

# CHAPTER 165

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## GENERAL PROVISIONS AND DEFINITIONS

**165.01 PURPOSE.** The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, safety, and general welfare in the City of Jefferson, Iowa, as identified on the City of Jefferson District Map.

**165.02 APPLICATION OF DISTRICT REGULATIONS.** The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
2. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
3. No yard or lot existing as of the effective date of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by these regulations.
4. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.
5. All structures existing, as of the effective date of this chapter and which comply with the terms and conditions of this chapter, shall be considered lawful and be allowed to continue and exist.

**165.03 OFFICIAL ZONING MAP.** The City shall be divided into districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, shall be adopted by ordinance. The map shall be known as the Official Zoning Map.

1. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 165.03 of Ordinance No. \_\_\_\_\_ of the City of Jefferson, Iowa," together with the date of adoption.
2. If, in accordance with the provisions of this chapter and Chapter 414, Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be

entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: "By official action of the City Council, the following changes were made to the Official Zoning Map." (Indicating the changes by ordinance numbers and date of publication.)

3. No amendment of these regulations which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

**165.04 ANNEXATION OF NEW LAND.** Any land annexed to the City after the effective date of this chapter shall be zoned [HD] Holding until the Planning and Zoning Commission and City Council shall have studied the area and adopted a final zoning plan for the area in accordance with this chapter.

**165.05 REPLACEMENT OF THE OFFICIAL ZONING MAP.** In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

1. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. \_\_\_\_\_ of the City of Jefferson, Iowa."

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

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

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such center lines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.
8. Whenever the Council vacates and disposes of a street or alley, adjacent districts shall extend to the centerline of the vacation.
9. Whenever a variance exists between the Official Zoning Map and the legal description on an amendment to this chapter, the legal description applies.

**165.07 DEFINITIONS.** For purposes of this chapter, certain terms or words used herein shall be interpreted as follows. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word “shall” is mandatory; the word “may” is permissive or discretionary. The words “used or occupied” include the words “intended, designed, or arranged to be used or occupied.” The word “lot” includes the words “plot or parcel,” and the following terms shall be defined as follows:

1. Abutting – Having property or district lines in common.
2. Access – A way of approaching or entering a property from a public street.
3. Accessory Buildings – A subordinate building in excess of 120 square feet in area located on the same lot with the main building, occupied by or devoted to, an accessory use. Where an accessory building is attached to the main building in the subordinate manner, as

by a wall or roof, such accessory building shall be considered part of the main building.

4. Accessory Structure – A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

5. Accessory Use – A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

6. Adult Amusement or Entertainment Establishment – Any use which has as part of its operations amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” or which features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment including, but not limited to, the following:

A. Adult Book Stores/Video Stores – An establishment having 10% or more of its stock and trade, books, magazines, videos, DVDs and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined below, or an establishment with a segment or section devoted to the sale or display of such materials.

B. Adult Mini-Motion Picture Theater – An enclosed building with a capacity for less than fifty (50) persons used for presenting material for observation by patrons and which excludes minors by virtue of age.

C. Adult Motion Picture Theater – An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as herein defined, for observation by patrons therein.

D. Adult Photo Studio – An establishment which, on payment of a fee, provides photographic equipment and/or models for the purpose of photographing “specified anatomical areas.”

7. Adult Use – The term “adult use” shall include adult amusement or entertainment establishment, adult bookstores, adult mini-motion picture theaters, adult motion picture theaters, and adult photo studios.

8. Agriculture – The production, keeping or maintenance, for sale, lease, or personal use, of plants useful to humans, including but not limited to: forages and sod crops; grains and seed crops; excluding beef cattle, sheep, swine, horses, mules, goats, poultry or other dairy products, or any mutations or hybrids thereof including the breeding and grazing of any or all such animals, including bees and apiary products or fur animals. Trees and forest products, fruits of all kinds; vegetables; or land devoted to a soil conservation or forestry management program are permitted.
9. Agricultural Sales and Services – Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally-related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, and tree service firms.
10. Alley – A public way, other than a street, 20 feet or less in width, affording secondary means of access to abutting property.
11. Animal Feeding Operation – A confined area or structure, pen, or corral, used to fatten livestock prior to final shipment.
12. Basement – A story having part but not more than one-half (1/2) its height above grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five feet.
13. Bed and Breakfast Houses – A house or portion thereof where short-term lodging, rooms, and meals are provided. The operator shall live on the premises.
14. Board – The Board of Adjustment.
15. Boarding Houses – A building other than a hotel where, for compensation, meals and lodging are provided for four or more persons.
16. Building – Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards and not including structures or vehicles originally designed for transportation purposes.
17. Building and Zoning Official – The local official responsible for reviewing Building Permits/Certificates of Occupancy and following a determination by the Board of Adjustment for special exceptions and variances. Decisions of the official may be appealed to the Board of Adjustment. Building Permits/Certificates of Occupancy are issued by the Building and Zoning Official.

18. Building, Height of – The vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
19. Building Line – A line parallel to the curb line touching that part of a building or parking lot closest to the street.
20. Building Permit – A document signed by the Building and Zoning Official of the City of Jefferson as a condition prior to the erection, moving or adding to a structure.
21. Carport – An accessory structure made of canvas, aluminum or similar materials or any combination thereof, on movable framing for the shade and shelter of motorized vehicles and not permanently attached to a principal structure.
22. Certificate of Occupancy – A document issued by the Building and Zoning Official allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable zoning regulations.
23. Church – A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.
24. Comprehensive Plan – The adopted long-range plan intended to guide the growth and development of the community and region, including analysis, recommendations and proposals of the community's population, economy, housing, transportation, community facilities, and land use.
25. Convenience Storage – Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobbyshops, manufacturing, or commercial activity. Typical uses include mini-warehousing.
26. District – A section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.
27. Dwelling Unit – A room or group of rooms providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, or sanitation.

