building coverage area shall not exceed 60 percent for residential uses and 50 percent for commercial uses.

(13) A minimum of 20 percent of the net area within the PUD reserved for residential use shall be provided within the development for common areas.

(14) The PUD shall provide for the ownership of common areas and the responsibility for maintenance of the common areas to ensure its continuity, care, conservation, and maintenance and to ensure that remedial measures are available to the City if the common area is permitted to deteriorate or is not maintained in a condition consistent with the best interest of the PUD.

(15) No residential use shall have direct access onto an arterial street unless the City Council has approved such in the development plan.

(16) All commercial uses shall reflect the traffic flow on the development plan.

(17) All sidewalks shall be built to the City's specifications.

6. Application. An application for a PUD shall be handled in the same manner as outlined in Section 165.23 of this Zoning Code. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.

A. Applications and Copies. The applicant shall provide 12 copies of the complete application to the Zoning Administrator along with any required fees and application form provided by the City. The application shall include a site plan including the following items:

(1) Contours at intervals of two feet or spot elevations on a 100-foot grid shall be required for flat land.

(2) Location, size, height, and use of all proposed structures and proposed yards on each lot.

- (3) All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas.
- (4) All streets adjoining the subject property and width of the existing right-of-way.
- (5) Areas set aside for common areas with the type of use or recreational facilities planned for each.
- (6) Designation of individual parcels if the proposed development is to be set up in separate construction phases.
- (7) Designation of individual lots if such lots are proposed to be sold to individual owners.
- (8) Location of required screening.
- (9) Location of natural features such as ponds, tree clusters, and rock outcropping.
- (10) Existing development on adjacent properties within 200-feet.
- (11) Identify the net area in square feet of the development (defined as the gross area less the land dedicated or necessary to be dedicated for public street right-of-way).
- (12) Density of dwelling units per acre of the total dwelling units for the entire plan.
- (13) Building coverage of the net area of the development by individual parcel or total development.
- (14) The percentage of the net area provided for common area.
- (15) The sequence of development for developments that include multiple parcels.
- (16) Required parking spaces needed and their location.
- (17) Gross floor area proposed for all commercial buildings.
- (18) All proposed land uses listed by parcel.
- (19) A statement or drawing to show the manner in which the development shall handle sanitary waste and stormwater.
- (20) A full legal description of the boundaries of the property to be included in the PUD.
- (21) A vicinity map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the proposed PUD.

(22) An elevation drawing showing the general characteristics of the proposed buildings may be submitted if the applicant desires.

7. Approval.

A. Plans shall be filed with the City at least four weeks prior to a scheduled Planning and Zoning Commission meeting.

B. The City shall provide notice of a public hearing on the proposed PUD application which shall include the following:

(1) Publication of the notice in a local paper at least four days prior to the date of the hearing but not more than 20 days prior to the hearing.

(2) Shall provide written notice either by US Mail or by personal delivery to all property owners within a 300-foot radius of the proposed property limits of the PUD.

C. The Planning and Zoning Commission shall meet with 45 days of the filing of an application for PUD at which time the Commission shall hold a public hearing on said development. The public hearing may be adjourned from time to time at the discretion of the Commission.

D. Following the public hearing the Commission shall at a reasonable time prepare and transmit to the City Council and the applicant specific findings of fact with respect to the extent to which the proposed development complies with the regulations of this Zoning Code and a recommendation in respect to the action to be taken on the proposed application. The Commission may recommend disapproval, approval, or approval with amendments, conditions, or restrictions.

E. The City Council shall meet to review the findings of fact and recommendation of the Commission within 60 days of the Commissions transmission of recommendation. The Council may then authorize the submission of a final development plan by the developer.

F. The development shall then submit to the Zoning Administrator a final development plan which shall not differ significantly from the plan reviewed and approved by the Commission and the City Council. The Zoning Administrator and any other City staff or consultants determined to be relevant to the review process shall review the final development plan. If approved the Zoning Administrator shall issue a building permit.

8. Change in Plan. Substantial or significant changes in the preliminary plat and PUD development plan shall only be made after rehearing and reapproval unless the changes were otherwise required by the Planning and Zoning Commission or City Council.



