

CHAPTER 165

ZONING REGULATIONS

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165.01 TITLE. This chapter shall be known as and may be referred to and cited as “The City of Parkersburg, Iowa, Zoning Ordinance.” It is adopted in accordance with the Parkersburg Comprehensive Plan.

165.02 PURPOSE. The various use districts that are created by this chapter and the various sections of this chapter are adopted for the purpose, among others, of:

1. Promoting the public health, safety, morals, comfort, general welfare, and preserving the natural, scenic and historically significant areas of the City;
2. Implementing the Comprehensive Plan for the City;
3. Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities that have similar needs and are compatible;
4. Encouraging such distribution of population, classification of land use, and distribution of land development throughout the City that will tend to facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
5. Lessening or avoiding congestion in the public streets and highways;

6. Seeking to protect against fire, explosion, noxious fumes, flood, panic, and other dangers in the interest of public health, safety, comfort, and general welfare;
7. Helping to ensure that all residential, commercial, and manufacturing structures as well as other types of structures will be accessible to firefighting and other emergency equipment;
8. Prohibit the formation or expansion of nonconforming uses of land, buildings, and structures that adversely affect the character and value of desirable development in each district;
9. Promoting the development of residential neighborhoods that are free of noise, dust, fumes, and heavy traffic volumes and in which each dwelling unit is assured of light, air, and open spaces;
10. Helping to prevent land development activities that lead to roadside blight, and to minimize the effects of nuisance-producing activities;
11. Preventing, whenever possible, land boundary disputes or real estate title problems;
12. Providing for a balance between the land use rights of individual landowners and the economic, social, and environmental concerns of the public when the City is developing or enforcing land use regulations;
13. Promoting and guiding the continued growth and expansion of the City while protecting the natural, economic, historic and scenic resources of the City;
14. Conserving the taxable value of land and buildings throughout the City; and
15. Defining the powers and duties of the Zoning Administrator and other bodies, as provided herein.

165.03 NATURE. This chapter classifies and regulates the use of land, buildings, and structures within the corporate limits of the City. The regulations contained herein are necessary to promote the health, safety, convenience, morals, and welfare of the inhabitants, and to preserve the natural, scenic, and historically significant areas of the City by dividing the City into zoning districts and regulating therein the use of the land and the use and size of the buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.

165.04 AUTHORITY. The authority for this chapter is granted by Chapter 414 of the *Code of Iowa*.

165.05 IOWA OPEN MEETINGS LAW. The City Council, Planning and Zoning Commission, and Board of Adjustment, which are public bodies, are subject to the terms, regulations, and restrictions of the Iowa Open Meeting Law, Chapter 21 of the *Code of Iowa*, as amended. Wherever in this chapter a conflict appears between this chapter and the open meeting law, the open meeting law shall control.

165.06 DEFINITIONS. For the purpose of this chapter and in order to carry out the provisions contained herein, certain words, terms, phrases, and illustrations are to be interpreted and defined as follows. The word "lot" includes the words "plot or parcel" and the word "building" includes "structure." The following words, terms, and phrases are hereby defined and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

1. "Accessory building or use" means a permanent detached building or permanent use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use. (See Section 165.13 for accessory building standards.)
2. "Agricultural uses" means uses primarily adapted for growing or raising crops or animals that are used for food, fuel, or fiber.
3. "Alley" means a public access, other than a street, 20 feet in width, affording secondary means of access to abutting property. The right-of-way of an alley shall be a minimum of 30 feet.
4. "Alterations, structural" means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
5. "Apartment" means a room or suite of rooms used as the dwelling for a household, including bath and culinary accommodations for each apartment, located in a building in which there are three or more such dwelling units.
6. "Appeal" means a request for review by the Board of Adjustment of the Zoning Administrator's interpretation of any provision of this chapter.
7. "Auto body repair shop" means any building, structure, or land used for automobile body repair, restoration, and painting.
8. "Basement" or "cellar" means a portion of a building having two or more of its sides below grade. A basement or cellar is not included in computing the number of stories for the purpose of height measurement.
9. "Bed and breakfast" means a private residence that provides lodging and meals for guests only, in which the host or hostess resides, and in which no more than six guest families are lodged at the same time. A bed and breakfast does not hold itself out to the public to be a restaurant, hotel, or motel and serves only food to overnight guests.
10. "Billboard" means a type of sign having more than 100 square feet of display surface and which is either erected on the ground or attached to or supported by a building or structure.
11. "Block" means an area of land within a subdivision which is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.
12. "Board of Adjustment" means the Zoning Board of Adjustment of the City.
13. "Boarding house," "rooming house" or "lodging house" means a building other than a hotel where, for compensation and by arrangement, meals and lodging are provided for three or more persons on a weekly basis.
14. "Breezeway" means a roofed or covered walkway between a principal building and accessory building. If connected to the principal building with a breezeway, an accessory building is no longer "accessory" to the principal use or building, and said building shall be considered part of the principal building for determining bulk requirement standards.
15. "Building" means any structure designed or built for supporting, enclosing, or sheltering of any use or occupancy. This definition does not include signs of any type.

16. "Building height" means the vertical distance from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the highest point of the building or roof line for gable, hip, and gambrel roofs. The only exceptions to the building height requirements set forth in this chapter appear in Section 165.52(1).

17. "Building line" means a line on a plat between which said line and a street, alley, or private place no building or structure may be erected.

18. "Business or commercial use" means engaging in the purchase, sale, or exchange of goods or services, or the operation for profit of offices or recreational or amusement enterprises.

19. "Car wash" means a building, or portion thereof, containing facilities for washing two or more automobiles; using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices, or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by a customer.

20. "Carport" means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides. A carport attached to a principal building shall be subject to all yard requirements herein.

21. "Channel" means a natural or human-made open watercourse with definite bed and banks and which periodically or continuously contains moving water or which forms a connecting link between two bodies of water.

22. "Child care center (institutional)" means any established institution, such as a church or non-profit organization, which receives three or more children under the age of 16 years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. An institutional child care center shall not be conducted in a dwelling unit or private home.

23. "Child care center (in-home)" means an organization located in a dwelling unit, or private home, which provides care services for children under the age of 16 years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. For the purposes of this chapter, a child care center operated in the home shall be considered a "home occupation" and shall follow the provisions outlined in this chapter.

24. "City Attorney" means a legal professional licensed in the State of Iowa and who is designated by the City Council as such.

25. "City Engineer" means the professional engineer registered in the State of Iowa and designated as City Engineer by the Council or other hiring authority.

26. "Clinic" means a building or buildings used by physicians, dentists, osteopaths, chiropractors, and allied professions for outpatient care of persons requiring such professional service.

27. "Commercial sales (electronic)" means sales of merchandise by means of telephone, fax, or internet. No outside storage is allowed under this particular use. Not limited to materials, components, parts, storage containers, machinery or other equipment.

28. "Common sewer system" means a central sewer collecting system, if available, to each platted lot and discharging into a treatment plant, the construction and location of which is approved by the City and County or State Boards of Health.

29. "Common water system" means a central water supply system, if available, to each platted lot from one single source approved by the City and County or State Boards of Health.

30. "Comprehensive Plan" means the general plan outlining the development of the community, which may also be titled or referred to as the master plan, comprehensive land use plan, or some other title, which has been adopted by the City Council. Said Comprehensive Plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.

31. "Consignment and auction sales operation" means a business that, as a primary use, stores and sells personal property of others to the public, either indoors or outdoors.

32. "Contiguous" means adjoining or lying next to.

33. "Convenience store" means a retail store that is designed and stocked to sell primarily food, beverages, fuel, and other household supplies to customers who purchase only a relatively few items. It is designed to attract and depends on a large volume of stop-and-go traffic.

34. "Court" means an open, unobstructed, and unoccupied space other than a yard and which is bounded on two or more sides by a building on the same lot.

35. "Cul-de-sac" means a street, which is not longer than 500 feet in length, having one end connecting to another street and which is terminated by a vehicular turn around. A cul-de-sac shall have an outside paved roadway diameter of at least 80 feet and a street property line diameter of at least 100 feet.

36. "Curb line" means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be determined by the City Engineer.

37. "Deck" means an outdoor structure that is attached or unattached to a house or accessory building and which is generally constructed of wood or structurally approved materials and used for recreational or relaxation purposes. A deck is not an accessory building unless it is a minimum of five (5) feet away from other buildings or structures. An attached deck shall be considered part of the principal building for setback measurement purposes.

38. "Developer" means the legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other person having enforceable proprietary interests in such land.

39. "Development" means any human-made change to improved or unimproved real estate, including (but not limited to) buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

40. "Developmentally disabled," for the purpose of the "family home" provisions of this chapter, refers to a disability of a person which has continued or can be expected to continue indefinitely and which is one of the following.

A. Attributable to mental retardation, cerebral palsy, epilepsy, or autism.

- B. Attributable to any other condition found to be closely related to mental retardation.
 - C. Attributable to dyslexia resulting from a disability.
 - D. Attributable to a mental or nervous disorder.
41. "District" means a section or sections of the City within which certain uniform regulations and requirements governing the use of buildings and premises or the height and areas of buildings and premises are enforced.
42. "Drive-in restaurant" or "refreshment stand" means any place or premises principally used for the sale, dispensing, or serving of food, refreshment, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on or off the premises.
43. "Driveway" means a private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.
44. "Dump" or "landfill" means a premises used for the disposal of "clean" type of fill material or refuse, such as dirt, rocks, bricks, concrete, rubble, tree branches, and similar materials, but not including organic matter of any type, such as garbage or dead animals or portions thereof.
45. "Dwelling" means any building or portion thereof which is designed for or used exclusively for residential purposes but not including a tent, cabin, trailer, or mobile home.
46. "Dwelling, attached" means a dwelling that is physically attached, by a common roof, wall, or floor, to another dwelling or accessory building.
47. "Dwelling, condominium" means a multiple-family dwelling, with common approved walls, as defined herein, whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common or association ownership solely by the owners of the units, with each owner having an undivided interest in the common real estate.
48. "Dwelling detached" means a dwelling that is not attached to any other dwelling or accessory building by any means. The detached dwelling does not have any roof, wall, or floor in common with any other dwelling unit or accessory building and is a minimum of five feet away from other buildings or structures.
49. "Dwelling, multiple-family" means a residential building designed for occupancy by three or more families, with separate housekeeping and cooking facilities for each dwelling unit.
50. "Dwelling, row or townhouse" means a series of three or more individual dwellings in a continuous row which are on individual lots, constructed with common approved walls, and are individually owned.
51. "Dwelling, single-family" means a detached residential dwelling unit, other than a mobile home, designed for occupancy by one family only. "Single-family dwelling" includes a "manufactured home," as herein defined.
52. "Dwelling two-family" or "duplex" means a detached residential building containing two dwelling units, designed for occupancy by not more than two families, with separate housekeeping and cooking facilities for each dwelling unit.

53. “Dwelling unit” means a room or group of rooms that is arranged, designed, or used as living quarters for the occupancy of one family, containing bathroom and/or kitchen facilities.
54. “Earth home” means a structure that is built for habitation below the finished or natural grade on two or more sides and may be constructed with passive solar energy generation in mind. An earth home is to be considered a single-family dwelling for the purposes of this chapter. This definition is not to be confused with the definition of a basement or cellar.
55. “Easement” means a grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.
56. “Economic base” means the production, distribution, and consumption of goods and services within a planning area.
57. “Egress” means an exit.
58. “Elder home” means a home for elderly residents which conforms to the definition of “family home” in this chapter.
59. “Eminent domain” means the authority of a government to take, or to authorize the taking of, private property for public use for just compensation.
60. “Environmental Impact Statement” (EIS) means a statement on the effect of development proposals and other major activities that significantly affect the environment.
61. “Essential services” means the erection, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, cable television, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, streets, bridges, right-of-way, traffic signals, hydrants, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety, or general welfare of the City. All buildings or telecommunication towers associated with essential services, however, must abide by this chapter. (See Section 165.19.)
62. “Exotic animals” means domesticated animals kept for commercial or personal purposes that are not common domesticated animals, including (but not limited to) emus, ostriches, llamas, monkeys, snakes, spiders, chinchillas, and mink.
63. “Family” means one or more persons occupying a single dwelling unit, provided that all members are related by blood, marriage, or adoption.
64. “Family home” means a community-based residential home that is licensed as a residential care facility under Chapter 135C of the *Code of Iowa* or as a child foster care facility under Chapter 237 of the *Code of Iowa* to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. A family home does not mean an individual foster care family as licensed under Chapter 237 of the *Code of Iowa*.

65. "Farm" or "farmland" means a parcel of land used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock.

66. "Farm animals" means animals useful to humans, including (but not limited to) dairy animals, poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees, fish, and fur animals, but not including rabbits kept as pets.

67. "Feasibility study" means an analysis of a specific project or program to determine if it can be successfully carried out.

68. "Feedlot" means any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs, sheep, or poultry. The term does not include areas that are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.

69. "Fence, nonresidential" means a barrier and/or structure erected in a district other than a Residential District intended to provide security, mark a boundary or a means of landscaping. No such fence shall be constructed of salvaged material or use barbed wire unless the use is intended to protect the public health, welfare, and safety of residents.

70. "Fence, residential" means a barrier and/or structure erected in a Residential District intended to provide security, mark a boundary, or as a means of landscaping. Such fence shall be constructed of materials commonly used for landscape fencing such as masonry block, lumber, chain link, but does not include corrugated sheet metal, barbed wire, or salvage material.

71. "Flag lot" means a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.

72. "Floor area" means, in the case of merchandising or service types of uses, the gross floor area used or intended to be used by tenants, or for service to public or customers, patrons, or clients, but does not include areas used principally for non-public purposes, such as toilet or rest room, utilities, or dressing rooms.

73. "Floor area ratio" means the gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.

74. "Frontage" means that side of a lot abutting a street; the front lot line. The front of a building shall be considered that portion of the building fronting on the street from which the building's address is derived.

75. "Garage, attached" means an attached structure designed or used for the storage of motor-driven vehicles owned and used by the occupants of the primary building.

76. "Garage, detached" means a detached accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the primary building. (See Section 165.13.)

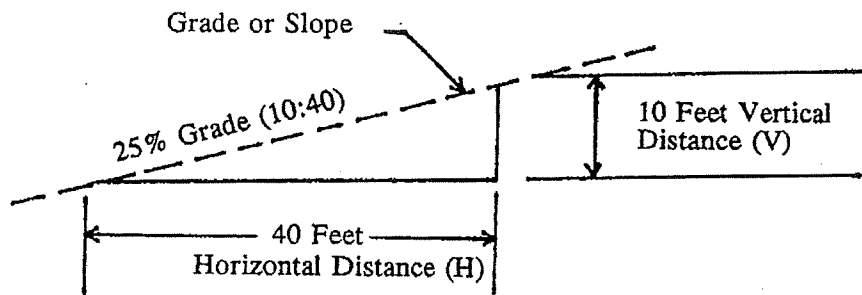
77. "Garage, public" means a building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles. (See Section 165.13.)

78. “Garage, storage” means a building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor-driven vehicles or other private items or materials, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold. This definition includes uses also referred to as “mini-storage.” (See Section 165.13.)