28. Dwelling, Multiple – A building or portion thereof designed for two or more dwelling units and occupied exclusively for residence purposes.
29. Dwelling, Single-family – A building designed as a single dwelling unit and occupied exclusively for residence purposes.
30. Elder Home – Any residential facility which meets the definition of an elder home as defined in Section 414.29 and referenced sections of the Code of Iowa.
31. Family – One or more individuals occupying a dwelling unit and living as a single household unit. Family may include up to 4, but not more than 4, persons unrelated by blood, marriage, or adoption.
32. Family Home – A community-based residential home which is licensed as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.
33. Fence – Any artificially constructed, non-living barrier of any material or combination of materials erected to enclose or screen areas of land.
34. Firearms Dealer – Any person or business engaged in the sale, lease, trade or other transfer of firearms or ammunition at wholesale or retail. Firearms dealers shall not include any person or business engaged only in the repair or maintenance of firearms.
35. Frost-Free Foundation – A foundation supporting a structure which is required to be at least forty-eight (48) inches below grade.
36. Garage – A building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired, or kept.
37. Garage, Private – A building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.
38. Garage, Public or Storage – A building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.



39. Grade – The average elevation of the finished ground at the exterior walls of the main building.

40. Hazardous Material – Any contaminant as defined in this chapter, and any hazardous chemical for which a material safety data sheet must be filed under 42 U.S.C. 11021 and 11022 as in force on the effective date of these regulations.

41. Health Care Facility – Any residential care facility, intermediate care facility, or skilled nursing facility.

A. Residential Care Facility – Any institution, place, building, or agency providing for a period exceeding 24 consecutive hours accommodation, board, personal assistance and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.

B. Intermediate Care Facility – Any institution, place, building or agency providing for a period exceeding 24 consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse.

C. Skilled Nursing Facility – Any institution, place, building, or agency providing for a period exceeding 24 consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three or more individuals not related to the administrator or owner thereof within the third degree of consanguinity who by reason of illness, disease, or physical or mental infirmity require continuous nursing care services and related medical services, but do not require hospital care. The nursing care services provided must be under the direction of a registered nurse on a 24 hour per day basis.

42. Health Salon – A facility or portion of a facility designed and/or equipped for the conduct of sports, exercise or physical training or other customary recreational activities, whether for profit or non-profit, which can be opened only to bona fide members or guests of the organization,

or open to the public, including but not limited to gyms, dance studios and aerobic exercise facilities.

43. Home Occupation – Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in a resident's dwelling unit.

44. Hospital – An institution which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding 24 hours of two or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding 24 hours of obstetrical or other medical or nursing care for two or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding 24 hours of two or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care; and shall include sanitariums or other related institutions. Provided, however, this shall not apply to hotels or other similar places that furnish only food and lodging, or either, to their guests. "Hospital" shall include, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance, pursuant to Public Law 725, 79th Congress, approved August 13, 1946.

45. Hotel – A building occupied as the more or less temporary residence of individuals who are lodged for compensation with or without meals, in which there are sleeping rooms or suites of rooms with no provision made for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.

46. Junk Yard – Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations. A junk yard shall also include auto wrecking and salvage operations, but not operations entirely enclosed within buildings.

47. Kennel (Commercial) – An establishment in which dogs or domestic animals more than six months old are housed, groomed, bred, boarded, trained, or sold.

48. Lodging House – A building originally designed for or used as single-family, two-family, or multiple-family dwelling, all or a portion

of which contains lodging rooms or rooming units which accommodate persons who are not members of the operator's family. Lodging or meals, or both, are provided for compensation. The term "lodging house" shall be construed to include: boarding house, rooming house, fraternity house, sorority house and dormitories.

49. Lot – For purposes of this chapter, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an approved public street, or on an approved private street, and may consist of:

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

50. Lot Frontage – The front of a lot shall be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section. The principal building on a lot shall front on a street.

51. Lot Measurements –

- A. Width of a lot shall be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building line; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line or front property line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of a cul-de-sac where 80% requirement shall not apply.
- B. Depth of a lot shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

52. Lot of Record – A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

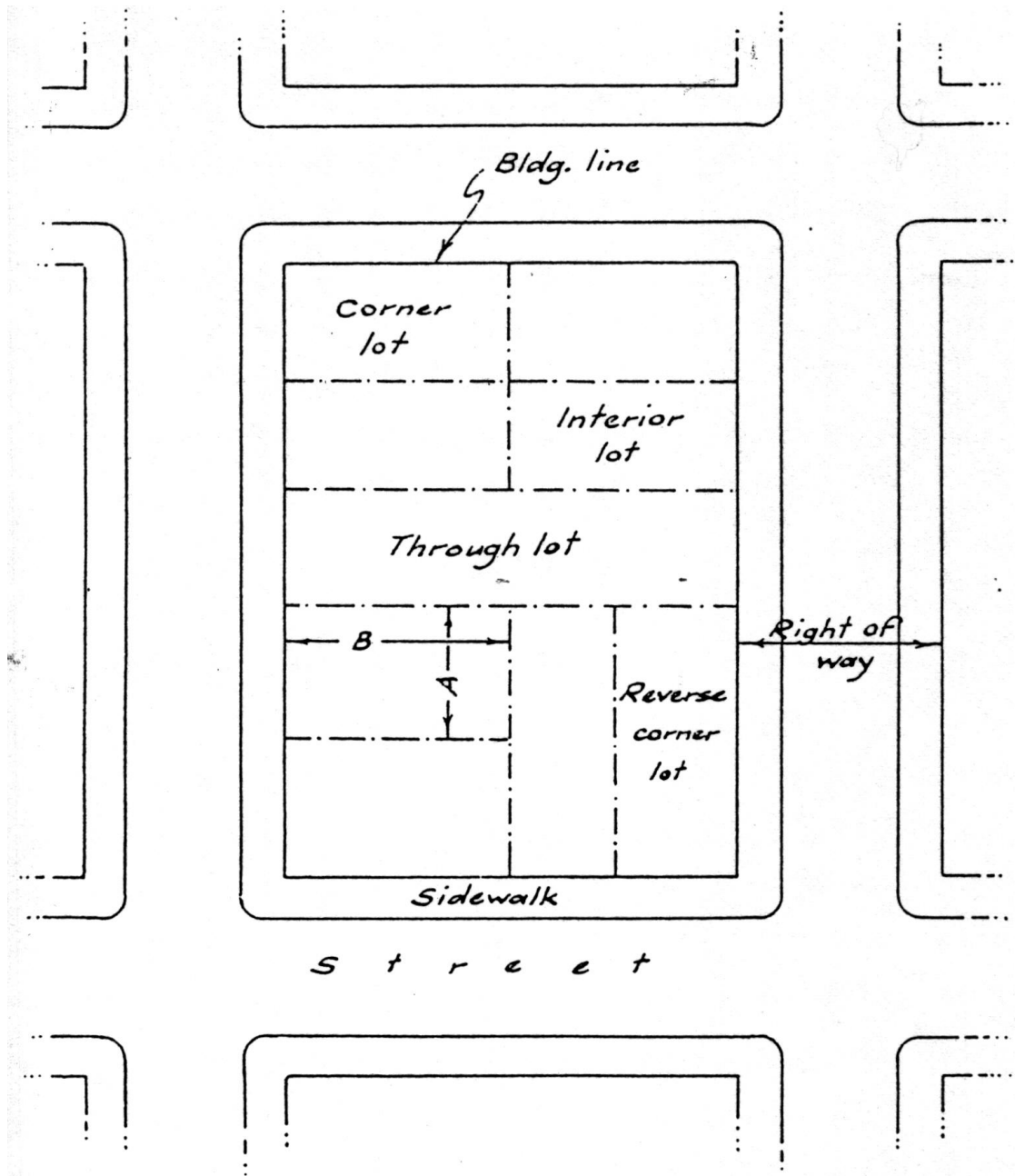
53. Lot Types – The chart on the following page illustrates terminology used in this chapter with reference to “corner” lots, “interior” lots and “through” lots as follows:

“Corner” Lot – a lot located at the intersection of two or more streets.

“Interior” Lot – a lot other than a corner lot with only one frontage on a street other than an alley.

“Through” Lot – a lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two nonintersecting streets may be referred to as “through” lots. On through lots the required front yard shall be provided on both streets.

**LOT TYPES**



54.     **Manufactured Home** – A manufactured home shall be located and installed according to the same standards, including but not limited to, a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. A manufactured home is a factory-built structure, which 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 or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. A mobile home as defined in Section 435.1 of the Code of Iowa is not a manufactured home, unless it has been converted to real property as provided in Section 435.26 of the Code of Iowa, and shall be taxed as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.

55.     **Mobile Home** – Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term “mobile home” shall include camp car and house car.

56.     **Mobile Home Park** – A parcel of land under one ownership that has been planned and improved for the placement of two or more mobile homes.

57.     **Motel (Also Motor Hotel, Motor Court, Motor Lodge, or Tourist Court)** – A building or group of buildings designed to provide sleeping accommodations to transient guests for compensation, and provides near each guest room a parking space for the guest’s vehicle. A swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.

58.     **Nonconformities** – Lots, structures, uses of land and structures, or characteristics of uses, which are prohibited under the terms of the Zoning Regulations but were lawful at the date of enactment of these regulations.

59.     **Parking Space** – An area of not less than 180 square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.

60.     **Permitted Use** – A use by right which is specifically authorized in a particular zoning district.

61. Planning and Zoning Commission – A Commission referred to as the Commission or Planning and Zoning Commission appointed by the Council to recommend the boundaries of the various districts and appropriate regulations and restrictions to be enforced through this chapter and as granted powers under Chapter 414 of the Code of Iowa.
62. Porch – A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.
63. Preschool/Child Care Center – An establishment providing for the care, supervision and protection of children for a fee.
64. Principal Use – The main use of land or structures as distinguished from an accessory use.
65. Projections (into yards) – Parts of buildings such as architectural features that extend beyond the building's exterior wall.
66. Remodeling – Any improvement to the exterior of a building, even though not involving structural alteration, new construction or enlargement which affects the building appearance.
67. Retail Sales – Sale or rental of commonly used goods and merchandise for personal or household use. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and hand-crafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories (excluding service and installation).
68. School, Elementary or Secondary (High School) – Any building or part thereof, whether public or private, which is designed, constructed, or used for instruction in elementary or secondary (high school) education.
69. Service Station (Gas Station) – A building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefor, or where battery, tire or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.

70. Setback – The required distance between every structure and lot line on the lot in which it is located.

71. Sign – Any object, device, display, or structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. This definition does not include signs less than twelve square feet in size for advertising the sale or lease of real estate, national or state flags or their emblem or insignia, interior window displays, athletic scoreboards, or the official announcements or signs of government.

72. Signs, On-Premises – An advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted or products sold on the property upon which they are located.

73. Signs, Off-Premises – An advertising device including the supporting structure which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include: On-premises signs, directional or other official sign or signs which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.)

74. Signs, Portable – Any sign that is not permanently affixed to a building, structure, or the ground.

75. Signs, Real Estate – A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

76. Special Exception – A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the Zoning Regulations and authorized by the Board of Adjustment.

77. Specified Anatomical Areas – Less than completely and opaquely covered human genitalia, pubic region, buttocks; and a female breast below a point above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

78. Specified Sexual Activities – Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse,



or sodomy; fondling or other erotic touching or undraped human genitals, pubic region, buttock, or female breast.

79. Statement of Intent – A statement preceding regulations for individual districts, intended to characterize the districts and their legislative purpose.

80. Story – That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused under-floor space is more than six feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement cellar or unused under-floor space shall be considered a story.

81. Story, Half – A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.

82. Street – All property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.

83. Street Line – The right-of-way line of a street.

84. Structural Alteration – Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

85. Structure – Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.

86. Terrace/Deck/Patio – A level, landscaped, and/or surfaced area, directly adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.

87. Use – The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

88. Variance – A device used by the Board of Adjustment which grants a property owner relief from certain provisions of these zoning regulations when the result would be an opportunity for improved zoning and planning which would benefit the community.