9. Amendments. The PUD agreement or an approved development plan may be amended in the same manner as prescribed Section 165.23 of this Zoning Code. Application for amendment may be made by the homeowner's association or 51 percent of the owners of the property within the PUD.
10. Platting. For unplatted tracts or tracts being replatted, the approval of the development plan shall be considered as the approval of a preliminary plan or plat. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with Chapter 170 of the City Code.
11. Fees. Fees for planned unit developments shall be as designated by resolution of the City Council.

## CHAPTER 168

### SUPPLEMENTAL USE REGULATIONS

168.01 Purpose	168.07 Supplemental Use Regulations – Residential Uses
168.02 Supplemental Use Regulations – Agricultural Uses	168.08 Supplemental Use Regulations – Accessory Uses
168.03 Supplemental Use Regulations – Civic Uses	168.09 Supplemental Use Regulations – Home-Based Businesses
168.04 Supplemental Use Regulations – Commercial Uses	
168.05 Supplemental Use Regulations – Industrial Uses	168.10 Supplemental Use Regulations – Outdoor Storage
168.06 Supplemental Use Regulations – Miscellaneous Uses	168.11 Supplemental Use Regulations – Temporary Uses

**168.01 PURPOSE.** The purpose of this chapter is to set forth additional standards 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 167 of the City's Zoning Code.

**168.02 SUPPLEMENTAL USE REGULATIONS – AGRICULTURAL USES.** The following supplemental use regulations shall apply to the following agricultural uses within a zoning district. Nothing provided within these supplemental 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 Section 165.31.
  - 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 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. 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.

(1) One large hoofed animal (i.e. horse, mule, cow, llama, or other similar).

(2) Four small hoofed 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).

**168.03 SUPPLEMENTAL USE REGULATIONS – CIVIC USES.** The following supplemental use regulations shall apply to the following civic uses within a zoning district. Nothing provided within these supplemental 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; 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 a 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 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 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.

**168.04 SUPPLEMENTAL USE REGULATIONS – COMMERCIAL USES.** The following supplemental use regulations shall apply to the following commercial uses within a zoning district. Nothing provided within these supplemental 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 supplemental 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 constitutes 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 drivers 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 and 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 based on the total number of washing bays available according to the following regulations:

Number of Bays	Required Stacking Space on Entrance Side of Each Bay
1-2 Bays	3 Vehicles
3-4 Bays	2 Vehicles
5+ Bays	1 Vehicle

B. In addition, the developer shall provide for a minimum of one space per bay on the exit side of the building per bay regardless of the number of total bays within the facility.

C. Any self-service and conveyor operated auto washing facility which utilizes automatic dryers or blowers and 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 Breakfast. 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 the animals. Screening shall include a minimum of a six-foot high opaque fencing.

**168.05 SUPPLEMENTAL USE REGULATIONS – INDUSTRIAL USES.** The following supplemental use regulations shall apply to the following industrial uses within a zoning district. Nothing provided within these supplemental 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.

**168.06 SUPPLEMENTAL USE REGULATIONS – MISCELLANEOUS USES.** The following supplemental use regulations shall apply to the following miscellaneous use types within a zoning district. Nothing provided within these supplemental 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 percent. 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.

**168.07 SUPPLEMENTAL USE REGULATIONS – RESIDENTIAL USES.** The following supplemental use regulations shall apply to the following residential uses within a zoning district. Nothing provided within these supplemental 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 are 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 percent 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 manufactured 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.

4. 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 five percent of the gross area excluding any area dedicated as a public right-of-way of open recreational space per unit. 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.
- (7) Stairs servicing the main entrance of the factory-built home shall be a minimum of 36 inches in width and shall comply with all other requirements of the building code including the requirements for guardrails and treads. All stairs shall be placed on a level, solid surface.

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 Chapter 136 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.

(8) Lighting. Sidewalks and driveways shall be lighted at night with a minimum illumination of at least 0.6 foot-candle. A 40-watt lamp at a 50-foot or less interval shall meet these lighting requirements.

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 Iowa Statewide Urban Design and Specifications (SUDAS), 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 lighted from dusk to dawn.

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 eight 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.
5. 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.
6. 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.