79. “Gas station” means any building, structure, or land used for the dispensing, sale, or offering for sale at retail of any vehicular fuels, oils, or accessories and in connection with which is performed general vehicular servicing as distinguished from automotive repairs.

80. “Grade” means the degree of rise or descent of a sloping surface. (See Figure 1.)

Figure 1: Grade or Slope

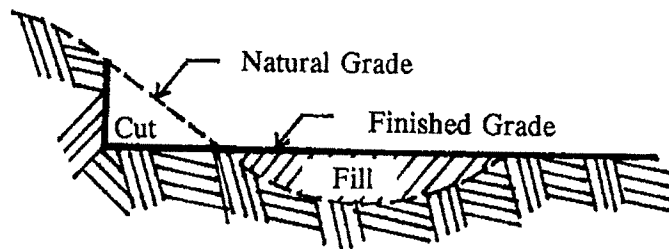


$$\text{SLOPE CALCULATION} = V / H$$

81. “Grade, finished” means the final elevation of the ground surface after development. (See Figure 3.)

82. “Grade, natural” means the elevation of the ground surface in its natural state before human-made alterations. (See Figure 2.)

Figure 2: Grade or Slope – Cut and Fill Cross Section



83. “Grain elevator” means a structure or group of related structures whose purpose is limited to the receiving, storing, drying, and transporting of bulk grain.

84. “Group home” or “group care facility” means a facility that provides resident services to nine (9) or more individuals, or an unlicensed (under Chapter 135C or 237 of the *Code of Iowa*) facility regardless of the number of individuals served. These

individuals are aged, disabled, or are undergoing rehabilitation, and are provided services to meet their needs. This definition includes any licensed or supervised Federal, State or County health/welfare agencies, such as group homes, halfway houses, resident schools, resident facilities, and foster or boarding homes.

85. "Historic preservation" means the protection, rehabilitation, and restoration of districts, sites, buildings, structures, and artifacts significant in American history, architecture, archaeology, or culture.

86. "Home occupation" means an occupation or profession conducted entirely within an enclosed dwelling unit and which is clearly incidental and secondary to residential occupancy and does not change the character thereof.

87. "Home industry" means an occupation or profession conducted entirely within an enclosed accessory building and/or an attached garage of a dwelling unit and which is clearly incidental and secondary to the residential occupancy and does not change the character thereof.

88. "Hotel" means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house.

89. "Household" means a group of persons living together in a single "dwelling unit," with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

90. "Improvements" means changes to land necessary to prepare it for building sites, including (but not limited to) grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers, storm sewers, sanitary sewers, drainage ways, and other public works and appurtenances.

91. "Ingress" means access or entry.

92. "Institution" means a nonprofit or quasi-public use or institution, such as church, library, public or private school, hospital, or municipally owned or operated building, structure, or land used for public purposes.

93. "Junk" or "salvage" means all old or scrap copper, brass, lead, broken glass, rope, rags, batteries, paper trash, tires and rubber, debris, waste, tin-ware, plastics, appliances, furniture, equipment, building demolition materials including wood and lumber, yard waste (trees, brush, wood, leaves), firewood stored on vacant or unoccupied lots, rubble concrete, structural steel materials, or similar materials. This definition also includes junked, dismantled, or wrecked motor vehicles, or parts of motor vehicles, and iron, steel, or other scrap ferrous or nonferrous material.

94. "Junk vehicle" is defined in Section 51.01 of this Code of Ordinances.

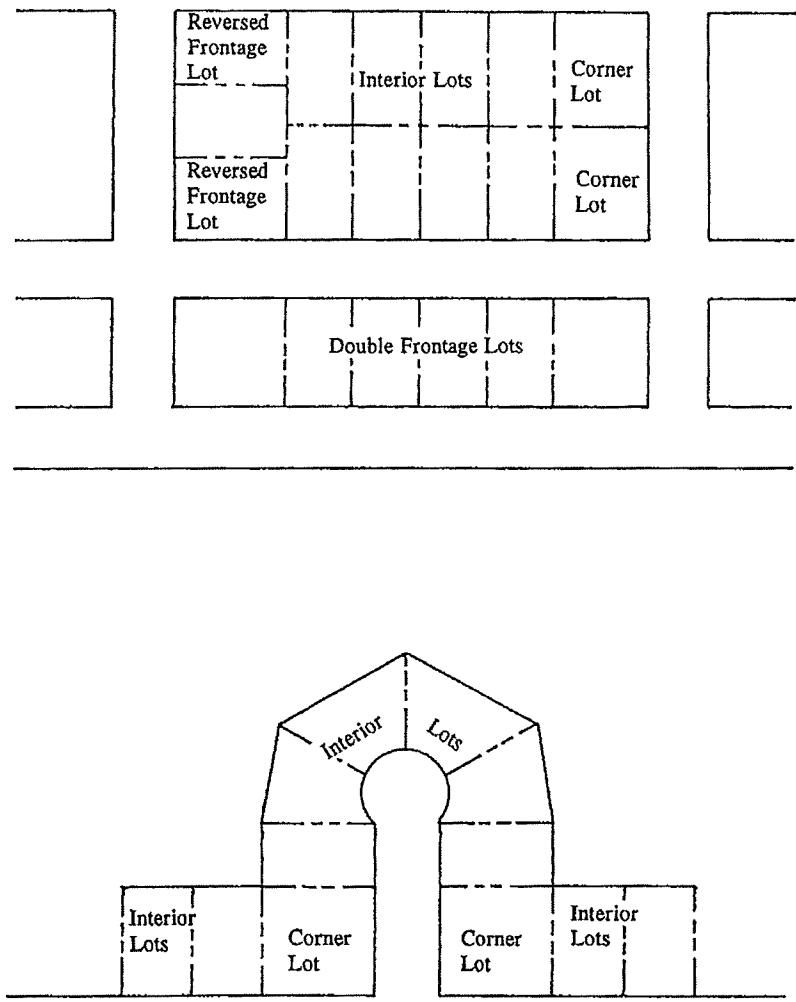
95. "Junk yard" or "salvage yard" means any area where junk or salvage is bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled. This definition also includes auto or other vehicle or machinery wrecking and/or salvaging; or the processing of used, discarded, or salvaged materials as part of a manufacturing operation located on the same property; and contractor's storage yards. The presence on any lot, parcel, or tract of land of two or more unlicensed, wrecked, scrapped, ruined, dismantled, or inoperative vehicles, including implements of husbandry, shall constitute prima facie evidence of a junk or salvage yard. This shall not include motor vehicles licensed for the current year as provided by law, or motor vehicles legally placed in storage, if kept completely enclosed within a building.

96. “Kennel, dog” (commercial)” means any parcel of land on which three or more dogs, six months old or older, are kept for the purposes of breeding, grooming, boarding or other activities associated with the care of dogs for commercial purposes.
97. “Kennel, dog (private)” means any parcel of land on which no more than three dogs, six months old or older, are kept for private purposes. Private kennels are considered accessory uses for the purposes of this chapter.
98. “Laundromat” means an establishment providing washing, drying and/or dry cleaning machines on the premises for rental use to the general public for family laundering and/or dry cleaning purposes.
99. “Loading space” means an off-street space or berth used for the loading or unloading of vehicles.
100. “Lot” means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open space as are herein required. Such lot shall have frontage on a public street or private street and may consist of: (i) a single lot of record; (ii) a portion of a lot of record; (iii) a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; and (iv) a parcel of land described by metes and bounds; provided, in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.
101. “Lot area” means the total area within the lot lines of a lot, excluding any street rights-of-way.
102. “Lot, corner” means a lot abutting upon two or more streets at their intersections. (See Figure 3.)
103. “Lot depth” means the mean horizontal distance between the front and rear lot lines.
104. “Lot, double frontage” means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot. (See Figure 3.)
105. “Lot, flag” means a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private or public right-of-way.
106. “Lot frontage” means the length of the front line measured at the street right-of-way line.
107. “Lot, interior” means a lot other than a corner lot. (See Figure 3.)
108. “Lot line” means a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
109. “Lot line, rear” means the lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
110. “Lot line, side” means any lot line other than a front or rear lot line.
111. “Lot, minimum area of” means the smallest lot area established by the Zoning Ordinance on which a use or structure may be located in a particular district.
112. “Lot of record” means a lot that is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder of the County in which it is

located, or a lot or parcel described by metes and bounds, the description of which has been so previously recorded.

113. "Lot width" is measured at the building line at right angles to its depth or side lot lines.

Figure 3: Examples of Lot Definitions



114. "Lumber yard" means a premises on which primarily new lumber and related building materials are sold.

115. "Manufactured home" means a single-family structure that is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. For the purpose of these regulations, a manufactured home shall be subject to the same standards as a site-built dwelling, and if located outside of a factory-built

home park, shall be constructed with a permanent foundation system that is visually compatible with surrounding residential structures. The home shall also be converted to real estate and taxed as such, as required by Chapter 435 of the *Code of Iowa*. For the purposes of this chapter, a manufactured home may also be known as a modular home.

116. “Manufacturing use” or “industrial use” means establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

117. “Massage establishment” means any place of business wherein massage (as the practice of a profession, scientifically applied to the patient by a massage therapist’s hands) is administered or used.

118. “Mobile home” means a structure, transportable in one or more sections, which is at least eight (8) feet in width and thirty-two (32) feet in length, built on a permanent chassis and which is designed to be used as a dwelling unit. A mobile home may be used with or without a permanent foundation when connected to utilities and shall only be located in a mobile home park. The term mobile home does not include “recreational vehicle.”

119. “Mobile home park” (land lease community) means a parcel of land, not less than five (5) acres in area, divided into two or more mobile home lots for rent or sale.

120. “Motel” means a building or groups of buildings used primarily for the temporary residence of motorists or travelers with parking facilities conveniently located to each unit, and may include a swimming pool, restaurant, meeting rooms, and other related accessory facilities.

121. “Nonconforming building” means a building that was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is situated.

122. “Nonconforming use” means a use or activity that was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is situated.

123. “Nursing home” “rest home,” or “convalescent home” means a home for the aged, chronically ill, or incurable persons, in which three or more persons not of the immediate family are received, kept, or provided with food, shelter and care, for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

124. “Overhang” means the part of a roof or wall which extends beyond the facade of a lower wall.

125. “Overlay district” means a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

126. “Owner” means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

127. “Parcel” means a part of a tract of land.

128. "Parking lot" means a parcel of land devoted to unenclosed parking spaces.
129. "Parking space" means a surfaced area, enclosed in the principal building, an accessory building, or an unenclosed area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway that affords satisfactory ingress and egress for automobiles.
130. "Place" means an open, unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.
131. "Planned Unit Development" (PUD) means an area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified.
132. "Planning and Zoning Commission" or "Commission" means the Planning and Zoning Commission of the City of Parkersburg, Iowa.
133. "Porch, unenclosed" means a roofed projection that has no more than 50 percent of each outside wall area enclosed by a building or siding material other than meshed screens.
134. "Principal building" or "principal use" means the primary use of land or structures as distinguished from an accessory use.
135. "Recreational vehicle" means a vehicle that is: (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towed by a light duty truck (i.e. travel trailer); and (iv) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.
136. "Residential use" means uses that are primarily adapted or constructed for human habitation as dwellings. To be considered a residential use, a building shall have greater than 50 percent of its main floor area used for residential purposes.
137. "Restaurant" means an establishment that prepares and retails food for consumption on the premises or for carry-out.
138. "Right-of-way" means a land area that is secured or reserved by the contracting authority to be used for road, rail, or other transportation purposes.
139. "Satellite dish antenna" means a satellite receiver, a satellite ground dish antenna or a satellite rooftop antenna, which may or may not be able to rotate to enable the "dish" to aim at different satellites for the purpose of television reception.
140. "Screening" means either: (i) a strip of land at least ten feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four feet high at the time of planting of a type that will form a year-round dense screen at least six feet high; or (ii) an opaque wall or barrier or uniformly painted fence at least six feet high. Either (i) or (ii) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation, unless in accordance with this chapter.

141. "Sidewalk" means a paved or surfaced area, paralleling and usually separated from the street, used as a pedestrian walkway.

142. "Sign" means an identification, description, illustration, or device that is affixed to or represented on a building, structure, or parcel of land and which directs attention to a product, place, activity, person, profession, service, institution, or business.

143. "Site plan" means a plan (to scale) showing uses and structures proposed for a parcel of land as required by the regulations involved.

144. "Special exception" means a listed use that may not be in exact compatibility with other principal permitted uses of a zoning district, but which may be allowed, according to the provisions and requirements of this chapter, by the Board of Adjustment.

145. "Stable, private" means a building, incidental to an existing residential, principal use, which shelters equine for the exclusive use of the occupants of the premises.

146. "Stable, public" means an accessory building in which equines are kept for commercial use, including boarding, hire, and sale.

147. "Story" means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

148. "Story, first" means the lowest story in a building, excluding the basement, which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade for more than 50 percent of the total perimeter, or not more than eight feet below grade at any point.

149. "Story, half" means a space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than four feet above the top floor level.

150. "Street" or "road" means any thoroughway having a public right-of-way that is designed to channel or circulate vehicular and pedestrian traffic. The term street may refer to any right-of-way bounded by adjacent property lines or to the paving installed within such right-of-way.

151. "Street, arterial" means a major street in the City's street system which serves as an avenue for the circulation of traffic into, out of, or around the City and carries high volumes of traffic. Standards for an arterial street shall be those established in the Subdivision Ordinance (Chapter 170 of this Code of Ordinances).

152. "Street, collector" means a street whose principal function is to carry traffic between minor, local, and sub-collector streets and arterial streets but that may also provide direct access to abutting properties. Standards for a collector street shall be those established in the Subdivision Ordinance (Chapter 170 of this Code of Ordinances).

153. "Street, County" means any road or street owned, operated, and maintained by Butler and/or Grundy Counties.

154. "Street, local or service" means a street whose sole function is to provide access to abutting properties. Standards for a local street shall be those established in the Subdivision Ordinance (Chapter 170 of this Code of Ordinances).

155. "Street, private" means any privately owned road, street, or driveway.

156. "Street width" means the horizontal distance, paved or unpaved, which is located within rights-of-way.

157. "Structural alteration" means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

158. "Structural member" means a component part of a structural system required to carry the primary supportive stresses of the building to the ground, as opposed to members carrying little or no supportive stress other than their own weight, and functioning as an in-fill or nonstructural enclosure.

159. "Structure" means anything constructed or built with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings (principal and accessory) and signs.

160. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into lots, parcels, sites, units, plots, or interests for the purpose of sale, including a sale on contract or the making of a gift, or lease, or development, including resubdivision. "Subdivision" includes the division or development of residential or nonresidential zoned land, whether by deed, sale on contract, devise, intestate succession, lease, map, plat, or other recorded instrument. The subdivision process is governed by the City's Subdivision Ordinance (Chapter 170 of this Code of Ordinances).

161. "Surveyor" means a licensed land surveyor who engages in the practice of land surveying pursuant to the *Code of Iowa*.

162. "Swimming pool" means a tank of water, either above or below grade level, which is designed and constructed for human occupancy.

163. "Tower" means any radio, television, telephone, short-wave, cellular telephone, or microwave antenna or tower.

164. "Utilities" means systems for the distribution or collection of water, gas, electricity, wastewater, storm water, telephone and cablevision. See the definition of essential services.