89. Warehousing – Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants.

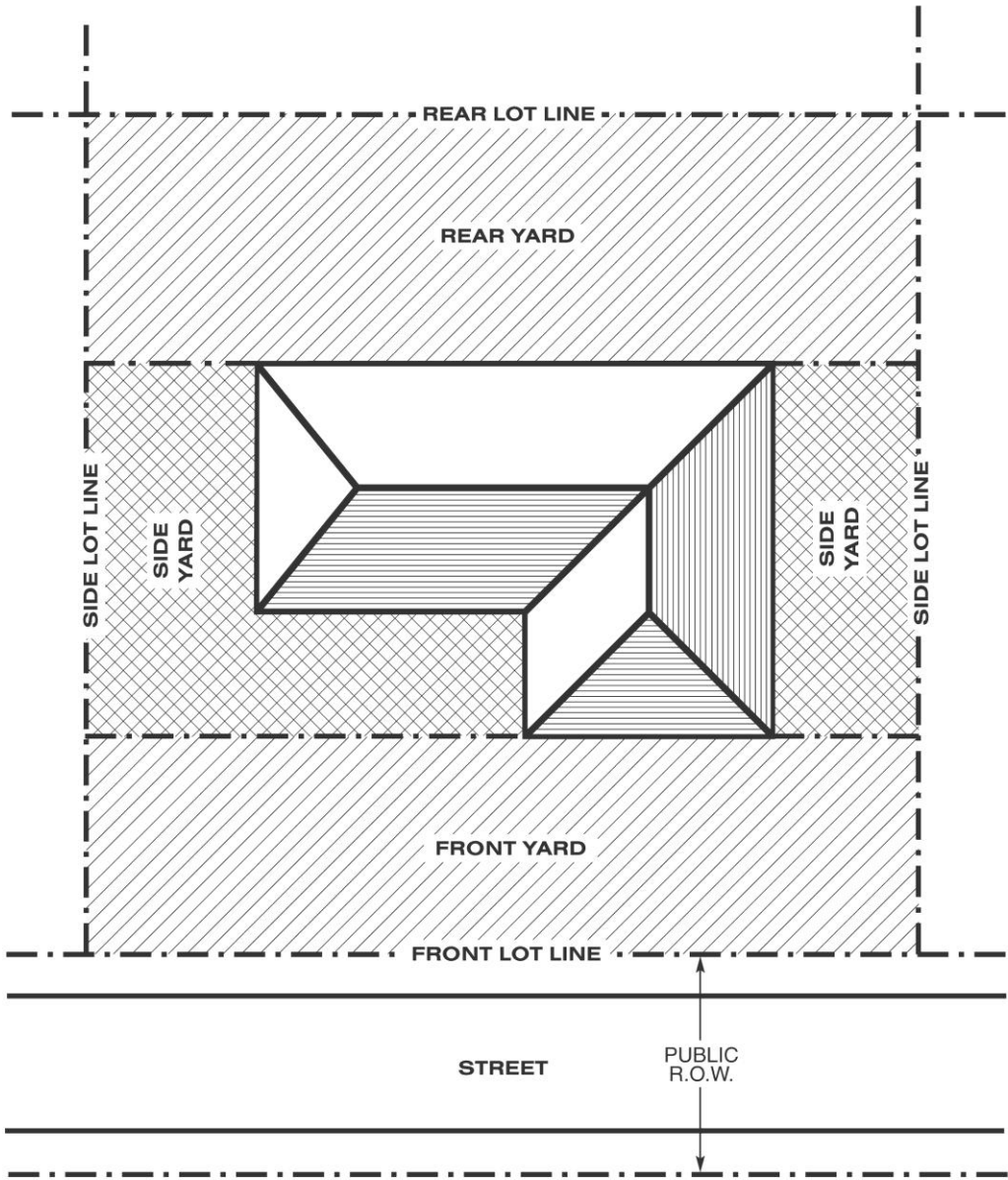
90. Yard – An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein. (See chart.)

91. Yard, Front – A yard extending across the width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. Corner lots shall have two front yards and two side yards. (See chart.)

92. Yard, Rear – A yard measured from the rear lot line to the building or any projections other than steps, unenclosed balconies or unenclosed porches. On interior lots the rear yard shall be the opposite end of the lot from the front yard. (See chart.)

93. Yard, Side – A yard extending from the front yard to the rear yard and measured between the side lot lines and the building. (See chart.)

CHART-YARD



94. Zoning District – A section the City designated in the text of the Zoning Regulations and delineated on the Official Zoning Map in which requirements for the use of land, the building and development standards are prescribed. Within each district, all requirements are uniform.

95. Zoning Map or Official Zoning Map – The map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Regulations.

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**NONCONFORMITIES**

**165.10 NONCONFORMITIES.** Within the districts established by this chapter there exist:

1. lots,
2. structures,
3. uses of land and structures, and
4. characteristics of use,

which were lawful before these regulations were adopted or amended, but which are prohibited, regulated, or restricted under the terms of this chapter or future amendments. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Further, nonconformities shall not be enlarged upon, expanded or extended, except in conformity with the following rules. Nonconformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

**165.11 NONCONFORMING LOTS OF RECORD.** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of the chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both. Variance of yard requirements shall be obtained only through the action of the Board of Adjustment.

**165.12 NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY).** Where at the time of adoption of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars (\$1,000.00), the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
3. If any such nonconforming use of land ceases for any reason for a period of 12 consecutive months or 18 months during any 3-year period, then any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
4. No additional structure shall be erected in connection with such nonconforming use of land.

**165.13 NONCONFORMING STRUCTURES.** Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of these regulations by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity, but any structure or portion thereof may be altered as long as its nonconformity is not increased and provided that the structure encroaches no closer than 2 feet from any lot line.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost at time of destruction, it shall not be reconstructed unless granted a special exception by the Board of Adjustment, and then, such reconstruction shall only be allowed on the same perimeter location. Reconstruction shall begin within six months and be completed within 18 months.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. If an accessory building is nonconforming because its exterior materials are not the same as that of the principal building on the lot, such accessory building may in the following limited circumstances be enlarged pursuant to a special exception granted by the Board of Adjustment:
  - A. The enlargement may be made only as a replacement of another accessory building on the lot that has been destroyed and removed and which was in good and sound condition before its destruction;
  - B. The area of the enlargement shall not exceed an amount equal to the lesser of (i) 50% of the square footage of the accessory building being enlarged and (ii) the square footage of the other accessory building being replaced;
  - C. The enlargement shall be compatible with the accessory building being enlarged with respect to building materials, design and character;
  - D. The enlargement must be completed within 18 months of the destruction of the other accessory building;
  - E. Only one enlargement may be made to an accessory building; and
  - F. The accessory building being enlarged must be in good and sound condition and shall in all respects comply with applicable zoning regulations, and the enlargement shall not increase its nonconformity for any other reason.

**164.14 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.** If lawful use involving individual structures with a replacement cost of one thousand dollars (\$1,000.00) or more, or of structure and land in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of these regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged or extended, except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, any nonconforming use of a structure, or structure and land, may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Such finding shall only be granted as a Special Exception by the Board of Adjustment.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for 12 consecutive months or 18 months during any 3-year period (except when government action impedes access to the premises) the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. When nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the use of the structure and/or land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 60 percent of the replacement cost at time of destruction.
7. If damage is less than 60% of the replacement cost, reconstruction of the structure housing the nonconformity shall begin within six months of the time of destruction or the nonconforming status shall expire. Said construction shall also be completed within 18 months of the time of destruction or the nonconforming status shall expire. After reconstruction, the amount of space devoted to the said nonconforming use shall not be any greater than the area devoted to said use prior to destruction.