**168.08 SUPPLEMENTAL 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 20 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, excluding any private or detached 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 single-unit 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 168.02.
3. Outdoor Storage Containers, Portable Storage Containers, and Dumpsters. Outdoor storage containers, portable storage containers, dumpsters, and similar items for personal or private use are subject to the following regulations:
- A. Outdoor storage containers, portable storage containers, and dumpsters are limited to a maximum of 10 days use within a residential or commercial zoned district.
    - (1) A permit may be extended for an additional 10 days by written approval of the City.
    - (2) A maximum of two extensions may be approved for a single platted parcel.
    - (3) In no case shall an outdoor storage container, portable storage container, or dumpster be located on a parcel in excess of 30 combined days in any 12 month period.
  - B. Outdoor storage containers and portable moving 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. No more than one dumpster, outdoor storage container, or portable moving container shall be permitted on a single-unit residential lot without approval of the City.
- D. Outdoor storage containers and portable moving 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.
- E. In no case shall outdoor storage containers, portable moving containers, or dumpsters be stacked upon one another.
- F. The exterior of the outdoor storage container, portable moving containers, and dumpsters shall be maintained so that it is free of rust, holes, dents, and other corrosion.
- G. At no time shall an outdoor storage container or portable moving container be used as a place of business or residence.
- H. 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.
- I. Dumpsters located on a construction site on a parcel zoned as residential shall comply with the following regulations:
  - (1) For new residential construction a dumpster shall be removed prior to the City issuing a certificate of occupancy.
  - (2) For remodeling, renovation, or expansion work the dumpster shall be limited to a period of 90 days.
- J. Dumpsters located in commercial or industrial zoned lots shall be screened on three sides of the dumpster which shall be constructed of an opaque enclosure constructed and maintained by the property owner. The open end of the enclosure shall have a 100 percent solid opaque metal gate or shall consist of other materials. Materials used for the enclosure and gate shall not be readily degradable due to sunlight, moisture, or wind.
  - (1) Dumpster enclosures that are visible from adjacent or abutting properties or visible to the general public from the public right-of-way shall be screened from view on all exterior sides, except the gated side, with natural materials to a minimum height of 24 inches.
  - (2) Dumpster enclosures shall be a minimum of six feet high.
  - (3) All dumpster enclosures shall be maintained in a good and serviceable condition to include, but not limited to, free of holes, chips, and flaking paint. Any dumpster enclosure which is found to be

in violation of this section shall be determined to be a nuisance and subject to abatement as outlined in Chapter 50.

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.

**168.09 SUPPLEMENT USE REGULATIONS – HOME-BASED BUSINESSES.** 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 169.
- 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 a 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.

**168.10 SUPPLEMENT USE REGULATIONS – OUTDOOR STORAGE.** Outdoor storage is prohibited in all zoning districts except the C-2, 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 Except for the C-2 District.
  - 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 and located in a side or rear yard only.
4. Industrial Uses. Outdoor storage for industrial uses outside of a industrial zoning district (M-1 or M-2) shall not be allowed except when screened by an opaque barrier and located in a side or rear yard only.

**168.11 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. Temporary use permits shall not exceed a total of 30 days within a calendar year without approval of the City Council.
- D. Decisions of the Zoning Administrator may be appealed to the Board of Adjustment.
- E. Temporary structures permitted as part of an official City sponsored event shall be removed within 24 hours of the end of the event for which it was erected and used.

[The next page is 431]

## CHAPTER 169

### SIGN CODE

169.01 Short Title

169.02 Purpose and Scope

169.03 Definitions

169.04 General Regulations

169.05 Sign Permits

169.06 Method of Measurement

169.07 Sign Type Regulations

169.08 Temporary and Portable Signs

169.09 Permitted Sign Types by Zoning District

169.10 Number of, Dimensions, and Locations of Signs  
by Zoning District

169.11 Signs Declared a Nuisance

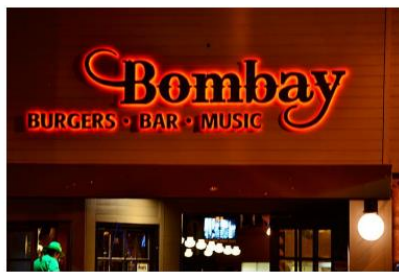
169.12 Nonconforming Signs

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

**169.02 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.

**169.03 DEFINITIONS.** The following definitions shall be used for terms contained in this chapter that are not otherwise defined in the City’s Code of Ordinances or this Zoning Code.