165. "Variance" means a grant of relief considered by the Board of Adjustment to an applicant from the terms of this chapter, which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

166. "Violation" means an intentional or deliberate failure of a structure or other development to be fully compliant with the provisions of this chapter.

167. "Yard" means an open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from 30 inches above the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot lines and the main building shall be used. (See Figure 4.)

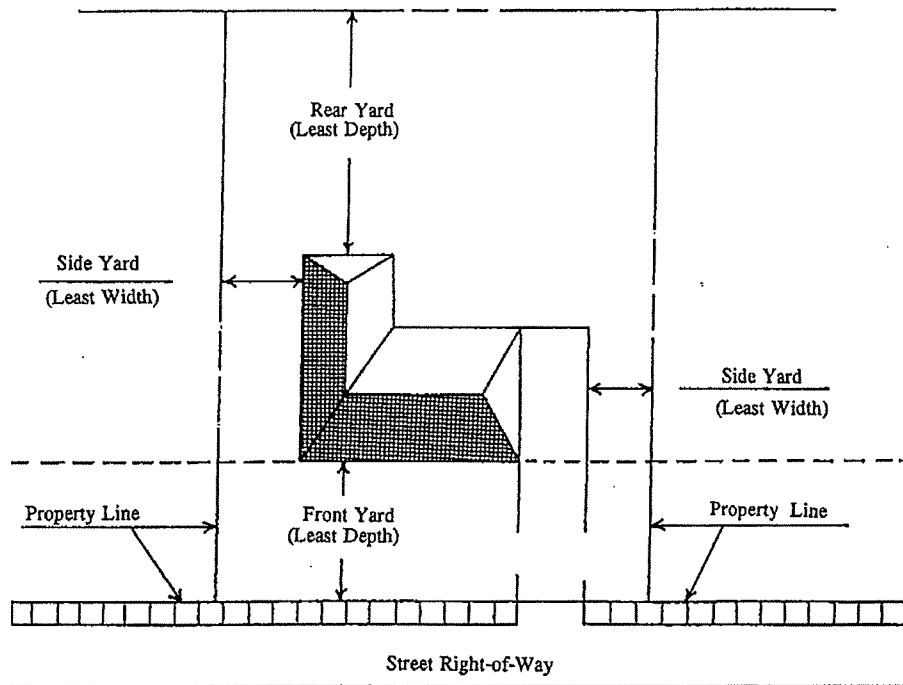
168. "Yard, front" means a yard extending across the full width of the lot and measured between the front lot line and the building. (See Figure 4.) This area is to be considered clear area and is not to be used for storage or obstruction. A front yard shall be measured from the wall of the structure.

169. "Yard, rear" means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and rear of the main building or any projections thereof, other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard. (See Figure 4.) A rear yard shall be measured from the wall of the structure.

170. "Yard, side" means a yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto. (See Figure 4.) A side yard shall be measured from the eaves of the structure.

171. "Zoning Administrator" means the administrative officer designated or appointed by the City Council to administer and enforce the regulations contained in this chapter.

Figure 4: Yards



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165.07 ESTABLISHMENT OF DISTRICTS. For the purposes of this chapter, the City is hereby organized into the following zoning districts:

- A-1 Suburban Agricultural District
- R-1 Single-Family Residential District
- R-2 Low Density Residential District
- R-3 Moderate to High Density Residential District
- R-4 Planned Mobile Home District
- R-5 Planned Residential Development District

- B-1 Commercial District
- B-2 Commercial District

- I-1 Light Industrial and/or Manufacturing District
- I-2 Heavy Industrial and/or Manufacturing District

- U-1 Unclassified District

165.08 ZONING MAP. The location and boundaries of the zoning districts established by this chapter are set forth on the map entitled "Official Zoning Map," which is located in the Parkersburg City Hall and hereby made a part of this chapter. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described herein.

165.09 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the centerlines of such streets highways, or alleys.
2. Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to follow said boundary lines.
3. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
4. Boundaries shown as following or approximately following the courses of streams, rivers, or other continuously flowing waters shall be construed as following either the channel centerline or the mean high water mark of such water courses.
5. Boundaries shown as following or closely following the City limits of Parkersburg shall be construed as following such City limit lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 of this section shall be so construed. Any distances not specifically dimensioned on the official zoning map shall be determined by the scale of the map.
7. Where existing physical or cultural features conflict with those shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries.
8. Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classifications of the vacated land.

165.10 ANNEXED TERRITORY. All territory that may hereafter be annexed to the City shall be automatically classified as being in an R-1 Single-Family Residential District until such classification shall be changed by amendment of this chapter, as provided hereinafter.

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165.11 ZONING AFFECTS EVERY STRUCTURE. Except as hereinafter provided, no building, structure, or land shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulations specified herein for the class of district in which it is located.

165.12 MINIMUM STREET FRONTAGE, LOT OF RECORD, AND LOTS UNSERVED BY SEWER OR WATER.

1. Minimum Street Frontage. No lot shall be created after the adoption of the Zoning Ordinance unless it conforms to Table 1: Bulk Requirements, and is on a public street right-of-way, or is accessible to a public street by an easement.
2. Lot of Record. In any Residential District on a lot of record at the time of enactment of the Zoning Ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this chapter are met. (See Section 165.52.) Further, where two or more contiguous recorded lots are held in common ownership, they may be combined into a zoning lot and shall thereafter be maintained in common ownership by deed restriction and shall be so joined and developed for implementing this section. The razing of a building on a substandard lot shall constitute the formation of a vacant lot.
3. Lots Unserved by Sewer and Water. In any Residential District where neither public water supply nor public sanitary sewer are reasonably available, one single-family dwelling may be constructed on a lot, provided the otherwise specified lot area and width requirements are met. In no case shall the lot area be less than one acre.

165.13 DETACHED ACCESSORY BUILDINGS, GARAGES, STRUCTURES, AND USES.

1. General Provisions. No accessory building or structure shall be erected in any front yard. Accessory buildings or structures shall be no closer than five feet from any principal buildings. No more than three permitted accessory structures shall be placed on any lot and the same must be bolted to a cement slab on each corner and every six feet or have two metal cables or straps over the roof attached to cement footing on either side.
2. Time of Construction. No garage, accessory building, or structure shall be constructed on any lot prior to the completion of the principal building to which it is accessory. In situations where an accessory building is to be built on a vacant lot that is contiguous to the lot of the principal building and where both lots are held in common ownership, a deed restriction on both lots may be used to satisfy this requirement.
3. Percentage of Rear Yard Occupied within a Residential District. No detached accessory building or buildings shall occupy more than 30 percent of the area of a rear yard.
4. Height of Accessory Buildings within a Residential District. No detached accessory building or structure shall exceed 15 feet in height or one story, whichever is less (measured from the finished grade to its highest point), and the side walls shall not exceed ten feet in height.
5. Accessory Building Materials. No detached accessory building walls or roofs shall be constructed of any type of fabric, plastic, vinyl, or fibrous materials.

6. **Swimming Pool Fences.** No public or private swimming pool shall be erected unless the same is entirely enclosed by buildings, fences, or walls not less than five or more than seven feet in height and of such construction that a child may not reach the pool from the street or from any adjacent property without opening a door or gate or scaling a wall of fence. Holes or openings in the fence shall be four inches or less in least dimension. Such fences or walls shall be equipped with self-latching gates or doors. All doors from houses and garages must also be self-closing and self-latching.

165.14 ONE PRINCIPAL STRUCTURE ON LOT. In any district, only one principal structure (except in the case of condominium complexes, apartment complexes, etc. on a single lot), housing a principal permitted use, may be erected on a single lot, provided the area, yard, and other requirements are met.

165.15 REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING. No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this chapter, and if already less than the minimum required, it shall not be further reduced. No required open space provided around any building or structure shall be included as part of any open space required for another building or structure.

165.16 CONVERSION OF DWELLINGS. The conversion of any principal building or structure into a dwelling — or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families — shall be permitted only within a district in which a new building for similar occupancy would be permitted under the Zoning Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the section applying to such district.

165.17 YARD AND PARKING SPACE RESTRICTION. No part of a yard or other open space or off-street parking or loading space required by this chapter shall be included as part of yard, open space, off-street parking, or loading space similarly required for any other building.

165.18 TRAFFIC VISIBILITY ACROSS CORNER LOTS. In a Residential or Agricultural District on any corner lot, no fence, wall, hedge, or other planting will be allowed to obstruct vision between a height of 2½ feet and 10 feet above the centerline grades of the intersecting streets. Nor shall the above be erected, placed, or maintained within the triangular area formed by the right-of-way lines at such corner and a straight line joining the right-of-way lines at points that are 25 feet distant from the intersection of the right-of-way lines, and measured along the right-of-way line.

165.19 ESSENTIAL SERVICES. Essential services shall be permitted as authorized and regulated by law and other ordinances of the community. With the exception of buildings and telecommunication towers, it is the intent to exempt such essential services from the application of this chapter. Associated buildings and telecommunication towers must be located in the appropriate zoning district, and must abide by the corresponding requirements thereof.

165.20 VALIDITY OF EXISTING PERMITS. Nothing contained herein shall require any change in the overall layout, plans, construction, size, or designated uses of any development, structure or part thereof, for which the official approvals and required permits have been granted prior to enactment of the Zoning Ordinance. The construction of which, conforming with such plans, shall have been started prior to the effective date of the Zoning Ordinance and the completion thereof carried on in a normal manner within the subsequent one-year period, and not discontinued until completion, except for reasons beyond the property owner and/or builder's control.

165.21 HEIGHT EXCEPTIONS. The height limitations contained in Sections 165.35 through 165.45 do not apply to spires, steeples, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above roof level that are specifically not intended for human occupancy. Section 165.52 shall govern the height restrictions for these structures.

165.22 PUBLIC RIGHT-OF-WAY USE AND EASEMENTS. No portion of the established public street, alley, or right-of-way shall be used or occupied by an abutting use of land or structures for any purpose, including storage or display purposes. No portion of a public street or alley right-of-way shall be used to provide any parking, loading space, or signage required by this chapter, or for any other purpose that would obstruct the use or maintenance of the public right-of-way. No building, sign, fencing or landscaping shall be placed in an easement. The City will not bear any responsibility, financial or otherwise, for moving or reconstructing any of these types of structures when access is required to an easement.

165.23 FENCES – RESIDENTIAL DISTRICTS.

1. Permit Required. No person shall erect, alter, or relocate any fence, wall, or other vision barrier without first obtaining a building permit, the fee for which shall be established by resolution of the City Council.
2. Definition. "Residential fence" means a barrier and/or structure erected in a residential district intended to provide security, mark a boundary, or as a means of landscaping with the centerline of such barrier to be located inside the designated property line. Such fence shall be constructed of materials commonly used for landscape fencing, such as masonry block, lumber, and chain link. For the purposes of keeping with the visual and aesthetic values of the community, all fences erected shall be designed and be consistent with the architectural styling of the residences of the neighborhood in which the fence will be erected. Fences shall be constructed so that the frame and/or post used in the construction of the fence will be on the inside (owner's side) of the fence, with the finished side facing out. Materials for fences in residential districts shall not include corrugated sheet metal, chicken wire, barbed wire, temporary plastic fencing, and/or salvage material. The fences shall be maintained by the owner.
3. Additional Requirements.
 - A. Fences constructed in residential districts shall not in any case exceed six feet in height in side and rear yards but may extend to eight feet in height provided any of the fence above six feet in height is constructed so that 70 percent of the surface area of the fence is open. No such fence in any front, side, or rear yard having street frontage shall exceed 48 inches in height if chain link and 42 inches in height for all other fence materials. Fences shall

not be constructed within three feet of an alley right-of-way or street right-of-way line.

B. No wall, fence, and/or hedge shall be so located as to obstruct the view of traffic approaching an intersection from any direction.

C. No wall, fence, and/or hedge shall be so located as to obstruct direct access to a fire hydrant from the public right-of-way, nor shall any wall, fence, or hedge be situated closer than four feet to any fire hydrant.

D. Nothing in this section shall be deemed to apply to public tennis courts, public pools, public baseball fields, any other public recreational use facility accessible to the public, or to the municipality except where traffic visibility is impaired.

E. No structure, building, sign, fence or landscaping shall be placed in an easement. The City will not bear any responsibility, financial or otherwise, for moving or reconstructing any of these types of structures when access is required to an easement.

165.24 FENCES – NONRESIDENTIAL DISTRICTS.

1. Permit Required. No person shall erect, alter, or relocate any fence, wall, or other vision barrier without first obtaining a building permit, the fee for which shall be established by resolution of the City Council.

2. Definition. “Nonresidential fence” means a barrier and/or structure erected in a district other than a residential district and intended to provide security, mark a boundary, or as a means of landscaping, with the centerline of such barrier to be located inside the designated property line. No such fence shall be constructed of salvaged material. No such fence shall use barbed wire closer than six feet to the ground except a fence used purely for agricultural purposes regarding the confinement of livestock. The fence shall be maintained by the owner.

3. Additional Requirements.

A. Fences constructed in a district other than a residential district shall not in any case exceed eight feet in height in side and rear yards. Fences in front, side, and rear yards adjacent to street right-of-way lines shall not exceed eight feet in height for chain link and 42 inches in height for all other materials. Fences shall not be constructed within three feet of an alley right-of-way of street right-of-way line.

B. No wall, fence, and/or hedge shall be so located as to obstruct the view of traffic approaching an intersection from any direction.

C. No wall, fence, and/or hedge shall be located as to obstruct direct access to a fire hydrant from the public right-of-way, nor shall any wall, fence, or hedge be situated closer than four feet to any fire hydrant.

D. No structure, building, sign, fence or landscaping shall be placed in an easement. The City will not bear any responsibility, financial or otherwise, for moving or reconstructing any of these types of structures when access is required to an easement.

E. Nothing in this section shall be deemed to apply to public tennis courts, public pools, public baseball fields, any other public recreational use

facility accessible to the public, or to the municipality except where traffic visibility is impaired.

165.25 PROPOSED USE NOT COVERED BY CHAPTER. Any proposed use not specifically addressed or listed in this chapter as a principal permitted use or special exception shall be referred to the Planning and Zoning Commission for a recommendation as to the proper district in which said use should be permitted. The Zoning Ordinance shall be amended, as provided in Section 165.60, before a request is made or permit is issued for the proposed use.

165.26 ACCESS REQUIRED. Every building hereafter erected or structurally altered shall be accessible from a public right-of-way, either directly or by easement.

165.27 APPLICATION OF REGULATIONS. The regulations applicable to each district in this chapter shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

165.28 PERMITTED USES. For the purposes of the distribution of essential services, these uses are permitted in all zoning districts. However, the design and placement of essential services equipment and devices may be reviewed by the Planning and Zoning Commission at the request of the City Council and then approved by the Council. All other uses are permitted only as listed under each specific zoning district.

165.29 TEMPORARY USES. The following uses may be permitted by a temporary use permit valid for ten (10) days or less, after review and approval of a completed application by the City Council.

1. Carnival, circus.
2. Festivals.
3. In determining whether a temporary use permit shall be granted, the Council shall give consideration to the health, safety, morals, and comfort of area residents, any adverse impact on land uses, possibility of traffic congestion, harm to public roads, erosion of adjacent property, and threat to any source of water supply. Conditions and restrictions as determined necessary to protect the public health, safety, morals, and comfort may be attached to the permit.