**165.15 REPAIRS AND MAINTENANCE.** On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, provided that the cubic content of the building as it existed at the time of adoption or amendment of this chapter shall not be increased.

**165.16 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NONCONFORMING USES.** Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

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**DISTRICT REGULATIONS**

**165.20 DISTRICTS ESTABLISHED.** The City is herewith divided into the following districts:

HD – Holding District

CN – Conservation District

RS – Residential Single-Family District, subdivided into:

RS-6

RS-8

RS-10

RM – Residential Multi-Family District, subdivided into:

RM-1

RM-2

RM-3

RM-4

MH – Manufactured Housing District

HC – Highway Commercial District

CBC – Central Business Commercial District

LI – Light Industrial District

HI – Heavy Industrial District

PUD – Planned Unit Development

These districts are established as identified on the Official Zoning Map which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be part of this chapter.

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**165.22 HD – HOLDING DISTRICT.****INTENT**

1. This district is intended to provide for areas in which agriculture and related uses are encouraged as the principal use of land. However, uses which may be offensive to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic or physical appearance or other similar factors are not permitted. The district prohibits urban density residential use until these areas may be served by utilities and services of the City. This district is also intended to preserve land suited for eventual development into other uses, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the City is preserved. All newly annexed areas to the City will automatically be placed into this district classification unless otherwise suitably classified.

**PERMITTED USES**

2. The following uses are permitted in the HD District:
- A. Agriculture, including farm dwellings and other usual agricultural buildings and structures.
  - B. Home occupations, except those specifically prohibited within the district.
  - C. Agricultural services.

**EXCLUDED USES**

3. The following uses are prohibited within the HD District:
- A. Animal feeding operations.

**ACCESSORY USES**

4. Uses of land or structure customarily incidental and subordinate to a permitted use in the HD District including, but not limited to, the following:
- A. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
  - B. Private garages, barns and other farm buildings.

- C. Roadside stands not exceeding four hundred (400) square feet of floor area offering for sale only agricultural products or other products produced on the premises.
- D. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
- E. Solar collectors.
- F. Radio and television receiving antennas.

#### **SPECIAL EXCEPTIONS**

5. Certain uses may be permitted in the HD District subject to specific conditions and requirements as may be imposed by the Board of Adjustment which are intended to make them compatible with and acceptable to adjacent uses.

- A. Cemeteries, crematories or mausoleums.
- B. Commercial kennels.
- C. Greenhouses and nurseries.
- D. Publicly operated sanitary landfills.
- E. Private recreational camps, golf courses and recreational facilities.
- F. Public or private utility substations, relay stations, etc.
- G. Churches or accessory facilities.
- H. Publicly owned and operated buildings and facilities.
- I. Railroad tracks but no other facility.
- J. Bed and breakfasts, subject to the following:
  - (1) They shall be in compliance with applicable state laws including Iowa Department of Health, maintaining a guest list, and providing a smoke detector in each sleeping room.
  - (2) Such uses shall be an incidental use with an owner-occupied principal dwelling structure.
  - (3) Off-street parking requirements shall be one space per guest room and shall be in addition to parking requirements for the residence.
  - (4) Meals shall be limited to breakfast, which is prepared in a common facility (household kitchen). Meals

may be served only to overnight registered guests and cooking is not permitted in the sleeping rooms.

K. Telecommunications towers and wireless communication facilities, subject to the following requirements:

(1) A minimum distance of 300 feet from the telecommunications tower to any residentially zoned or used property measured from the base of the telecommunications tower to the property line.

(2) A minimum distance of one-half ( $\frac{1}{2}$ ) mile between telecommunications towers measured from the base of one telecommunications tower to the base of another, except when an existing antenna support structure is used to co-locate a wireless communication facility.

(3) Building permit shall include documented Federal Communications Commission (FCC) approval prior to permit issuance.

(4) The maximum height for telecommunications towers and wireless communications facilities shall not exceed 100 feet for single users or 200 feet for two or more users. When such structure is located in an airport approach zone, Federal Aviation Administration approval will be required prior to permit issuance.

(5) The tower shall be constructed in a manner that will make it inaccessible for unauthorized persons to climb.

(6) All approvals for wireless communication facilities shall be in effect only while the facilities are being operated on a continual basis. When the use is replaced or discontinued for a period of twelve months, the approvals will lapse, and the operator or property owner shall be required to remove the facility and all associated equipment and restore the property to its original or otherwise acceptable condition, subject to the approval of the Building and Zoning Official. The tower owner shall give notice to the Building and Zoning Official of intent to discontinue use of a tower on the day that notice is given to the FCC.

(7) Prior to receiving a building permit for construction of the wireless communication facility, the applicant shall provide:

(a) Documentation supplied to the Building and Zoning Official sufficient to demonstrate that the tower owner has the obligation under the governing lease to dismantle and remove the tower upon abandonment.

(b) For placement into the Wireless Communication Facility Removal Account established with the City Clerk's Office the adequate amount of an irrevocable cash deposit to cover the cost of removal of the tower. The adequate amount shall be thirty dollars (\$30.00) per foot of height for camouflage structures and one hundred dollars (\$100.00) per foot of height for monopole, lattice, or guyed towers. An account shall be established for removal of towers constructed under this chapter, refundable up to the amount of deposit plus the appropriate allocation of interest earned in the account as determined by the City Clerk, and upon restoration of the site to its previous condition as determined by the Building and Zoning Official.

(c) In lieu of the cash deposit described above, a permit may be issued with the submission of a removal bond of the same amount and in the form acceptable to the City Clerk.

L. Special Signs. The following special signs may be permitted; however, they shall be placed behind a setback line, shall not exceed three feet in height, and shall not be placed in a 30-foot triangle at a street intersection or a five-foot triangle at the intersection of a driveway with a street.

(1) Non-electrical public service signs which give only directions "in and out" or signs which provide only information about directing people to ancillary facilities such as parking, entrance, etc.

(2) Non-electrical signs, including bulletin boards, which are not over 20 square feet in area for public, educational, charitable, fraternal or religious institutions when the same are located on the premises of such institution.

(3) Non-electrical signs denoting only the name and profession/business of an occupant in a commercial building, public institutional building or dwelling house and not exceeding two square feet in area.

(4) A single non-electrical sign denoting the architect, engineer or contractor when placed upon work under construction and not exceeding 32 square feet in area.