1. “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.
2. “Attached sign” means a sign, which is structurally connected to a building or depends upon that building for support.



3. “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.
4. “Awning or awning sign” means a temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for a supporting framework. An awning sign is a message printed on such a shelter.
5. “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.
6. “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.

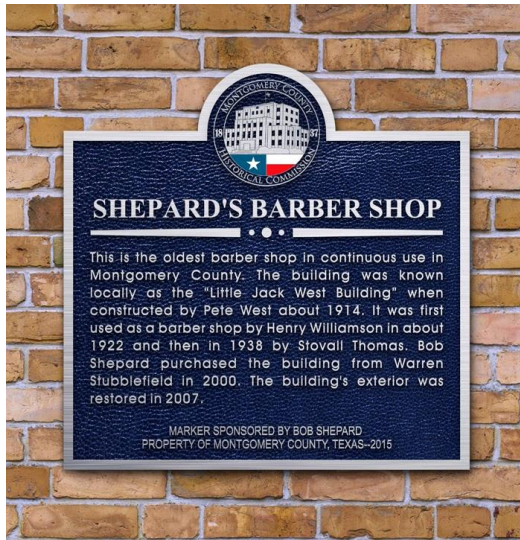


7. “Banner” means material with a printed message or graphic secured or mounted from a structure in such a way as to allow wind movement.



8. “Billboard” means a sign having more than 100 square feet of display surface, which is either erected and attached to the ground or attached to or supported by a building or structure for the purpose of supporting changeable billboard signs.

9. “Building code” means the current building code adopted by the City (See Chapter 155).
10. “Building Official” means the officer or other designated authority charged with the administration and enforcement of this chapter, or the Building Official’s duly authorized representative.
11. “Building marker” means a historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.



12. “Business center identification sign” means a sign that identifies a building or group of commercial buildings in single ownership or control, sharing parking and access.
13. “Canopy” means a projecting non-movable structure cantilevered or suspended from a building, supported by the main structural members to which it is attached, and used only as a roof or fixed shelter.
14. “Canopy sign” means a sign, which is attached or made an integral part of a canopy.



15. "Clearance" means the distance from the bottom of a sign face elevated above grade and the grade below.
16. "Continuously parked vehicle" means a vehicle which is parked or abandoned in any public parking lot or adjacent to the right-of-way for a period of time exceeding 24-hours.
17. "Detached sign" means a sign which is self-supporting and structurally independent from any building.
18. "Directional sign" means a sign that serves only to designate the location or direction of any area or place.
19. "Display surface" means the area made available by the sign structure for the purpose of displaying the advertising message.
20. "Double-faced sign" means a sign consisting of no more than two parallel faces supported by a single structure.
21. "Electric sign" means a sign containing electrical wiring, but not including signs illuminated by an exterior light source.
22. "Encroachment" means to intrude or infringe upon the property of another or public right-of-way.
23. "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.



24. "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.





25. "Frontage" means the length of a property line of any one premises abutting and parallel to a public street, private way, or court.
26. "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.



27. "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.
28. "Illumination" means lighting sources installed for the primary purpose of lighting a specific sign or group of signs.

29. “Incidental sign” means a small sign, 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.
30. “Marquee” means a permanent roofed structure attached to and supported by a building and extending over public right-of-way.
31. “Maximum permitted sign area” means the maximum permitted combined area of all signs allowed on a specific property.
32. “Monument sign” means an on-premises freestanding sign with the appearance of a solid base, the width of said base shall be at least 75 percent of the width of the sign.



33. “Moving sign” means a sign which conveys its message through rotating, changing, or animated elements.
34. “Nonconforming sign” means a sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
35. “Obsolete sign” means an abandoned sign, see Section 169.03(1).
36. “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.





37. "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.



38. "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.
39. "Premises" means a tract of one or more lots or sites that are contiguous and under common ownership or control.
40. "Projecting sign" means a sign other than a wall sign that is attached to and projects from a building face.