165.30 BULK REQUIREMENTS. All buildings constructed after enactment of the Zoning Ordinance shall conform to the building regulations established herein for the district in which each building shall be located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict or to further conflict with the bulk regulations of this chapter for the district in which such buildings shall be located, unless allowed to do so under Section 165.49 through Section 165.56. Bulk requirements are listed in Table 1: Bulk Requirements.

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Table 1: Bulk Requirements.

District Use	Maximum Building Height ¹	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard ^{2,3,5}	Minimum Side Yard ^{2,3,5}	Minimum Side Yard Corner Lot ^{2,3,5}	Minimum Rear Yard ^{2,3,5}	Minimum Floor Area ⁶
A-1								
Single-Family	35 feet or 3 stories	1 acre	150 feet	50 feet	35 feet	35 feet	70 feet	1 story: 910 square feet; 2 story: 1,440 square feet
Other Permitted Uses	---	1 acre	150 feet	50 feet	35 feet	35 feet	70 feet	
R-1								
Single-Family	35 feet or 3 stories	10,000 square feet	75 feet	30 feet	8 feet	30 feet	25 feet	1 story: 910 square feet; 2 story: 1,440 square feet
Single-Family Unit Not Served by Public Water and/or Sewer	35 feet or 3 stories	30,000 square feet	100 feet	30 feet	8 feet	30 feet	30 feet	1 story: 910 square feet; 2 story: 1,440 square feet
Other Permitted Uses	---	30,000 square feet	160 feet	40 feet	16 feet	40 feet	40 feet	
R-2								
Single-Family	35 feet or 3 stories	7,200 square feet	60 feet	25 feet	6 feet	30 feet	25 feet	1 story: 864 square feet; 2 story: 1,440 square feet
Multiple-Family; Up to Four Units	35 feet or 3 stories	7,200 square feet plus 2,400 square feet per unit	85 feet	25 feet	6 feet	30 feet	25 feet	400 square feet per unit
Other Permitted Uses	35 feet or 3 stories	2,400 square feet plus	180 feet	40 feet	6 feet	40 feet	40 feet	
R-3								
Multiple-Family; Five or More Units	35 feet	6,000 square feet plus 2,400 square feet per unit	100 feet	25 feet	6 feet	25 feet	25 feet	400 square feet per unit
Other Permitted Uses	---	1 acre	180 feet	40 feet	16 feet	40 feet	40 feet	
R-4								
Mobile Home, Per Unit	---	4,000 square feet	40 feet	20 feet	10 feet	---	10 feet	
Mobile Home Park	---	5 acres	360 feet	40 feet	40 feet	40 feet	40 feet	
B-1	35 feet	---	---	---	1	---	---	
B-2	35 feet	---	---	---	1	---	---	
I-1	---	---	---	40 feet	20 feet ¹	20 feet	30 feet	
I-2	---	---	---	40 feet	20 feet ¹	20 feet	30 feet	
U-1	---	---	---	40 feet	20 feet ¹	20 feet	30 feet	
NOTES:								
1 None required except adjoining any Residential District, in which case not less than 50 feet. However, development shall not have a negative impact on surrounding properties.								
2 Accessory buildings to be placed in the rear or side yards may reduce minimum side and rear yard requirements to the side yard requirements for that district.								
3 Accessory buildings standards are defined in Section 165.13.								
4 Maximum height shall be measured by either the designated footage or by stories, whichever is lower.								
5 Yard dimensions shall be measured from the eaves of the structures.								
6 Excludes basement.								

165.31 HOME OCCUPATION STANDARDS. The following standards and criteria apply to home occupations.

1. The home occupation shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
2. The home occupation shall be conducted entirely within an existing dwelling unit.
3. The home occupation shall be conducted by members of the family residing within the dwelling unit and no more than one nonresident employee.
4. There shall be no evidence of such occupation being conducted within the dwelling unit, which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances, or excessive traffic generation.
5. Water, sewer, and waste disposal systems shall be subject to approval of the City Council.
6. Customer parking shall be provided and be as inconspicuous as possible on the premises.
7. The home occupation shall occupy less than 50 percent of the floor area of the dwelling unit in which it is located.

165.32 HOME INDUSTRY STANDARDS. The following standards and criteria apply to home industries.

1. The home industry shall be clearly incidental and secondary to the residential occupancy of a dwelling unit located up on the property.
2. The home industry shall be conducted entirely and confined within an accessory detached building located upon the property.
3. The home industry shall be conducted by members of the family residing within the dwelling unit located on the property and no more than one nonresident employee.
4. There shall be no evidence of such industry being conducted within the accessory buildings which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation.
5. Water, sewer, and waste disposal systems shall be subject to approval of the City Council.
6. Customer parking shall be provided and be as inconspicuous as possible on the premises.
7. The accessory building requirements outlined in Section 165.13 shall be met.

165.33 HOME OCCUPATION AND HOME INDUSTRY SIGN REGULATIONS. Only one identification sign may be displayed upon the lot, subject to the following requirements.

1. Shall contain only the name of the occupant and the nature of the occupation.

2. Shall not be larger than four square feet and shall be attached to the principal building.
3. Shall not be illuminated.
4. If located along a State or Federal highway, an Iowa Department of Transportation permit must be obtained.

165.34 HOME OCCUPATION AND HOME INDUSTRY PERMIT PROCESS.

1. An initial application for a home occupation or home industry permit shall be completed by the property owner and presented to the City staff for review and consideration. The staff shall also charge an initial non-refundable fee, per Section 165.61(5) of this chapter, which is to be collected with the completed application. When reviewing the application, the City staff shall consider the provisions of this chapter as well as the effect of the proposed home occupation or home industry upon the character of the neighborhood, traffic conditions, public utility infrastructure, and other matters pertaining to the general welfare of the City. The staff shall make a formal recommendation to the City Council regarding the application.
2. The City Council will then hold a public hearing, notice of which shall be published in a newspaper with general circulation, not less than seven days, but not more than 20 days, before rendering a decision on the application. Surrounding property owners (within 200 feet) will also be mailed a copy of the public hearing notice prior to the hearing as a courtesy. If approved by the City Council, a home occupation or home industry permit will be valid for one year, or until the home occupation or home industry ceases, or the property changes ownership, or until it is revoked by the City Council after a public hearing.
3. Approved home occupation and home industry permits shall be renewed annually by the City Council. The Zoning Administrator shall manage the renewal process, which will commence on July 1 of each year and end on June 30 of each year. The Zoning Administrator shall also charge an annual non-refundable fee, per Section 165.61(6) of this chapter, for each renewed home occupation and home industry permit.
4. Because operating a home occupation or home industry is a privilege, a previously approved application may be revoked by the City Council upon substantiated complaint of the surrounding neighborhood, or upon violation of this chapter, or other provisions of this Code of Ordinances. Prior to considering revocation of an existing permit, the City Council shall hold an additional public hearing, according to the standards established in subsection 2 of this section.
5. If an initial permit application is denied by the City Council, or a previously approved permit is revoked by the City Council, a property owner must wait for a period of one year before reapplying for a home occupation or home industry permit.

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165.35 A-1 SUBURBAN AGRICULTURAL DISTRICT. The A-1 Suburban Agricultural District is intended to provide regulations for land situated on the fringe of the urban area and which is used primarily for agricultural purposes, but which may be undergoing urban development in the near future. Many tracts in this district will be in close proximity to developing residential, commercial, or industrial uses, and as such, this district shall be considered a transition or holding zone. The purpose of this district is to restrict the permitted uses to those that are compatible with agricultural uses and developing residential, commercial, or industrial uses.

1. Principal Permitted Uses. Property and buildings in an A-1 Suburban Agricultural District shall be used only for the following purposes:

- A. Agricultural uses involving crop activity only.
- B. Single-family dwellings, including manufactured homes.
- C. Churches and temples.
- D. Public buildings and facilities, including essential service buildings.
- E. Public and semi-public parks and playgrounds.
- F. Golf courses and country clubs, except miniature courses or driving ranges operated for a profit.
- G. Home occupations and home industries, provided Sections 165.31 through 165.34 of this chapter are met.
- H. Accessory uses and buildings that are customarily incidental to any of the above stated uses.

2. Special Exceptions. Property and buildings in this district may be used for the following purposes, in accordance with the provisions contained herein, if the Board of Adjustment deems them appropriate:

- A. Hospitals; rest, nursing, convalescent and family homes; home for children and aged; off-street parking and yards comparable for other institutional uses to be provided under this section.
- B. Public utilities.
- C. Airports, airfields, and airstrips, public or private.
- D. Cemetery or mausoleum that is a minimum of 10 acres in size.
- E. Recreational development for seasonal or temporary use, excluding race tracks.
- F. Roadside stand for sale of produce raised on the premises.
- G. Public riding stables, at least 100 feet from all property lines of the lot on which it is located.
- H. Greenhouses and plant nurseries operated for commercial purposes.
- I. Farm animal husbandry, including: dairy farming, livestock farming, poultry farming, private stables, and other agricultural activities, provided that said activity occurs on a farm, which is defined as a parcel at least 35 acres or more in size, and is at least 1,320 feet from any existing dwelling, excluding the dwelling owned by the applicant.

- J. Telecommunications and individually owned wind towers. [See Section 165.52(1)(C).]
 - K. Extraction of sand, gravel, topsoil or other natural resources, provided the land is restored to a condition suitable for the permitted uses of this district.
 - L. Dog kennels.
 - M. Accessory uses and buildings that are customarily incidental to any of the above stated uses.
3. Bulk Regulations. Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 165.30.
4. Parking and Loading. Off-street parking and loading requirements shall be those regulations as specified in Section 165.46.
5. Sign Regulations. The following signs are allowed, but require a permit unless otherwise stated.
- A. Nameplates attached flat against the wall of the principal building not to exceed four square feet in area (no permit required).
 - B. Church or public bulletin boards not to exceed eight feet in width and ten feet in height.
 - C. Temporary signs advertising the lease or sale of the premises not to exceed six square feet in area (no permit required).
 - D. Trade, advertising, business, or industry identification signs, provided that: (i) freestanding signs do not exceed 25 feet in height; (ii) signs attached to a building shall not project above the height of the building or more than four feet from the wall of the building; (iii) no sign shall exceed 150 square feet in area, nor shall any sign cover more than 10 percent of the building face which it covers.
 - E. Billboards, provided that: (i) freestanding signs do not exceed 50 feet in height; (ii) signs attached to a building shall not project above the height of the building or more than four feet from the wall of the building; (iii) no sign shall exceed 300 square feet in area; (iv) they are not within 150 feet of an intersection, highway structure, residence, park, school, cemetery, or public or semi-public building; and (v) they are not within 150 feet of another billboard facing in the same direction.
 - F. Portable signs, provided they are displayed no longer than 90 days per calendar year.

All signs and billboards shall be maintained in a neat and presentable condition, and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish. Signs are subject to the City's municipal infractions ordinance.

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165.36 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. The R-1 District is the most restrictive Residential District and is to be considered the most restrictive district in this chapter. The principal use of land is exclusively for single-family residential uses as well as related recreational, religious, and educational facilities normally found in an orderly and attractive residential area. Residential uses in this district are intended to be protected from encroachment of uses that are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

1. Principal Permitted Uses. Property and buildings in an R-1 Single-Family Residential District shall be used only for the following purposes:
 - A. Single-family dwellings, including manufactured homes.
 - B. Churches.
 - C. Public schools, elementary, junior high and high schools.
 - D. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes.
 - E. Public and semi-public parks and playgrounds.
 - F. Public buildings and facilities, including essential service buildings.
 - G. Family homes.
 - H. Home occupations and home industries, provided Sections 165.31 through 165.34 of this chapter are met.
 - I. Accessory uses and buildings that are customarily incidental to any of the above stated uses. Accessory uses shall include private garages and carports, private swimming pools, and private greenhouses not operated for commercial purposes.
2. Special Exceptions. Property and buildings in this district may be used for the following purposes in accordance with the provisions contained herein if the Board of Adjustment deems them appropriate:
 - A. Hospitals, nursing homes, or convalescent homes with the same off-street parking and yards as those required for other institutional uses under this chapter.
 - B. Swimming pools, golf courses, cemeteries, and country clubs, except miniature courses or driving ranges operated for a profit.
 - C. Public utilities.
 - D. The taking of boarders or the leasing of rooms by a resident family, providing total number does not exceed two per building.
 - E. Home occupations.
 - F. Accessory uses and buildings that are customarily incidental to any of the above stated uses.
3. Bulk Regulations. Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 165.30.

4. Parking and Loading. Off-street parking and loading requirements shall be those regulations as specified in Section 165.46.
5. Sign Regulations. The following signs are allowed, but require a permit unless otherwise stated.
 - A. Nameplates attached flat against the wall of the principal building, not to exceed four square feet in area (no permit required).
 - B. Church or public bulletin boards not to exceed eight feet in width and ten feet in height.
 - C. Temporary signs advertising the lease or sale of the premises not to exceed six square feet in area (no permit required).

Illumination of signs, bulletin boards, and nameplates shall be lighted only with indirect, non-intermittent lighting. Signs and bulletin boards shall be at least 20 feet from the front lot line. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.

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165.37 R-2 LOW DENSITY RESIDENTIAL DISTRICT. The R-2 Mixed Residential District is to provide for single-, two-family, and low density residential development. The principal use of land may range from single-family to low density multiple-family dwelling units, which may permit up to a maximum of four dwelling units as well as row houses and condominiums. Certain uses are permitted which are more compatible with intensive residential uses than with commercial uses. The recreational, religious, and educational facilities normally found in an orderly and attractive residential area are included. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

1. Principal Permitted Uses. Property and buildings in an R-2 Mixed Residential District shall be used only for the following purposes:
 - A. Any use principally permitted in the R-1 Single-Family Residential District.
 - B. Condominiums and row houses up to four units, provided each unit has individual access to essential services.
 - C. Two-family dwellings.
 - D. Multiple-family dwellings up to four units.
 - E. Accessory uses and buildings that are customarily incidental to any of the above stated uses.
2. Special Exceptions. Property and buildings in this district may be used for the following purposes in accordance with the provisions contained herein, if the Board of Adjustment deems them appropriate:
 - A. Any special exception allowed in the R-1 Single-Family Residential District, unless said use is specifically listed as a principally permitted use in this district.
 - B. Child care centers, institutional.
 - C. Hospitals, family homes, nursing homes, convalescent homes, public buildings, and/or community buildings, with the same off-street parking and yards as those required for other institutional uses under this chapter.
 - D. Public utilities.
 - E. Mortuary or funeral homes.
 - F. Medical or dental clinics.
 - G. Planned unit developments upon tracts of ten acres or more, subject to the requirements in Section 165.30.
 - H. Home occupations.
 - I. Group care facilities.
 - J. Accessory uses and buildings that are customarily incidental to any of the above stated uses.
3. Bulk Regulations. Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 165.30.

4. Parking and Loading. Off-street parking and loading requirements shall be those regulations as specified in Section 165.46.
5. Sign Regulations. The following signs are allowed, but a permit is required unless otherwise stated.
 - A. Nameplates attached flat against the wall of the principal building, not to exceed four square feet in area (no permit required).
 - B. Church or public bulletin boards not to exceed eight feet in width and ten feet in height.
 - C. Temporary signs advertising the lease or sale of the premises not to exceed six square feet in area (no permit required).