(5) Non-electrical memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other non-combustible materials.

(6) Entry pillars at street entry to identify area, not more than 30 inches square. The name plate shall consist of an area not to exceed 20 inches square per pillar.

#### **PERFORMANCE STANDARDS**

6. The following performance standards shall apply to the uses indicated. They shall be supplemental to and in addition to other provisions applying to the property.

A. Residential Dwelling Standards. Residential dwelling standards are subject to all of the following requirements:

(1) The minimum width of the main body of any dwelling shall not be less than 20 feet, as measured across the narrowest portion.

(2) All dwelling units shall provide a full frost-free perimeter foundation or pier footings. The use of pier footings shall be allowed if the system meets the support and anchorage requirements as required by the State Building Code. A certification from an engineer or architect regarding compliance is required for a pier footing system. All foundation systems must be visually compatible with any other foundation systems of surrounding residential structures.

(3) The use of flat or corrugated sheet metal for the exterior walls is prohibited.

B. Fences. Fences may be erected in required yards, provided they meet or exceed the following requirements:

(1) No barbed wire or electric fences shall be erected.

(2) No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.

(3) Fences not more than seven feet in height may be erected on any part of a lot other than in the required front yard. Fences not more than four feet in height may be located on any part of the lot. Fences exceeding these limits may be allowed by Special Exception of the Board of Adjustment.

(4) No fence or hedge more than 30% solid or more than three feet high, measured at the lot line at the intersection of the streets abutting the corner lot, may be located within 20 feet of a street line. Fences or hedges up to four feet high above grade may be located on any remaining part of a lot. Fences or hedges up to seven feet high above grade may be erected in the rear yard only.

C. Home Occupation. Home occupations shall be conducted in accordance with the following regulations:

(1) No persons other than members of the family residing on the premises shall be engaged on the premises in such occupation, except by special exception by the Board of Adjustment, but in no case shall more than two persons be employed on the premises other than members of the family residing on the premises.

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 30% of the gross floor area of the interior of the dwelling unit, calculated from the outside perimeter, shall be used in the conduct of the home occupation. Open, unenclosed porches shall not be counted in said measurement. This area restriction shall not apply to the care of children if the property otherwise qualifies as a home occupation.

(3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, except that one sign, identifying the name of the business, is allowed. The sign shall not be larger than two square feet in size, shall not be illuminated, and must be mounted flat against the building.



Advertising displays, devices, or signs visible through a window of the building shall not be allowed.

(4) No home occupation may be conducted in any accessory building, except by special exception of the Board of Adjustment.

(5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard.

(6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

(7) The following uses shall not be allowed as a home occupation:

- (a) Vehicle repair shops.
- (b) Auction houses.
- (c) Appliance repair shops.
- (d) Small engine repair.
- (e) Furniture stripping and refinishing.
- (f) Gyms, dance studios, aerobic exercise studios.
- (g) Television repair shops.
- (h) Welding shops.
- (i) Commercial kennels.
- (j) Firearms dealer.

D. Accessory Uses and Structures. The following regulations apply to accessory uses and structures:

- (1) No accessory building may be erected in any required front yard or side yard.
- (2) All accessory buildings, including decks and garages, located in the rear yard shall not occupy more than 40% of the rear yard.
- (3) No accessory building shall be used without occupancy of the principal building.
- (4) Accessory buildings are allowed in rear yards but shall not be closer than 2 feet to a lot line. However, if a garage is entered directly from an alley in a perpendicular or nearly perpendicular manner, the garage setback shall be 15 feet.
- (5) A private detached garage shall be allowable as an accessory building for the storage of private non-commercial passenger vehicles or recreational equipment.
- (6) Accessory buildings must be anchored to a concrete slab or other appropriate method as approved by the Building and Zoning Official.
- (7) Accessory buildings may not be used for dwelling purposes.
- (8) Accessory buildings shall not be allowed in any required side yard. Accessory buildings must not be located within utility and drainage easements. It is the owner's responsibility to verify the location of the property lines. Accessory buildings shall be located at least ten feet from the primary dwelling unit.
- (9) Accessory building sidewalls may not exceed the sidewall height of the principal structure or residence.
- (10) A maximum of two accessory buildings may be constructed on any one lot.
- (11) No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building, except by variance.
- (12) Exterior materials used on accessory buildings shall be the same as or of similar quality as that of the principal building. Accessory buildings shall be compatible with the principal buildings with respect to building materials, design and character.

(13) No carports are allowed.

E. Projections. Sills, belt courses, cornices, overhangs, and ornamental features may project no more than 30 inches into a required yard setback.

F. Fire Exits and Chimneys. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half feet when so placed as not to obstruct light and ventilation, may be permitted by the Building and Zoning Official.

G. Porches. Open, unenclosed porches may extend ten feet into a front yard.

H. Terraces/Decks/Patios. Terraces, decks and patios which do not extend more than six inches above the level of the ground may project into a required yard, provided these projections are at least two feet from the adjacent side lot line. However, no terraces, decks or patios above six inches shall extend into the front yard.

I. Driveways. Driveways shall conform to the prescribed standards within the City's Engineering and Design Standards (SUDAS Regulations).

### **BULK REGULATIONS**

7. The following requirements shall provide for light and air around permitted uses and buildings in the HD District:

<b>Minimum Lot Area</b>	<b>Minimum Lot Width (feet)</b>	<b>Minimum Front Setback (feet)</b>	<b>Minimum Side Setback (feet)</b>	<b>Minimum Rear Setback (feet)</b>	<b>Maximum Height (the lesser of)</b>
2 acres	150	50	10	30	3 stories or 60 feet

### **OFF-STREET PARKING**

8. The following off-street parking requirements shall apply in the HD District:

A. Dwellings – two parking spaces on the lot for each living unit in the building.

B. Churches – one parking space on the lot for each five seats in the main auditorium.

- C. Public Buildings and Facilities – one parking space for each 300 square feet of gross floor area or one parking space for each five seats in the main assembly area.
- D. Roadside Stands – one parking space for each 50 square feet of enclosed floor area.
- E. Greenhouses and Nurseries – one parking space per 1,000 square feet of enclosed floor area.

Except in conjunction with a legal nonconforming business it is unlawful for any person to park, store, leave or permit the parking, storing or leaving of any commercial vehicle, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.

#### **OFF-STREET LOADING**

9. The following off-street loading requirements shall apply in the HD District:

None required.