41. “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.

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

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



A. “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.

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

44. “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.

45. “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 closest to the property line.

46. “Sign structure” means any structure that supports or is capable of supporting a sign as defined in this chapter. A sign structure may be a single pole and may or may not have be an integral part of a building.
47. “Sign type” means a functional description of the use of an individual sign.
48. “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.



49. “Street façade” means any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, private way, or court. Separate faced oriented in the same direction, or within 45 degrees of one another are considered part of the same street façade.
50. “Temporary sign” means a sign, flag, banner, pennant, sandwich board, or valance constructed of lightweight materials which is not permanently attached to building or land, and which is intended for display for a limited period of time.
51. “Wall sign” means a sign attached to and parallel with the side of a building.



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



**169.04 GENERAL REGULATIONS.** All signs erected 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.
3. Prohibited Signs. The following signs are prohibited in all zoning districts:
  - A. Any sign painted on or attached to rocks, trees, or other natural objects.
  - B. 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.
  - C. Signs on public property or public right-of-way, unless specifically authorized by the Building Official.
  - D. Portable signs except as otherwise permitted by this chapter and subject to a temporary sign permit.
  - E. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
  - F. Abandoned signs. Any abandoned sign must be removed within 60 days following the date of abandonment.
  - G. Signs that are not clean or in substantial good repair or are not affixed to a sound structure.

- H. Signs advertising activities that are illegal under federal, State, or local laws and regulations.
  - I. 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.
  - J. Snipe signs are prohibited unless they are removed within 72 hours of being put up.
  - K. 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 a utility easement.
4. Exempt Signs. The following signs are permitted in any zoning district and are exempt from other provisions of this chapter.
- A. Official signs authorized by a government or governmental subdivision that give traffic, directional, or warning information.
  - B. Seasonal decoration for display on private or public property.
  - C. Neighborhood or subdivision identification signs under 50 square feet.
  - D. Street numbers, house numbers, or address numbers.
  - E. 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.
  - F. 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. Vision-Clearance Area. No sign may project into or be placed within a vision-clearance area defined by a triangle with legs of 20 feet from the point at which property lines meet the 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.
6. Sign Setback Area. No sign other than on-premises directional signs shall be placed within any sign setback area.
7. Illumination. Signs installed with lighting shall be installed in compliance with the following:

- A. All lighting and lighted objects are 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.
  - B. Illuminated signs shall not be allowed to have flashing elements of red or blue emergency lights.
  - C. Illuminated signs shall not be of such intensity or brilliance as to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any 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 of obscures an official traffic sign, device, or signal.
8. **Obstruction of Doors, Windows, and Fire Escapes.** No sign 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 a standpipe or fire escape.

**169.05 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.

- 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 by Subsection 2 on the premise shall apply to the Building Official on forms provided by the Building Official 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. For temporary signs a proposed date by which the timeframe for placement will begin and end.
  - F. The name of the company and contact person who will be erecting the sign and related structure.
  - G. Other details as determined by the City or the Building Official.
2. Signs Requiring a Permit. The following signs shall require a permit prior to installation:
- A. Any sign that includes lighting or illumination of any type that is located outside of the principal structure and visible to the general public when located on a public street, alley, or right-of-way.
  - B. Any sign that is permanently installed.
3. 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.
4. Permit Review Process. The Building Official 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 Building Official 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.
5. 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.
6. Denied Permits. Upon a determination that the application for a sign does not meet the requirements of the City's Sign Code the Building Official 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 for an additional permit fee.
7. Appeal. The applicant, upon notice of a denial of their permit application, shall have the option of appealing the Building Official's decision to the City Council. Notice of appeal must be filed with the City Clerk within seven days of receipt of the notice of permit denial. The City Clerk 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.



8.       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.