Illumination of signs, bulletin boards, and nameplates shall be lighted only with indirect, non-intermittent lighting. Signs and bulletin boards shall be at least 20 feet from the front lot line. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.

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165.38 R-3 MODERATE TO HIGH DENSITY RESIDENTIAL DISTRICT. The R-3 Mixed Residential District is to provide for moderate to high-density residential development and compatible, light commercial uses. The principal residential use of land may range from single-family to high density multiple-family dwelling units, which may permit five or more dwelling units. Certain light commercial uses that are compatible with intensive residential uses and with customary commercial uses are permitted. The recreational, religious, and educational facilities normally found in an orderly and attractive residential area are included. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

1. Principal Permitted Uses. Property and buildings in an R-3 Mixed Residential District shall be used only for the following purposes:

A. Any use principally permitted in the R-2 Low Density Residential District.

B. Condominiums and row houses with five or more units, provided each unit has individual access to essential services.

C. Multiple-family dwellings that are five units or greater.

D. Group homes.

E. Accountants, attorneys, engineers, and architecture offices, after review and recommendation by the Planning and Zoning Commission and approval by the City Council.

F. Beauty and barber shops, after review and recommendation by the Planning and Zoning Commission and approval by the City Council.

G. Insurance and real estate offices, after review and recommendation by the Planning and Zoning Commission and approval by the City Council.

H. Medical, dental, or mental health clinics or offices, after review and recommendation by the Planning and Zoning Commission and approval by the City Council.

I. Religious and educational institutions.

J. Boarding and lodging houses.

K. Family home.

L. Hospitals (except animal hospitals day nurseries or care facilities, nursing and convalescent home and medical clinics).

M. Private clubs, lodges and similar uses.

N. Funeral homes and mortuaries.

O. Hotels, motels, and motor courts, in which retail shops may be operated for convenience of the occupants of the building; provided, however, there shall be no entrance to such place of business, except from the inside of the building, nor shall any display of stock or goods for sale be so arranged that it can be viewed from the outside of the building.

P. Offices, such as accountants, architects, art school, barber shop, beauty shop, church offices, civil engineers, collection agency, credit bureau,

dental offices, insurance, lawyers, medical office with dispensary, nurses registry, psychologists, public stenographers, real estate.

Q. Other uses similar to the foregoing designated uses, but subject to review by the City Planning and Zoning Commission and approval of the City Council.

R. Accessory uses and buildings that are customarily incidental to any of the above stated uses.

2. Special Exceptions. Property and buildings in this district may be used for the following purposes in accordance with the provisions contained herein if the Board of Adjustment deems them appropriate:

A. Any special exception allowed in the R-2 Low Density Residential District, unless said use is specifically listed as a principally permitted use in this district.

3. Bulk Regulations. Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 165.30.

4. Parking and Loading. Off-street parking and loading requirements shall be those regulations as specified in Section 165.46.

5. Sign Regulations. The following signs are allowed, but a permit is required unless otherwise stated.

A. Nameplates attached flat against the wall of the principal building, not to exceed four square feet in area (no permit required).

B. Church or public bulletin boards not to exceed eight feet in width and ten feet in height.

C. Temporary signs advertising the lease or sale of the premises not to exceed six square feet in area (no permit required).

D. Portable signs, provided they are displayed no longer than 90 days per calendar year.

Illumination of signs, bulletin boards, and nameplates shall be lighted only with indirect, non-intermittent lighting. Signs and bulletin boards shall be at least 20 feet from the front lot line. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.

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165.39 R-4 PLANNED MOBILE HOME DISTRICT. The intent of the R-4 District is to provide sites only for the location of mobile homes, which will allow the maximum amount of freedom possible in the design of mobile home parks and will provide for the related recreational, commercial, and other service facilities for the planned mobile home residential developments.

1. Principal Permitted Uses. Property and buildings in an R-4 Planned Mobile Home District shall be used only for the following purposes:
 - A. Single-wide mobile homes in mobile home parks, as regulated herein.
 - B. Non-commercial community recreational facilities that are intended exclusively for the use of the residents and their guests of the mobile home development.
 - C. Pedestrian oriented personal service facility that is intended exclusively for the use of the residents of the mobile home development, provided that such personal service facilities occupy not more than ten square feet of gross floor area for each mobile home in the development.
 - D. Buildings used for the management and maintenance of the development.
 - E. Commercial mobile home sales.
2. Accessory Uses. The following accessory uses are permitted in the R-4 District:
 - A. Buildings and uses customarily accessory to mobile homes, such as garages and storage buildings.
 - B. One indirectly lighted, non-flashing sign, not to exceed one square foot for each five feet of frontage of said mobile home park.
3. Bulk Regulations. Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 165.30.
4. Design Procedure, Standards, and Requirements.
 - A. Procedure. The owner or owners of any tract of land comprising an area of not less than five acres shall submit to the Planning and Zoning Commission a plan for the use of development of the entire tract of land. This plan shall include the site location and uses of all buildings, the location of each single-wide and double-wide mobile home stand, the locations and types of all community and recreational facilities; open spaces, including developed open spaces and those to be preserved in their existing state; points of access to the site, principal pedestrian and vehicular circulation ways, parking facilities, and other principal elements of the vehicular and pedestrian transportation system. The Planning and Zoning Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principles of civic design, land use planning, and landscape architecture. The Planning and Zoning Commission may, after holding a public hearing and reviewing the development plan, recommend approval, approval with modifications, or disapproval of the development plan that accompanies the application. The Planning and Zoning Commission shall forward its written recommendations to the City Council,

which shall, after notice and public hearing, approve or disapprove said application and plan, or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this chapter.

B. Standards. The land usage, minimum lot area, yard, height, and accessory uses shall be determined by the requirements set out as follows, which shall prevail over conflicting requirements of this chapter or the City's subdivision ordinance (Chapter 170).

(1) Uses along the project boundary lines shall not be in conflict with those allowed in adjoining or opposite property. To this end, the Planning and Zoning Commission may require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project.

(2) A plat of the development shall be recorded, showing building locations, common land, streets, easements, and other applicable items required by the City's subdivision ordinance.

(3) No building permits shall be issued until the final plat of the development is approved and recorded, and the applicant must file, with the Zoning Administrator of the City, proof of compliance with all requirements of the Department of Health of the State of Iowa.

C. Deed Restrictions. In its review of the plan, the Planning and Zoning Commission or City Council may consider any deed restrictions or covenants entered into or contracted for by the developer concerning the use of common land or permanent open space. Common land as herein contained refers to land dedicated to the public use and to land retained in private ownership but intended for the use of the residents of the development unit or the general public.

D. Land Use and Density Requirements.

(1) Seven mobile home stands shall be permitted for each acre of land contained in the useable area of the plan.

(2) No part of any mobile home or other structure shall be located within 25 feet of any public road shown on the official Major Street Plan, or within 20 feet of any exterior boundary of the Planned Mobile Home Development.

(3) Parking facilities shall be provided within the development at the rate of two spaces per mobile home.

(4) Commercial uses and accessory uses within the R-4 District shall not consume more than 15 percent of the total district.

(5) No permit for any commercial structure or building shall be issued until at least 25 percent of the mobile home site is developed for residential uses.

(6) Mobile home parks shall include storm/emergency shelters sufficient in size to accommodate the number of occupants living in the development.

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165.40 R-5 PLANNED RESIDENTIAL DEVELOPMENT DISTRICT.

1. General Description. Any planned residential development district (may also be known as a planned unit development) shall promote the following tenets to the extent possible and without adversely affecting adjacent property:

- A. A maximum choice in the types of environment available to the public by allowing a development which would not be possible under the strict application of the provisions of the R-2 Low Density Residential District.
- B. The permanent preservation of open areas and recreational facilities.
- C. A creative approach to the use of land and related physical facilities, which results in better development, design and construction.
- D. A development that is consistent with the spirit and intent of the City's Comprehensive Plan.
- E. The efficient use of land resulting in more economic networks of utilities, streets and other facilities.
- F. A use of land which promotes the health, safety, comfort, morals, and welfare of the public.

The foregoing shall not be interpreted to permit the reduction of the other standards set forth in Sections 165.46, 165.47 and 165.48.

2. Principal Permitted Uses. The permitted uses within any planned residential development shall be limited to the following:

- A. Single-family, two-family, townhouse, row house, condominium, and multiple-family residential uses.
- B. Parks and playgrounds.
- C. Customary accessory or associated uses, such as private garages, storage spaces and recreational and community facilities.

3. Density. The maximum residential density within any planned residential development shall be as follows:

Type of Development	Maximum Density
Single-family dwellings	7 units or 18 bedrooms per acre
Two-family dwellings	8 units or 20 bedrooms per acre
Townhouse dwellings	9 units or 22 bedrooms per acre
Row house and condominium dwellings	11 units or 25 bedrooms per acre
Multi-family dwellings	12 units or 30 bedrooms per acre

4. Yard Requirements. The minimum lot size for this district shall be ten (10) acres. The minimum yard requirements within any planned residential development shall be as follows:

Type of Development	Front Yard	Rear Yard	Side Yard
Single-family dwelling	25 feet	25 feet	8 feet
Two-family dwelling	25 feet	25 feet	8 feet
Townhouse dwellings	25 feet	30 feet	11 feet
Row house and condominium dwellings	25 feet	35 feet	12 feet
Multi-family dwellings	30 feet	35 feet	12 feet

5. Height Requirements. The maximum height of any structure within any planned unit development shall not exceed 45 feet.

6. Floor Area Requirements. The minimum floor area of any dwelling unit within any planned unit development shall be those established in the Bulk Requirements Table (Table 1 of this chapter).

7. Parking. The off-street parking within any planned residential development shall not be less than 500 square feet or more than 800 square feet for each dwelling unit, exclusive of access drive or aisles.

8. Signs. Signs within any planned residential development shall be restricted to those requirements outlined in the R-2 Low Density Residential District.

9. Design Standards. All improvements within any planned unit development, including street pavement, the sidewalks and the electric, sewer, water and gas lines and mains, shall be built to the design standards of the City.

10. Subdivision. If any planned residential development is to be subdivided into two (2) or more lots, then the development shall be subdivided in accordance with the applicable ordinance of the City, provided that the City may:

- A. Reduce the width of any street right-of-way to not less than 40 feet.
- B. Reduce the size of any lot to not less than 6,500 square feet.

11. Special Exceptions. Property and buildings in this district may be used for the following purposes, in accordance with the provisions contained herein, if the Board of Adjustment deems them appropriate:

- A. The petition for special exception pursuant to the provisions of this chapter shall include a site development plan.
- B. Prior to the granting of special exception pursuant to this chapter, the Board of Adjustment shall refer the petition for the special exception and all supporting documents to the Planning and Zoning Commission for its review and recommendation.

C. Any decision of the Board of Adjustment relative to the development shall include, but not by limitation, findings of fact on the following:

(1) The extent to which the development is consistent with the purposes of planned residential development as set forth in this section.

(2) The extent to which the development meets the requirements and standards of planned residential developments as set forth in this section.

(3) Consistency with the special exceptions standards defined in this chapter (Section 165.56).

D. Any special exception granted pursuant to this chapter shall be expressly subject to such conditions as may be necessary to fully carry out the intents and purposes of this section, the City's Comprehensive Plan, and the Zoning Ordinance of the City.

E. The petition for the special exception and all supporting documents and the conditions to which the special exception is subject shall be binding upon the titleholders and upon their successors in interest, and shall limit and control the use of the development and the location of buildings and structures within the development as therein set forth.

F. Upon the granting of a special exception pursuant to this chapter, the Zoning Administrator shall issue building permits for construction within the development, provided that the application for such permits conforms to the petition for the special exception and all supporting documents and the conditions to which the special exception is subject.

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165.41 B-1 COMMERCIAL DISTRICT. The B-1 Commercial District is intended and designed for business professions and occupations that are oriented toward automobile traffic or which require amounts of space and parking too great to be located in the Central Business District.

1. Principal Permitted Uses. Property and buildings in a B-1 Commercial District shall be used only for the following purposes:

A. Any use principally permitted in the R-3 Moderate to High Density Residential District.

B. The following specific uses:

Antique shops.

Apartments above first story level of a store or shop with off-street/on-site parking.

Apparel shops.

Arcade and other commercial amusements.

Art shops.

Automobile accessory stores.

Automobiles, trailer, motorcycle, boat and farm implement establishment for display, hire, rental and sales (including sales lots). This paragraph shall not be construed to include automobile, tractor, or machinery wrecking and rebuilding and used parts yards.

Automobile, trailer, motorcycle, boat and farm implement service/repair establishment.

Bakeries, bakery outlets, or catering businesses.

Banks, savings and loan associations, and similar financial institutions.

Barbershops and beauty parlors.

Bicycle shops sales and repair.

Bowling alleys.

Business offices, professional offices, and studios.

Camera stores.

Carpenter and cabinet making shops.

Car washes, including truck bays.

Churches and temples.

Clothes cleaning and laundry pickup stations, excluding dry-cleaning establishments.

Clothing stores.

Collection office of public utility.

Commercial sales (electronic).

Confectionery stores, including ice cream or snack bars.

Dairy stores, retail only.

Dance studio.

Delicatessens.

Dental and medical clinics.

Department stores.

Drive-in restaurants.

Drug stores, including pharmacies.

Dry-cleaning establishments.

Dry goods stores.

Florist shops.

Furniture stores.

Funeral homes and mortuaries.

Gift shops.

Grocery stores, including supermarkets.

Hardware stores.
 Health club.
 Hobby shops.
 Hotels and motels.
 Household appliances, sale and repair.
 Jewelry stores and watch repair shops.
 Launderette or coin-operated laundry establishments.
 Leather goods store.
 Locker plant for storage and retail sales.
 Leather goods store.
 Lumber yards.
 Music stores and music studios.
 Office supply store or shop.
 Paint and wallpaper stores.
 Pet shops, including kennels.
 Pharmacies.
 Photographic studios, printing and developing establishments.
 Plumbing, heating, and electrical business.
 Post offices.
 Printing and lithographing shops.
 Playgrounds and public parks.
 Public buildings and facilities, including essential service buildings.
 Publishing and engraving establishments.
 Radio and television sales and repair shops.
 Rental or rent-to-own store.
 Restaurants, taverns, and cafes.
 Sheet metal shops.
 Shoe and hat repair shops.
 Sporting goods stores, excluding external boat storage or display.
 Tailor and dressmaking shops.
 Theaters.
 Toy stores.
 Upholstering and embroidery shops.
 Used car lots.
 Variety stores.