#### **SIGNS**

10. The following sign regulations shall apply to the HD District:
- A. Off-Premises Signs. Off-premises signs are not permitted.
  - B. On-Premises Signs. On-premises signs are not permitted, except in conjunction with a Home Occupation or Special Exception or as follows:
    - (1) Temporary/Portable Signs. The following temporary/portable signs are permitted, but shall not encroach or extend over right-of-way:
      - (a) Non-electrical real estate signs advertising for sale, rent or lease only on premises, lots or tracts on which they are located. The area of such signs shall not exceed 1/10 of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area shall be permitted on a residential lot and a sign not exceeding 18 square feet shall be permitted in all other areas.
      - (b) Signs supporting a candidacy for office or urging action on any matter on the ballot of a

primary, general or special election, or city election. These signs shall not exceed 32 square feet.

(c) Other non-electric temporary/portable signs. Such signs shall be limited to two faces and no more than one sign per business. The sign shall not exceed 1/10 of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area is permitted. No sign shall exceed 32 square feet. Said signs shall not be placed on premises beyond 30 days without a 90-day interval.

(d) Special event signs notifying the public of non-commercial community events sponsored or approved by a City, County or School District. These signs shall not exceed 32 square feet.

Said signs shall not be situated:

- Above three feet of sign grade or below 12 feet of sign grade.
- Within a 30-foot triangle of the intersection of two street lines.
- Within a 15-foot triangle of the intersection of an alley and a street line.
- Within a 5-foot triangle of a designated hard surface driveway and a street line.

(2) Special signs shall be granted by Special Exception of the Board of Adjustment.

C. Public Right-of-Way. The following signs are permitted and may be placed on public right-of-way:

(1) Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs, and emblems, names, logos, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.

D. General Sign Requirements. The following requirements shall apply to all signs in the community:

(1) All signs and other outdoor advertising devices, advertising or identifying businesses or services no longer existing or offered shall be removed by the owner of the

premises within 90 days of the order of the Building and Zoning Official and that the support structure be removed within six months of the order of the Building and Zoning Official.

(2) No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

(3) No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

(4) No sign may imitate or resemble an official traffic control sign, signal or device.

(5) No sign may obscure or physically interfere with an official traffic control sign, signal or device.

(6) No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

E. Prohibited Signs. The following signs are prohibited and shall be removed within the time periods specified.

(1) Miscellaneous Signs and Posters. The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on walls of buildings, barns, sheds, trees, poles, posts, fences or other structures is prohibited and such sign shall be removed upon notice.

(2) Painted Wall Signs. Painted wall signs shall be prohibited except that existing signs may remain provided said signs are maintained. Signs which are not maintained shall be removed or renovated within 60 days upon notice. Painted wall graphics shall be permitted, however, such graphics and/or murals shall not contain any words or graphics advertising a business, product, or service.

(3) Parking of Advertising Vehicles Prohibited. No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the basic purpose of providing advertisement of

products or directing people to a business or activity located on the same premises or any other premises. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.

(4) Nuisance Signs. Signs which imitate an official traffic sign or signal or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic, street sign or signal shall be removed upon notice.

F. Nonconforming and Abandoned Signs; Maintenance. Any sign existing on the date of adoption of this chapter which does not conform with the provisions of this code is eligible for characterization as a “legal nonconforming sign” and is permitted to remain except as follows:

- (1) The sign has been removed, relocated or destroyed;
- (2) The sign has been brought into compliance with this chapter;
- (3) The sign is abandoned.

Signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of said signs. Signs deemed to be unsafe by the Building and Zoning Official shall be removed or brought into compliance immediately upon written notice. Prior to the Building and Zoning Official deeming a sign unsafe, he or she shall obtain a professional opinion from an engineer licensed in the State of Iowa stating that, in the best interest of public safety, said sign ought to be removed or otherwise brought into compliance.

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**165.24 CN – CONSERVATION DISTRICT.****INTENT**

1. This district is intended to prevent, in those areas which are subject to periodic or potential flooding, such development as would result in a hazard to health or safety or be otherwise incompatible with the public welfare. This district is also intended to provide for water conservation, erosion control, protection of wildlife habitat, protect natural erosion control, protect natural drainage ways and to generally provide for ecologically sound land use of environmentally sensitive areas.

**PERMITTED USES**

2. The following uses are permitted in the CN District:
- A. Undeveloped and unused land in its natural condition.
  - B. Public parks and recreation open space.

**ACCESSORY USES**

3. Uses of land or structure customarily incidental and subordinate to a permitted use in the CN District including, but not limited to, the following:
- A. Agriculture, exclusive of dwelling units.
  - B. Agricultural or recreational buildings or structures whose use or value would not be impaired by being flooded.
  - C. Flood control structures.
  - D. Roadside stands offering for sale only agricultural products or other products produced on the premises.
  - E. Temporary buildings for the uses incidental to construction work which buildings shall be removed upon the completion or abandonment or the construction work.

**SPECIAL EXCEPTIONS**

4. Certain uses may be permitted in the CN District subject to specific conditions and requirements as may be imposed by the Board of Adjustment which are intended to make them compatible with and acceptable to adjacent uses.
- A. Cemeteries, crematories or mausoleums.
  - B. Greenhouses and nurseries.

- C. Private recreational uses.
- D. Public or private utility substations, relay stations, etc.
- E. Publicly owned buildings and facilities.
- F. Railroad tracks but no other facility.
- G. Telecommunications towers and wireless communication facilities, subject to the following requirements:

(1) A minimum distance of 300 feet from the telecommunications tower to any residentially zoned or used property measured from the base of the telecommunications tower to the property line.

(2) A minimum distance of one-half mile between telecommunications towers measured from the base of one telecommunications tower to the base of another, except when an existing antenna support structure is used to co-locate a wireless communication facility.

(3) Building permit shall include documented Federal Communications Commission (FCC) approval prior to permit issuance.

(4) The maximum height for telecommunications towers and wireless communications facilities shall not exceed 100 feet for single users or 200 feet for two or more users. When such structure is located in an airport approach zone, Federal Aviation Administration approval will be required prior to permit issuance.

(5) The tower shall be constructed in a manner that will make it inaccessible for unauthorized persons to climb.

(6) All approvals for wireless communication facilities shall be in effect only while the facilities are being operated on a continual basis. When the use is replaced or discontinued for a period of 12 months, the approvals will lapse, and the operator or property owner shall be required to remove the facility and all associated equipment and restore the property to its original or otherwise acceptable condition, subject to the approval of the Building and Zoning Official. The tower owner shall give notice to the Building and Zoning Official of intent to discontinue use of a tower on the day that notice is given to the FCC.