9.       Assignment. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises.

**169.06 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.

**169.07 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 40 square feet in area when attached to an establishment.
  - H. A billboard shall be permitted in a C-1A district provided the billboard shall not exceed 25 square feet in area when attached to an establishment.
  - I. A billboard shall be permitted in a C-2 district provided the billboard shall not exceed 100 square feet in area.
  - J. A billboard shall not be permitted within 20 feet of any property with a residential use.
2. Ground Sign. Ground signs permitted by this chapter shall comply with the following regulations:
- A. Within a R-R, R-1, R-2, or R-3 district shall only be permitted for 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, see Section 18.04(5);
    - (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 in Section 18.07(7).
- 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 169.08 of this Code.
  - B. Balloon signs may not be displayed on public property or interfere with any person or vehicle on public property.

**169.08 TEMPORARY AND PORTABLE SIGNS.** Temporary and portable signs within the City shall comply 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 as shown in Section 169.09, 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 169.08(B).
  - 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.

**169.09 PERMITTED SIGN TYPES BY ZONING DISTRICT.** The following table sets forth permitted sign types by zoning district:

ZONING DISTRICTS															
SIGN TYPES	A-1	R-R	R-1	R-1A	R-1B	R-2	R-3	R-4	MH-R	C-1	C-1A	C-2	M-1	M-2	P-1
DETACHED SIGNS															
Billboard	P	N	N	N	N	N	N	N	N	N	N	P	P	P	N
Business Identification	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N
Ground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Monument	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Pole	P	N	N	N	N	N	N	N	N	P	P	P	P	P	N
Residential	N	P	P	P	P	P	P	P	P	P	P	P	N	N	N
ATTACHED SIGNS															
Awning	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N
Banner	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N
Building Marker	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Business Marker	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N
Canopy	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N
Marquee	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N
Projecting	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N
Roof, Above Peak	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N
Roof, Integral	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N
Wall	P	P	P	P	P	P	P	P	N	P	P	P	P	P	N
Window	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N
MISCELLANEOUS SIGNS															
Balloon	P	P	N	N	N	N	N	N	P	P	P	P	P	P	N
Home Occupation	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N
Incidental	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N
Portable	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N
Portable, Civic Uses Only	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
P = Permitted for all uses. N = Not Permitted.															

**169.10 NUMBER OF, DIMENSIONS, AND LOCATION OF SIGNS BY ZONING DISTRICT.** The number of, dimensions of, and location of signs are regulated as follows per property within a zoning district as shown in the following table and related notes:

ZONING DISTRICTS															
SIGN TYPES	A-1	R-R	R-1	R-1A	R-1B	R-2	R-3	R-4	MH-R	C-1	C-1A	C-2	M-1	M-2	P-1
DETACHED SIGNS															
Number Permitted Per Premise	1	1	1	1	1	1	1	1	1	1	1	N/A	N/A	N/A	N/A
Maximum Percentage of Street Façade	NA	NA	NA	NA	NA	NA	NA	NA	NA	20%	20%	20%	30%	30%	NA
Maximum Size (Sq. Ft.)	100	A	A	A	A	A	A	A	100	200	200	200	200	300	N/A
Maximum Height of Sign and Structure	B	10	10	10	10	10	10	10	10	B	B	B	B	20	10
Front Yard Setback (ft)	25	10	10	10	10	10	10	10	12	0	0	0	0	0	10
Side Yard Setback (ft)	10	10	10	10	10	10	10	10	12	0	0	0	0	0	10
ATTACHED SIGNS															
Maximum Size (Sq. Ft.)	100	C	C	C	C	C	D	D	D	200	200	300	300	400	200
Maximum Percentage of Street Façade	N/A	N/A	N/A	NA	NA	N/A	N/A	NA	NA	20%	20%	25%	25%	25%	20%

A. Total of all signs shall not exceed 32 square feet for civic uses or two square feet for residential uses, including home occupation signs. Project identification signs for multi-unit residential facilities or mobile home parks shall not exceed 48 square feet where permitted.

B. Maximum height of a sign in an A-1, C-1, C-1A, C-2, or M-1 district shall comply with the building height restrictions for each district.

C. Maximum total square feet of 400 square feet. Allowed two square feet per linear foot of frontage.

D. Maximum total square feet of 500 square feet. Allowed two square feet per linear foot of frontage.

**169.11 SIGNS DECLARED A NUISANCE.** The owner of any unmaintained sign is prima facie responsible for the maintenance of that sign up on public or private property 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 Chapter 50 of the City's Code of Ordinances.

**169.12 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 this chapter.