C. Accessory uses and buildings that are customarily incidental to the above stated uses.

D. Other uses similar to the foregoing designated uses after review and approval per Section 165.60 of this chapter.

2. Special Exceptions. Property and buildings in this district may be used for the following purposes in accordance with the provisions contained herein if the Board of Adjustment deems them appropriate:

A. Agricultural feed and seed sales, but excluding grinding, mixing and bleeding.

B. Animal hospitals, veterinary clinics, pet shops, and commercial kennels.

C. Billiard parlors and pool halls.

D. Book stores.

E. Carpentry or cabinet making shop with three or fewer employees.

F. Dance halls.

- G. Liquor stores and lounges.
 - H. Private clubs and lodges.
 - I. Public buildings and community buildings.
 - J. Public utilities.
 - K. Roadside stands for the sale of fresh fruits, vegetables, nursery stock, and plant food.
 - L. Gas or service stations, including convenience stores.
 - M. Nightclubs.
 - N. Video equipment rental and sales, including film rental.
 - O. Wholesale display and sales rooms and offices.
 - P. Welding and machine shops.
 - Q. Accessory uses and buildings that are customarily incidental to any of the above stated uses.
3. Bulk Regulations. Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 165.30.
4. Parking and Loading. Off-street parking and loading requirements shall be those regulations as specified in Section 165.46.
5. Sign Regulations. The following signs are allowed, but require a permit.
- A. Advertising signs, billboards, trade, business or industry identification signs provided that: (i) freestanding signs do not exceed 25 feet in height; (ii) signs attached to a building shall not project above the height of the building or be more than four feet from the wall of the building; (iii) no sign shall exceed 150 square feet in area, nor shall any sign cover more than ten percent of the building face which it covers.
 - B. Portable signs provided they are displayed no longer than 90 days per calendar year.

All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.

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165.42 B-2 COMMERCIAL DISTRICT. The B-2 Commercial District is intended and designed for business professions and occupations that are located in the Central Business District.

1. Principal Permitted Uses. Property and buildings in a B-2 Commercial District shall be used only for the following purposes:

- A. Any use principally permitted in the B-1 Commercial District.
- B. The following specific uses:
 - Agricultural feed and seed sales, excluding grinding, mixing, and/or blending of feed.
 - Automobile sales and accessory parts stores.
 - Bakery and catering service.
 - Barber and beauty shops.
 - Banks and other financial institutions.
 - Bowling alleys.
 - Business and vocational schools.
 - Commercial parking lots and garages.
 - Department stores.
 - Florist and gift shops.
 - Frozen food lockers.
 - Hardware stores.
 - Jewelry stores.
 - Laundries and dry-cleaning establishments.
 - Lawn mower repair shops.
 - Medical and dental clinics.
 - Office supplies shops.
 - Repair shops.
 - Pharmacy.
 - Printing, publishing and engraving.
 - Public buildings, playgrounds, community buildings, public parks.
 - Public utilities.
 - Restaurants and taverns.
 - TV and appliance repair and sales.
 - Variety stores.
 - Video/movie film and equipment rental.
- C. Accessory uses and buildings that are customarily incidental to the above stated uses.
- D. Other uses similar to the foregoing designated uses after review and approval per Section 165.60 of this chapter.

2. Special Exceptions. Property and buildings in this district may be used for the following purposes, in accordance with the provisions contained herein, if the Board of Adjustment deems them appropriate:

- A. Any special exception allowed in the B-1 Commercial District, unless said use is specifically listed as a principally permitted use in this district.
- B. Wholesale display and sales rooms and offices.
- C. Apartments above first story level of a store or shop with off-street/on-site parking.
- D. Commercial amusements.

- E. Grocery stores.
 - F. Multi-family dwelling with off-street/on-site parking.
 - G. Private clubs and lodges.
 - H. Accessory uses and buildings that are customarily incidental to any of the above stated uses.
3. Bulk Regulations. Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 165.30.
4. Parking and Loading. Off-street parking and loading requirements shall be those regulations as specified in Section 165.46.
5. Sign Regulations. The following signs are allowed, but require a permit.
- A. Advertising signs, billboards, trade, business or industry identification signs provided that: (i) freestanding signs do not exceed 25 feet in height; (ii) signs attached to a building shall not project above the height of the building or more than four feet from the wall of the building; (iii) no sign shall exceed 150 square feet in area, nor shall any sign cover more than 10 percent of the building face which it covers.
 - B. Portable signs provided they are displayed no longer than 90 days per calendar year.

All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.

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165.43 I-1 LIGHT INDUSTRIAL AND/OR MANUFACTURING DISTRICT. The I-1 Light Industrial and/or Manufacturing District is intended primarily for the limited conduct of manufacturing, assembling, repair, and fabrication.

1. Principal Permitted Uses. Property and buildings in an I-1 Industrial and/or Manufacturing District shall be used only for the following purposes:

A. Specific Uses:

Automobile body repair and paint shop.
 Automobile restoration and rebuilding shops.
 Automobile, trailer, motorcycle, boat, and farm implement service or repair establishments.
 Bottling works.
 Building material sales and storage.
 Cabinet making plants or factories with more than three employees.
 Clothing manufacture.
 Consignment and auction sales operations of any kind having no more than four public sales per month, but excluding the sale of livestock, fish, fowl, or animals of any kind.
 Construction businesses; contractor's shops; commercial construction equipment parking and storage, including all construction trailers; and storage yards enclosed by a solid, opaque fence, as regulated under Section 165.24 of this chapter.
 Creamery and/or dairy processing plant.
 Farm implement sales, service, repair and assembly.
 Freight terminal and grain elevator.
 Light manufacturing and assembly plants.
 Lumber yards.
 Public buildings and facilities, including essential service buildings.
 Public utilities.
 Rental storage buildings, including mini-storage facilities.
 Semi-tractor trailer parking.
 Tool and die operations.
 Truck or bus garage and repair shop.
 Welding and machine shops.
 Wholesaling and warehousing, but not including the bulk storage of hazardous chemicals.

B. Uses and buildings that are accessories and customarily incidental to the above stated permitted uses and including temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work.

C. Other uses similar to the foregoing designated uses after review and approval per Section 165.60.

2. Special Exceptions. Property and buildings in this district may be used for the following purposes in accordance with the provisions contained herein if the Board of Adjustment deems them appropriate:

A. Any special exception allowed in the B-2 Commercial District, unless said use is specifically listed as a principally permitted use in this district.

B. Animal, poultry and bird raising, commercial.

C. Animal pound and commercial kennels.

- D. Carnivals, circuses, fairs, road shows.
 - E. Cleaning and dyeing plants.
 - F. Radio and television broadcasting tower or station.
 - G. Sheet metal products manufacture.
 - H. Telecommunication and wind energy towers. [See Section 165.52(1)(C).]
 - I. Accessory uses and buildings that are customarily incidental to the above stated permitted uses, including temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work.
 - J. Junkyards, including automobile wrecking and/or salvage, enclosed by a presentable solid fence, as regulated under Section 165.24 of this chapter.
3. Bulk Regulations. Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 165.30.
 4. Parking and Loading. Off-street parking and loading requirements shall be those regulations as specified in Section 165.46.
 5. Sign Regulations. The following signs are allowed, but require a permit.
 - A. Trade, advertising, business or industry identification signs, provided that: (i) freestanding signs do not exceed 25 feet in height; (ii) signs attached to a building shall not project above the height of the building or more than four feet from the wall of the building; (iii) no sign shall exceed 150 square feet in area, nor shall any sign cover more than 10 percent of the building face which it covers.
 - B. Billboards, provided that: (i) freestanding signs do not exceed 50 feet in height; (ii) signs attached to a building shall not project above the height of the building or more than four feet from the wall of the building; (iii) no sign shall exceed 300 square feet in area; (iv) they are not within 150 feet of an intersection, highway structure, residence, park, school, cemetery, or public or semi-public building; (v) they are not within 150 feet of another billboard facing in the same direction.
 - C. Portable signs, provided they are displayed no longer than 90 days per calendar year.

No sign or billboard shall be located in, overhang, or project into a required front or side yard. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.

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165.44 I-2 HEAVY INDUSTRIAL AND/OR MANUFACTURING DISTRICT. The I-2 Heavy Industrial and/or Manufacturing District is intended primarily for the conduct of manufacturing, assembling, and fabrication on a larger scale. It is designed to provide an environment suitable for industrial activities, which may create appreciable nuisances or hazards, such as noise, fumes, and dust. The uses permitted in this district shall be separated from residential uses.

1. Principal Permitted Uses. Property and buildings in an I-2 Industrial and/or Manufacturing District shall be used only for the following purposes:
 - A. Any use principally permitted in the I-1 Light Industrial/Manufacturing District.
 - B. The following specific uses:
 - Brick and clay products and central mixing and proportioning plant.
 - Cleaning and dyeing plants.
 - Concrete and asphalt plants.
 - Flour, feed, and milling operations, including grinding, mixing, and/or blending of feed and seed.
 - Freight terminal and grain elevator.
 - Manufacturing and assembly plants, including those for machinery.
 - Mini-steel plants.
 - PVC products manufacturing.
 - Sheet metal products manufacture.
 - Structural iron and steel fabrication.
 - Tool and die shops, and machine shops.
 - Wholesaling and warehousing.
 - C. Uses and buildings that are accessories and customarily incidental to the above stated permitted uses and including temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work.
 - D. Other uses similar to the foregoing designated uses after review and approval per Section 165.60 of this chapter.
2. Special Exceptions. Property and buildings in this district may be used for the following purposes, in accordance with the provisions contained herein, if the Board of Adjustment deems them appropriate:
 - A. Any special exception allowed in the I-1 Light Industrial/Manufacturing District, unless said use is specifically listed as a principally permitted use in this district.
 - B. Bulk storage of petroleum and liquid fertilizer.
 - C. Extraction of sand, gravel, topsoil, or other natural resources, provided the land is restored to a condition suitable for the permitted uses of this district.
 - D. Fertilizer manufacture.
 - E. Hazardous chemical sales and distribution, wholesaling and storage.
 - F. Junkyards, including automobile wrecking and/or salvage enclosed by a solid, opaque fence, as regulated under Section 165.24 of this chapter.

- G. Stockyards, slaughterhouses, and/or sale barns and yards.
 - H. Telecommunication and wind energy towers. [See Section 165.52(1)(C).]
 - I. Carnivals, circuses, fairs, and road shows.
 - J. Radio and television broadcasting tower or station.
 - K. Areas for dumping or disposal of trash and garbage.
 - L. Explosive manufacture or storage.
 - M. Acid manufacture.
 - N. Animal pound or kennel.
 - O. Animal, poultry and bird husbandry for commercial purposes.
 - P. Paint and varnish manufacture.
 - Q. Wholesaling and warehousing of hazardous chemicals.
 - R. Accessory uses and buildings that are customarily incidental to any of the above stated uses.
3. Bulk Regulations. Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 165.30.
4. Parking and Loading. Off-street parking and loading requirements shall be those regulations as specified in Section 165.46.
5. Sign Regulations. The following signs are allowed, but require a permit.
- D. Trade, advertising, business or industry identification signs, provided that: (i) freestanding signs do not exceed 25 feet in height; (ii) signs attached to a building shall not project above the height of the building or more than four feet from the wall of the building; (iii) no sign shall exceed 150 square feet in area, nor shall any sign cover more than 10 percent of the building face which it covers.
 - E. Billboards, provided that: (i) freestanding signs do not exceed 50 feet in height; (ii) signs attached to a building shall not project above the height of the building or more than four feet from the wall of the building; (iii) no sign shall exceed 300 square feet in area; (iv) they are not within 150 feet of an intersection, highway structure, residence, park, school, cemetery, or public or semi-public building; (v) they are not within 150 feet of another billboard facing in the same direction.
 - F. Portable signs, provided they are displayed no longer than 90 days per calendar year.

No sign or billboard shall be located in, overhang, or project into a required front or side yard. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.

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165.45 U-1 UNCLASSIFIED DISTRICT. The U-1 Unclassified District is intended and designed to preserve and protect the natural character of the lands within the district and their values for flood control and water holding capacity. The areas within this district should be protected from developmental encroachment.

1. Principal Permitted Uses. Property and buildings in a U-1 Unclassified District shall be used only for the following purposes:
 - A. Agriculture and the usual agricultural buildings and structures.
 - B. Amusement enterprises, such as race tracks, carnival circus, rides and shows subject to prior recommendation from the Planning and Zoning Commission and approval by the City Council.
 - C. Truck gardening and nurseries, provided that no permanent dwelling units shall be erected thereon unless the tract contains ten or more acres.
 - D. Mining and extraction of minerals or raw material, subject to approval by the City Council.
 - E. Airports and landing fields.
 - F. Forest and forestry.
 - G. Parks, playgrounds, golf courses, both public and private, and recreational uses.
 - H. Any use erected or maintained by a public agency.
 - I. Public utility structures and equipment necessary for the operation thereof.
 - J. Transmitting stations.
 - K. Dumping of non-combustible materials for landfill purposes.
 - L. Railroad right-of-way.
 - M. Accessory buildings and uses customarily incidental to any of the above uses.
2. Bulk Regulations. Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 165.30.
3. Parking and Loading. Off-street parking and loading requirements shall be those regulations as specified in Section 165.46.
4. Sign Regulations. Sign regulations shall be those regulations as specified in Section 165.35(5).

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165.46 OFF-STREET PARKING AREAS AND LOADING SPACES.

1. Off-Street Loading Spaces. In all districts in connection with every building or part thereof hereafter erected and which is to be occupied by uses requiring receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building the following off-street loading spaces:

Gross Floor Area	Spaces Required
0 to 19,999 square feet	1
20,000 to 29,999 square feet	2
30,000 to 39,999 square feet	3
40,000 to 49,999 square feet	4
For each additional 10,000 square feet in excess of 50,000 square feet, one additional off-street loading space shall be required.	

Such spaces may occupy all or any part of a required rear yard or with authorization of the Board of Adjustment part of any other yard or court space on the same premises.

2. Provisions of Off-Street Parking. In all districts, off-street accessory parking areas in the open or in a garage shall be provided in connection with the uses set forth hereinafter, and to the extent indicated therewith, in addition to the above required loading and unloading spaces.

A. With the exception of the B-1 Commercial District, parking areas in Commercial and Manufacturing Districts shall be on the premises intended to be served, as per Table 2.

3. Number of Parking Spaces Required. Table 2 indicates the required number of spaces by use. With the exception of the B-1 Commercial District, employee parking in Commercial and Manufacturing Districts shall be provided at the rate of one space per employee plus the customer spaces as listed in Table 2 on the following page.

Table 2: Parking Requirements.

USE	PARKING REQUIREMENT
Animal hospital and veterinary clinic	1 for each 500 square feet of floor area
Automobile or farm implement sales and service garages	1 for each 2 employees
Barber shops and beauty parlors	1 for each chair, plus 1
Bowling alleys	3 for each lane
Clothing stores, grocery stores, hardware stores, jewelry stores, pharmacies	1 for each 300 square feet of floor area
Church or temple	1 for each 6 seats
Community center, library, and museum	11, plus 1 for each 500 square feet in excess of 2,000 square feet of floor area
Dental and medical clinics	1 for each 500 square feet of floor area
Drive-in restaurant	3 for each employee on maximum shift
Dwelling (including multiple family and mobile homes)	2 for each dwelling unit
Financial institutions, business offices, professional offices, and studios	1 for each 500 square feet of floor area
Frozen food lockers, laundries, and dry-cleaning	1 for each 500 square feet of floor area
Furniture and household appliance sale and service establishments	1 for each 500 square feet of floor area
Hospitals	1 for each 4 beds
Indoor theaters	1 for each 4 seats
Mortuary or funeral home	1 for each 5 seats
Motel and hotel	1 for each unit or suite, plus 1 for each 100 square feet of commercial floor area
Printing, publishing, and engraving establishments	1 for each 500 square feet of floor area
Private club or lodge	1 for each 200 square feet of floor area
Restaurants, cafes, nightclubs	1 for each 100 square feet of floor area
Sanitarium, nursing, rest, or convalescent home	1 for each 6 beds
Schools and public buildings	1 for each classroom or office room, plus 1 for each 6 seats in main auditorium, stadium, or place of public assembly
Sports arena or auditorium, other than in a school	1 for each 3 seats
Warehouse, storage, and manufacturing operations	1 for each 2 employees plus 1 for each vehicle used by the industry
Wholesale display and sales rooms and offices	1 for each 300 square feet of floor area
<p>In the case of any use that is not specifically mentioned herein, the provisions for a similar use mentioned shall apply, or see Section 165.46(6), Exceptions.</p>	
<p>Note: Either Table 2 or the Building Code, as may be amended and adopted by the City, will be used for parking standards, whichever is more restrictive.</p>	

4. Definition and Interpretation.
 - A. Parking Space. Each parking space rectangular in shape shall be not less than nine feet wide and 20 feet long or not less than 180 square feet in area exclusive of access drives or aisles.
 - B. Loading Space. Each loading space shall not be less than 10 feet wide, 65 feet in length and 14 feet in height, exclusive of access and turning areas.
 - C. Floor Area. In the case of merchandising or service types of uses, "floor area" means the gross floor area used or intended to be used by tenants, or for service to public or customers, patrons or clients, but does not include areas used principally for non-public purposes, such as toilet or rest room, utilities, or dressing rooms.
 - D. Benches in Place of Public Assembly. In stadiums, sports arenas, churches, and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under the chapter.
5. Development Standards. Off-street accessory parking lot areas shall be of usable shape, and shall be improved with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area.
 - A. Where a parking lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight feet in width in the case of a one- or two-family dwelling. The drive shall not be less than 16 feet in width, at the widest point, in all other cases leading to the loading or unloading spaces and parking or storage areas required herein.
 - B. No part of any parking lot or space shall be closer than five feet to any established street right-of-way or alley line. In case the parking lot adjoins a Residential District, it shall be set back at least five feet from the Residential District boundary and shall be effectively screened.
 - C. Any off-street parking or drive area, including any commercial parking lot, for more than five vehicles shall be surfaced with asphalt or Portland cement concrete pavement or such other surfaces so as to provide a durable and dustless surface. The parking area shall be so graded and drained to dispose of surface water accumulation within the area, and shall be so arranged and marked as to provide for orderly and safe loading, unloading, parking, and storage of self-propelled vehicles. Storm water shall be managed in such a way that it does not negatively impact surrounding properties.
 - D. Any lighting used to illuminate such parking areas shall be arranged as to reflect light away from adjoining premises in any Residential District.
6. Exceptions. The Board of Adjustment may authorize on appeal a modification, reduction, or waiver of the foregoing parking requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation or condition would justify such modification, reduction, time extension, or waiver.

165.47 MOBILE HOMES, RECREATIONAL VEHICLES, AND EMERGENCY USE PERMITS. Mobile homes shall not be parked or stored on any lot occupied by a dwelling or any lot in any Residential District except in accordance with the following provisions:

1. Mobile Home. A mobile home shall be parked or stored only in a mobile home park or mobile home sales area. A mobile home shall not be occupied, whether temporarily or permanently, unless it is parked or stored in a mobile home park, as authorized under this Code of Ordinances. In any case, a mobile home shall not be used as an accessory building.
2. Recreational Vehicle. A recreational vehicle shall only be used as living quarters for a maximum of two (2) weeks. Using a recreational vehicle for living quarters beyond two weeks requires Planning and Zoning Commission and City Council approval. A recreational vehicle shall not be stored on a vacant residential lot.
3. Emergency Use and Disaster Recovery Permit. In the event of an emergency, a factory built/mobile home may be used temporarily as living quarters in any Residential District or as a business in a Commercial District under the following conditions:
 - A. The primary dwelling or building on the lot is unlivable or unusable due to substantial damage as the result of a recent disaster or catastrophe.
 - B. The unit will be occupied only by the persons or business residing in or owning the lot at the time of the disaster.
 - C. This exception is for the purpose of allowing the owner to rebuild or repair the residence or business building.
 - D. The owner has made arrangements satisfactory to the Zoning Administrator for water and electrical service and disposal of sewage, and for location of the unit on the lot.
 - E. The owner has applied to and been granted a permit under this section by the Zoning Administrator for a period of up to six (6) months for the use and placement of the temporary structure or trailer. The time shall not exceed the time necessary for repair and re-occupancy of the primary structure. The permit may be extended for additional periods not to exceed three (3) months. All grants and extensions are reviewable by City Council at the request of the applicant or the City Council.

165.48 EXTERIOR SIDING IN R-1, R-2, AND R-3 DISTRICTS. No exterior siding containing metal materials, except metal siding that has an appearance identical to four-inch lap siding, shall be used in the construction, remodeling, or repair of a structure within areas zoned as R-1, R-2, and R-3. Structures that are 120 square feet or less are excluded from this requirement. Property owners may petition the City Council for an exception at a regularly scheduled meeting by requesting placement on the City Council agenda.

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165.49 NONCONFORMING BUILDINGS AND STRUCTURES.

1. General. A lawful, or authorized, nonconforming building or structure existing at the time of adoption of the Zoning Ordinance may be continued, maintained, and repaired, except as otherwise provided in this section, even though said building or structure may not conform with the regulations of this chapter for the district in which it is located. A nonconforming building or structure in existence at the adoption of the Zoning Ordinance that was not a lawful, or authorized, building or structure under previous zoning ordinances shall not be authorized to continue as a nonconforming building or structure pursuant to this chapter, or amendments thereto. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe.
2. Alteration or Enlargement of Building and Structures. A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all the regulations of the district in which it is located.
3. Building Vacancy. A building or structure, or portion thereof, which is nonconforming and is or hereafter becomes vacant and remains unoccupied for a continuous period of one year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.
4. Destruction of Building or Structure. Destruction of a nonconforming building or structure that exceeds 50 percent of the market value prior to destruction shall not be allowed to be reconstructed in a nonconforming manner and shall comply with this chapter.
5. Changes of Uses. A nonconforming use of a conforming building or structure may be expanded or extended into any other portion of the structure provided the structure was manifestly arranged or designed for such use at the time of adoption or amendment of the Zoning Ordinance, but no such use shall be extended to occupy any land outside such building. If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof shall be conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one year after the effective date of the Zoning Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located. The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification, but where the use of nonconforming building or structure is changed to a use of a more restricted district classification, it thereafter shall not be changed to a use of a less restricted district classification; provided, however, a building or structure that is nonconforming at the time of adoption of the Zoning Ordinance is not in violation. For the purpose of this subsection only, the R-1 District shall be considered the most restrictive and the I-2 District the least restrictive District.
6. Swimming Pool Fences. The lawful use of a swimming pool existing at the effective date of the Zoning Ordinance may be continued, provided that 12 months after the effective date of the Zoning Ordinance all nonconforming pools shall conform to Section 165.13(6) of this chapter.

165.50 NONCONFORMING USES OF LAND.

1. General. A lawful, or authorized, nonconforming use existing at the time of adoption of the Zoning Ordinance may be continued, maintained, and repaired, except as otherwise provided in this section. Any nonconforming use in existence at the adoption hereof that was not a lawful, or authorized use under previous zoning ordinances shall not be authorized to continue as a nonconforming use pursuant to this chapter, or amendments thereto.
2. Extension or Expansion of Use. A nonconforming use may not be extended or expanded, nor shall it occupy more lot area or be considered a more intense use than was in existence on the effective date of the Zoning Ordinance.
3. Discontinuance of Use. If said nonconforming use or any portion thereof is discontinued for a period of one year, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which it is located.
4. Change of Uses. A nonconforming use of a conforming building or structure may be expanded or extended into any other portion of the structure, provided the structure was manifestly arranged or designed for such use at the time of adoption or amendment of the Zoning Ordinance, but no such use shall be extended to occupy any land outside such building. If the nonconforming use, or a portion thereof, is changed to a conforming use, any future use of such building, structure, or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant conforming building or structure may be occupied by a nonconforming use for which the building or structure was designed or intended if occupied within a period of one year after the effective date of the Zoning Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located. The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification. However, where the use of nonconforming building or structure is changed to a use of a more restricted district classification, it shall not be changed thereafter to a use of a less restricted district classification unless appropriately rezoned. This is provided that the building or structure that is nonconforming at the time of adoption of the Zoning Ordinance is not in violation. For the purpose of this subsection only, the R-1 Single-Family Residential District shall be considered the most restrictive and the I-2 Heavy Industrial and/or Manufacturing District the least restrictive district.

165.51 NONCONFORMING LOTS.

1. General. A lawful, or authorized, nonconforming lot existing at the time of adoption of the Zoning Ordinance may be continued, maintained, and repaired, except as otherwise provided in this section. Any nonconforming lot in existence at the adoption hereof that was not a lawful, or authorized use under previous zoning ordinances shall not be authorized to continue as a nonconforming lot pursuant to this chapter, or amendments thereto.
2. Nonconforming Lots as Lots of Record: A nonconforming lot in existence on the effective date of the Zoning Ordinance shall be considered a lot of record, as defined and regulated within this chapter.

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165.52 EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS. The requirements and regulations specified elsewhere in this chapter shall be subject to additional requirements, exceptions, modifications, and interpretations contained in this section.

1. Height and Size Limits. Height limitations stipulated elsewhere in this chapter shall not apply to the following:

A. Barns, silos, or other farm buildings or structures on farms — provided these are not less than 50 feet from every lot line — church spires or steeples, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts, and aerials; parapet walls extending not more than four feet above the limiting height of the building. However, if in the opinion of the Zoning Administrator, any such structure would adversely affect adjoining or adjacent properties, such greater height shall not be authorized unless it is approved by the Board of Adjustment.

B. Bulkheads, conveyors, derricks, elevator penthouses, water towers or tanks, monitors and scenery lofts; monuments, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height than specified. Such may be authorized by the Board of Adjustment.

C. Telecommunication towers and individually owned wind energy towers, the base of which shall be at least the height of the tower from all adjoining property lines, including public right-of-way.

2. Front Yard Exceptions and Modifications.

A. Front yard requirements do not apply to bay windows or balconies that do not project more than three feet into the front yard.

B. With the exception of the Agricultural District and the Manufacturing Districts, averaging front yard setbacks is allowed. Where the average depth of two or more existing front yards on lots within 100 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average depth of said existing front yards or the average depth of the two lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, the depth of the front yard on a lot in any Residential District shall be at least 10 feet and need not exceed 60 feet.

C. For the purpose of determining lot width or front yard requirements, that portion of a flag lot used for ingress and egress shall not be included as a part of the required front yard.

D. An existing open porch may be remodeled or rebuilt to an enclosed non-habitable vestibule entrance-way (which may include closet space) when projecting not more than one-fourth the distance of the front yard setback and extending in width not more than one-fourth of the width of the residence.

3. Side Yard Exceptions and Modifications.

A. Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have a least width equal to that required in the more restricted district. Where a lot in a Manufacturing District abuts a lot in an Residential District, the side yard shall be increased by three feet for each

foot that the building proposed on such lot exceeds the height limit of the said Residential District.

B. On a corner lot the least width of a side yard along the side street lot line shall be equal to the required front yard along the side street. No part of any accessory building shall be nearer a side street lot line than the least depth on any front yard required along such side street.

C. The following projections or structures may be permitted in side yards:

(1) Accessory buildings or structures subject to the provisions contained elsewhere in this chapter.

(2) Fences or walls, as regulated in Sections 165.23 and 165.24 of this chapter.

(3) Fire escapes, three feet from side lot line. Bays and balconies not more than three feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall.

(4) Chimneys, flues, sills, overhangs, pilasters, and lintels, ornamental features, cornices, gutters and the like into or over a required side yard not more than two feet.

(5) Terraces, steps, uncovered porches, patios (not including decks), stoops or similar features, not higher than the elevation of the ground story of the building and distant three feet from the side lot line.

4. Rear Yard Exceptions and Modifications. The following projections or structures may be permitted in rear yards:

A. In any Commercial or Residential District, a building which is nonconforming as to rear yard setbacks may be expanded or enlarged, provided the enlargement or expansion does not encroach closer to the rear property line than the already existing building. All other bulk requirements must be met.

B. Accessory buildings or structures subject to the provisions contained elsewhere in this chapter.

C. Fences or walls, as regulated in Sections 165.23 and 165.24 of this chapter.

D. Fire escapes, three feet from side lot line. Bays and balconies not more than three feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall.

E. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and the like, into or over a required rear yard not more than two feet.

F. Terraces, steps, decks, uncovered porches, or similar features not more than 10 feet into a required rear yard, or closer than four feet to an alley or within 10 feet of a rear lot line.

G. Swimming pools.

165.53 ADMINISTRATION.

1. Organization. The administration of this chapter is vested in the following four offices of the government of the City: Mayor and City Council; Board of Adjustment; Planning and Zoning Commission; and Zoning Administrator.
2. Basis of Regulations. Regulations are made in accordance with the City's Comprehensive Plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.
3. Jurisdiction. The Mayor and City Council shall discharge the following duties under this chapter. Appointments shall be made by the Mayor, subject to approval by the City Council.
 - A. Appoint a Zoning Administrator, whose responsibilities will be to enforce the provisions of this chapter.
 - B. Appoint members of the Board of Adjustment as provided for in this chapter.
 - C. Appoint members to the Planning and Zoning Commission as provided for in this chapter.
 - D. Receive and decide upon all recommendations concerning amendments, supplements, and changes presented by the Planning and Zoning Commission.
 - E. Receive from the Planning and Zoning Commission all recommendations on the effectiveness of the Zoning Ordinance.
 - F. To decide all matters upon which it is required to pass under this chapter.

165.54 BOARD OF ADJUSTMENT.

1. Creation. The Board of Adjustment, as established under applicable provisions of the *Code of Iowa*, is the Board referred to in this chapter.
2. Appointment; Terms; Removal. The Board shall consist of five members, who are residents, to be appointed by the Mayor and subject to approval by City Council for staggered terms of five years. A majority of the members of the Board shall be persons representing the public at large. The Board of Adjustment members shall not also be members of the Planning and Zoning Commission or City staff, and members shall not hold an elective office in municipal government, nor shall a majority of the members be involved in the business of purchasing or selling real estate. Members of the Board may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by the Mayor, subject to City Council approval for the unexpired term of the member affected.

3. Powers and Duties. The Board of Adjustment is hereby vested with the following powers and duties:
 - A. To hear and decide all applications for variances from the terms provided in this chapter in the manner prescribed and subject to the standards herein.
 - B. To hear and decide all applications for special exceptions in the manner prescribed in this chapter.
 - C. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this chapter. The Board shall also interpret the Official Zoning Map, if necessary.
4. Meetings and Rules.
 - A. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or, in the absence of the Chairperson, the acting chairperson may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.
 - B. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each agenda item requiring action, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be filed in the office of the Zoning Administrator and City Clerk.
 - C. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in application of this chapter.
5. Finality of Decisions of the Board of Adjustment. All decisions and findings of the Board of Adjustment on appeals applications, applications for a variance, or application for a special exception, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as is stated in the *Code of Iowa*.

165.55 VARIANCES.

1. Purpose and Findings of Fact. The Board of Adjustment, after a public hearing, may determine and vary the regulations of this chapter in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed, and further, finds that there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this chapter.
2. Application for Variance. An application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information, and appropriate non-refundable fee, as the Board of Adjustment may, by rules, require. Before an application is filed with the Board of Adjustment, the

applicant shall pay a non-refundable fee to the City to cover the publishing and administration costs of said request, per the adopted fee schedule established in Section 165.61(5).

3. Application Notices. Upon receipt in proper form of the application, property owners within 200 feet of the property for which the change is being requested shall be notified as a courtesy.

4. Standards for Variance. The Board of Adjustment shall not vary the regulations of this chapter, as authorized in this section, unless there is evidence presented to it in each specific case that:

A. Special conditions and circumstances exist which are unique to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. Special conditions include (but are not limited to) a property owner who can show that his or her property was acquired in good faith and where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or reason of exceptional topographic conditions or other exceptional or extraordinary situations, the strict application of the terms of this chapter actually prohibit the use of the property in a manner reasonably similar to that of other property in the district.

B. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter. In other words, an unnecessary hardship would result from literal enforcement of this chapter.

C. Special conditions and circumstances do not result from the actions of the applicant.

D. Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, parcels, structures, or buildings in the same district which are owned by the same applicant.

5. Further Requirements.

A. The Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

B. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter and the Parkersburg Comprehensive Plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

C. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

D. Under no circumstances shall the Board of Adjustment grant a variance to allow for a use not permissible under the terms of this chapter in

the district involved, or any use expressly or by implication prohibited by the terms of this chapter in the district.

E. If property lines cannot be determined through existing surveys or property markers, the request must be accompanied by a certified survey.

6. Denial and Revocation of Variance.

A. Denial. No application for a variance that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of change of conditions that may be found to be valid by the Board of Adjustment.

B. Revocation. In any case where variance has not been completed within one year after the date of granting thereof, the Board shall provide notice to the applicant that the approved variance may be revoked. Said notice shall offer the applicant an opportunity to be heard by the Board of Adjustment. The Board may, after this process, revoke or extend the approved variance.

165.56 SPECIAL EXCEPTIONS.

1. Purpose. The development and administration of this chapter is based upon the division of the City into Zoning Districts, and within said districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized that there are certain uses, because of their unique characteristics, which cannot be properly classified in any particular district or districts, without special consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at those locations. Such special exceptions fall into two categories:

A. Uses publicly operated or traditionally affected with a public interest, and

B. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

2. Initiation of Special Exceptions. Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest that may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one or more of the special exceptions provided for in this chapter in the zoning district in which the land is located.

3. Application for Special Exception. An application for a special exception shall be filed with the Zoning Administrator on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by an appropriate non-refundable fee and such plans and/or data prescribed by the Board of Adjustment and shall include a statement indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City to cover the publishing and administration costs of said request, per the adopted fee schedule established in Section 165.61(5).

4. Hearing on Application. Upon receipt in proper form of the application and statement referred to in subsection 3 of this section, the Board of Adjustment shall hold at least one public hearing on the proposed special exception. Notice of time and place of such hearing shall be published not less than seven days or more than 20 days in advance of the public hearing in a newspaper of general circulation in the City. As a courtesy, and to the best of the ability of the City, property owners within 200 feet of the property for which the exception is being requested shall be notified by regular mail about the proposed action. Failure of a surrounding property owner to receive a courtesy notice shall not stay the review and consideration process.

5. Authorization. For each application for a special exception the Zoning Administrator shall prepare and file with the Board of Adjustment findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.

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

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

B. The special exception will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood.

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

D. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided, and the request will not impair an adequate supply of air or light to adjacent properties.

E. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

F. The special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment.

G. The special exception shall be consistent with the Parkersburg Comprehensive Plan and this Code of Ordinances.

7. Conditions and Guarantees. Prior to the granting of any special use, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in subsection 6 above. In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be met.

8. Denial and Revocation of Special Exception.

A. Denial. No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period

of one year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.

B. Revocation. In any case where special exception has not been established within one year after the date of granting thereof, the Board shall provide notice to the applicant that the approved exception may be revoked. Said notice shall offer the applicant an opportunity to be heard by the Board of Adjustment. The Board may, after this process, revoke or extend the approved exception.

165.57 APPEALS; INTERPRETATION OF DISTRICT MAP.

1. Appeals of Staff Interpretations and Decisions. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by a decision of the Zoning Administrator or official in enforcement of this chapter. Such appeal, by application, shall be taken to the Board within a reasonable time, but not longer than 30 days after an appeal is filed, or as prescribed by the Board's Rules of Procedure. The Zoning Administrator shall forthwith transmit to the Board all the application and all documentation constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed, that by reason of the facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board or by a court of record on application of notice to the Zoning Administrator and due cause shown. In exercising the above-mentioned powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper and to that end will have the powers of the Zoning Administrator. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter which it is required to pass under this chapter, provided that the action of the Board shall not become effective until after the written decision or resolution of the Board, setting forth the full reason for its decision and the vote of each participating member has been recorded in the minutes. Said written decision or resolution shall be filed in the office of the Zoning Administrator and shall be open to public inspection.

2. Interpretation of District Map. Where the application of the rules for interpretation of district boundaries contained in Section 165.09 leaves a reasonable doubt to the boundary between two zoning districts, the Board of Adjustment, after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purposes of this chapter.

3. Appeals of Board of Adjustment Decisions. Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of said decision, in the manner provided by the laws of the state and particularly by the *Code of Iowa*.

165.58 PLANNING AND ZONING COMMISSION.

1. Creation. The Planning and Zoning Commission of the City, as established under the applicable provisions of the *Code of Iowa*, is the Planning and Zoning Commission referred to in this chapter.
2. Membership. The Planning and Zoning Commission shall consist of five members, who are residents, to be appointed for staggered terms of five years. Said Planning and Zoning Commission shall consist of persons who are qualified by knowledge or experience to act in matters pertaining to the development of city planning and who shall not hold any elective office in the municipal government or be a member of the Board of Adjustment or City staff. Members shall be appointed by the Mayor, subject to the approval of the City Council. Vacancies shall be filled by appointments for unexpired terms only. All members of the Commission shall serve without compensation except for actual expenses, which shall be subject to the approval of the City Council. Immediately following their appointment, the members of the Planning and Zoning Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with this Code of Ordinances and State laws. The Commission shall keep written records of its proceedings, which shall be filed with the Zoning Administrator and City Clerk and open at all times to public inspection.
3. Powers and Duties. The Planning and Zoning Commission shall hold the following powers, discharge the following duties, and make recommendations to the City Council under this chapter. Included are the following responsibilities:
 - A. Review and make recommendations regarding the adoption or amendment of the Parkersburg Comprehensive Plan.
 - B. Review and make recommendations regarding the adoption or amendment of this chapter. This includes all amendments to the written, map, and application components of this chapter, as well as any other duties or responsibilities assigned to the Commission within this chapter.
 - C. Review and make recommendations regarding all subdivision plats, including those for re-subdivision, proposed within the City, as well as those that may be proposed within two (2) miles of the City limits, as may be established within the Parkersburg Subdivision Ordinance (Chapter 170 of this Code of Ordinances). All plats shall be reviewed in accordance with the provisions outlined in the City's subdivision ordinance, if any.
 - D. Review and make recommendations regarding the vacation of subdivisions and public rights-of-way, according to the Subdivision Ordinance, if any.
 - E. Conduct the necessary public hearings, as prescribed under the Parkersburg Comprehensive Plan, this chapter, or the *Code of Iowa*.
 - F. Review, adopt, and amend the Commission's Administrative Rules or Rules of Procedure, which govern the actions of the Commission.
 - G. Rely on the City Council to provide sufficient staffing in order to ensure that the business of the Commission is addressed in a timely fashion.

H. Review any other land use change or issue that, at the direction of the City Council, are sent to the Commission for consideration and recommendation.

Amendments made to the Parkersburg Comprehensive Plan and to this chapter shall, when directed by the City Council or an applicant, be considered by the Planning and Zoning Commission within thirty (30) days of their receipt.

165.59 ZONING ADMINISTRATOR.

1. Designation of Zoning Administrator. The Zoning Administrator shall be designated by the Mayor and the City Council.
2. Powers and Duties of the Zoning Administrator. The Zoning Administrator shall enforce this chapter and in addition shall:
 - A. Issue all building permits and collect any fees.
 - B. Process and review all applications for variances, special exceptions, and interpretation for referral to the Board of Adjustment.
 - C. Respond to complaints of alleged violations to this chapter. If after response by the Zoning Administrator the complaint remains unresolved, the issue shall be referred by the Administrator to the Mayor and City Council for resolution.
 - D. Provide applications and forms and maintain public information relative to all matters arising out of this chapter.
 - E. Process and review all applications for rezoning prior to consideration by the Planning and Zoning Commission.
 - F. Review site plans for conformance with this chapter.
 - G. Attend meetings of the Planning and Zoning Commission and the Board of Adjustment, as well as carry out duties that may be requested by both bodies.

165.60 AMENDMENTS TO ZONING ORDINANCE.

1. Procedure. The regulations, restrictions, and boundaries in this chapter may, from time to time, be amended, supplemented, changed, modified, or repealed by the City Council. No such amendments shall be made final without: (i) the applicant completing a rezoning application, unless the City is the applicant; (ii) holding a public hearing before the Planning and Zoning Commission, who shall thereafter send a recommendation to the City Council; and (iii) after a public hearing is held by the City Council and the proper ordinance amendment procedures, as required by the *Code of Iowa*, are followed by the City Council. The notice of the time and place of the hearings shall be published in a newspaper with general circulation in the City not less than seven days or more than 20 days before either of the public hearings. As a courtesy, and to the best of the ability of the City, property owners within 200 feet of the property for which the exception is being requested shall be notified by regular mail about the proposed action. Failure of a surrounding property owner to receive a courtesy notice shall not stay the review and consideration process. In no case shall the City Council hearing be held earlier than the next regularly scheduled City Council meeting after the Planning and Zoning Commission hearing. In case the Planning and Zoning Commission does not approve the change, or in the case of a

protest filed with the City Clerk against such change, signed by the owners of 20 percent or more either of the area of the lots included in such proposed change or repeal, or by the owners of 20 percent or more of the property that is located within 200 feet of the exterior boundaries of the property for which the change or repeal is proposed. Such amendments shall not be passed except by the favorable vote of three-fourths of all members of the City Council. As part of an amendment to this chapter changing land from one zoning district to another zoning district, or as part of approving a site development plan, the City Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of that hearing. The conditions must be reasonable and imposed to satisfy public needs that are directly caused by the requested change.

2. Rezoning Application. An application for rezoning shall contain the following items:

- A. The legal description and local address, if applicable, of the property to be rezoned.
- B. The present zoning classification and the zoning classification requested for the property.
- C. The existing use and proposed use of the property.
- D. The names and addresses of the owners of all property within 200 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 sketch showing the locations, dimensions, and use of the applicant's property and all property within 200 feet thereof, including streets, alleys, railroads, and other physical features.
- G. The property owner's signature.

3. Fees. Before any action is taken upon a rezoning or ordinance amendment application, as provided in this section, the applicant shall pay the Zoning Administrator a non-refundable fee, as established in Section 165.61(5). The applicant shall pay this fee to the credit of the General Revenue Fund of the City. Failure to approve the change, by either the Planning and Zoning Commission or City Council, will not be construed as any reason for refunding the fee to the applicant.

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165.61 BUILDING CONSTRUCTION; CERTIFICATES; FEES.

1. **Building Construction.** No building or structure shall hereafter be erected, constructed, reconstructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the Zoning Administrator. Said permit and the application for the permit shall contain a plot plan showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building or structure to be erected or affected, the name and address of the owner or owners of the involved lot, and such other information as may be necessary to provide for the enforcement of the Zoning Ordinance. The application and permit shall be on forms prepared by the Zoning Administrator and approved by the Council. No permit shall be issued for any construction not in compliance with this chapter. Any construction started without a permit shall be stopped immediately, and shall be subject to the remedies of Section 165.62(3).
2. **Commencement and Completion of Construction.** An applicant who is issued a zoning permit under the provisions of this chapter is bound, by acceptance of the permit, to commence the construction for which the permit is issued within six months from and after the date of issue of said permit, and is bound to finish said construction within 12 months from and after said date of issue. Failure to commence construction within six months shall cause the permit to expire. A zoning permit issued under the provisions of this chapter shall be valid for a period of 12 months from and after the date of issue of said permit. Upon expiration of a permit, the holder shall make a new application for a new permit under the provisions of this chapter and shall otherwise go through the same procedure as required for issuance of the original zoning permit. The fee for the second permit, as in the case of the original permit fee, shall be set by resolution by the City Council.
3. **Structure Standards.** The following standards shall apply to all structures and all construction for which building permits are issued on or after the effective date of the Zoning Ordinance.
 - A. All dwellings shall be affixed to a permanent foundation system in accordance with building construction standards.
 - B. All structures shall comply with all requirements of this chapter, including all requirements contained in the definitions of Section 165.06, including, without limitation, the definitions of “dwellings,” “fence,” and “screening”; all bulk requirements; and all other provisions of this chapter.
4. **Certificate of Occupancy.** No change in the use or occupancy of land — or any change in use or occupancy in an existing building — shall be made, nor shall any new building be occupied for any purpose or use, until a certificate of occupancy has been issued by the Zoning Administrator. Every certificate of occupancy shall state that the new occupancy complies, or upon completion will comply, with the provisions of this chapter.
5. **Applications and Nonrefundable Fees.** The Zoning Administrator is instructed to issue permits upon proper, approved applications under this chapter, and charge a nonrefundable fee as determined by the City Council and adopted by resolution. Said fees shall not be prorated. If the City initiates any of the actions

listed below, the City shall not be required to pay the corresponding fee. Applicable fees include, but are not limited to, the following.

- A. Zoning Map Amendment (Rezoning Requests) or Ordinance Text Amendment Requests.
- B. Variance Requests.
- C. Special Exception Requests.
- D. Appeals of Staff Interpretations and Decisions.
- E. Home Occupations and Home Industry Requests (Initial and Renewal).
- F. Sign Permit Requests.
- G. Zoning Permit Requests.
- H. Fence Permit Requests.

165.62 VIOLATIONS AND LEGAL REMEDIES PROVISIONS.

1. Notice to Violators. If the Zoning Administrator finds that any provision of this chapter is being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter or by this Code of Ordinances to insure compliance with or to prevent violation of its provisions.

2. Responsibility. The owners, or tenant, 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 of this chapter may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

3. City Remedies. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the City may, in addition to other remedies, seek injunctive relief, commence a municipal infraction action, mandamus, or other appropriate lawful action necessary to prevent, correct, abate such violation. A violation of this chapter shall constitute a municipal infraction, a civil offense punishable by a civil penalty, order of abatement and the entry of a judgment for costs of abatement or correction, pursuant to Section 364.22 of the *Code of Ordinances*. Any construction started without a permit or which does not comply with this Code of Ordinances shall be removed immediately. The City Council may, without limitation, provide for the abatement of such infraction, and may pursue any combination of remedies available. Each day that a violation is continued shall constitute a separate violation.

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