(7) Prior to receiving a building permit for construction of the wireless communication facility, the applicant shall provide:

(a) Documentation supplied to the Building and Zoning Official sufficient to demonstrate that the tower owner has the obligation under the governing lease to dismantle and remove the tower upon abandonment.

(b) For placement into the Wireless Communication Facility Removal Account established with the City Clerk's Office the adequate amount of an irrevocable cash deposit to cover the cost of removal of the tower. The adequate amount shall be thirty dollars (\$30.00) per foot of height for camouflage structures and one hundred dollars (\$100.00) per foot of height for monopole, lattice, or guyed towers. An account shall be established for removal of towers constructed under this chapter, refundable up to the amount of deposit plus the appropriate allocation of interest earned in the account as determined by the City Clerk, and upon restoration of the site to its previous condition as determined by the Building and Zoning Official.

(c) In lieu of the cash deposit described above, a permit may be issued with the submission of a removal bond of the same amount and in the form acceptable to the City Clerk.

H. Special Signs. The following special signs may be permitted; however, they shall be placed behind a setback line, shall not exceed three feet in height, and shall not be placed in a 30-foot triangle at a street intersection or a five-foot triangle at the intersection of a driveway with a street:

(1) Non-electrical public service signs which give only directions "in and out" or signs which provide only information about directing people to ancillary facilities such as parking, entrance, etc.

(2) Non-electrical signs, including bulletin boards, which are not over 20 square feet in area for public, educational, charitable, fraternal or religious institutions

when the same are located on the premises of such institution.

(3) Non-electrical signs denoting only the name and profession/business of an occupant in a commercial building, public institutional building or dwelling house and not exceeding two square feet in area.

(4) A single non-electrical sign denoting the architect, engineer or contractor when placed upon work under construction and not exceeding 32 square feet in area.

(5) Non-electrical memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other non-combustible materials.

(6) Entry pillars at street entry to identify area, not more than 30 inches square. The name plate shall consist of an area not to exceed 20 inches square per pillar.

#### **PERFORMANCE STANDARDS**

5. The following performance standards shall be applied:

A. Floodway and Floodway Fringe Districts. All areas within the flood plain are subject to the City's Floodway and Floodway Fringe District regulations as adopted and which are codified as Chapter 160 in this Code of Ordinances.

B. Fences. Fences may be erected in required yards, provided they meet or exceed the following requirements:

(1) No barbed wire or electric fences shall be erected or maintained.

(2) No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.

(3) Fences not more than seven feet in height may be erected on any part of a lot other than in the required front yard. Fences not more than four feet in height may be located on any part of the lot. Fences exceeding these limits may be allowed by Special Exception of the Board of Adjustment.

(4) No fence or hedge more than 30% solid or more than three feet high, measured at the curb line at the intersection of the streets abutting the corner lot, may be

located within 20 feet of a street line. Fences or hedges up to four feet high above grade may be located on any remaining part of a lot. Fences or hedges up to seven feet high above grade may be erected in the rear yard only.

C. Accessory Uses and Structures. The following regulations apply to accessory uses and structures:

- (1) No accessory building may be erected in any required front yard or side yard.
- (2) All accessory buildings, including decks and garages, located in the rear yard shall not occupy more than 40% of the rear yard.
- (3) No accessory building shall be used without occupancy of the principal building.
- (4) Accessory buildings are allowed in rear yards but shall not be closer than 2 feet to a lot line. However, if a garage is entered directly from an alley in a perpendicular or nearly perpendicular manner, the garage setback shall be 15 feet.
- (5) A private detached garage shall be allowable as an accessory building for the storage of private non-commercial passenger vehicles or recreational equipment.
- (6) Accessory buildings must be anchored to a concrete slab or other appropriate method as approved by the Building and Zoning Official.
- (7) Accessory buildings may not be used for dwelling purposes.
- (8) Accessory buildings shall not be allowed in any required side yard. Accessory buildings must not be located within utility and drainage easements. It is the owner's responsibility to verify the location of the property lines. Accessory buildings shall be located at least ten feet from the primary dwelling unit.
- (9) Accessory building sidewalls may not exceed the sidewall height of the principal structure or residence.
- (10) A maximum of two accessory buildings may be constructed on any one lot of record.

(11) No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building, except by variance.

(12) Exterior materials used on accessory buildings shall be the same as or of similar quality as that of the principal building. Accessory buildings shall be compatible with the principal buildings with respect to building materials, design and character.

D. Projections. Sills, belt courses, cornices, overhangs, and ornamental features may project no more than 30 inches into a required yard setback.

E. Fire Exits and Chimneys. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half feet when so placed as not to obstruct light and ventilation, may be permitted by the Building and Zoning Official.

F. Driveways. Driveways shall conform to the prescribed standards within the City's Engineering and Design Standards (SUDAS Regulations).

### **BULK REGULATIONS**

6. The following requirements shall provide for light and air around permitted uses and buildings in the CN District:

<b>Minimum Lot Area</b>	<b>Minimum Lot Width (feet)</b>	<b>Minimum Front Setback (feet)</b>	<b>Minimum Side Setback (feet)</b>	<b>Minimum Rear Setback (feet)</b>	<b>Maximum Height (the lesser of)</b>
None	None	50	15	50	2½ stories or 35 feet, excluding farm buildings

### **OFF-STREET PARKING**

7. The following off-street parking requirements shall apply in the CN District:

A. Roadside Stands – one parking space for each 50 square feet of floor area.

B. Greenhouses and Nurseries – one parking space per 1,000 square feet of enclosed floor area.

**OFF-STREET LOADING**

8. The following off-street loading requirements shall apply in the CN District:

None required.

**SIGNS**

9. The following sign regulations shall apply to the CN District:

- A. Off-Premises Signs. Off-premises signs are not permitted.
- B. On-Premises Signs. On-premises signs are not permitted, except in conjunction with a Special Exception or as follows:

(1) Temporary/Portable Signs. The following temporary/portable signs are permitted, but shall not encroach or extend over right-of-way.

(a) Non-electrical real estate signs advertising for sale, rent or lease only on premises, lots or tracts on which they are located. The area of such signs shall not exceed 1/10 of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area shall be permitted on a residential lot and a sign not exceeding 18 square feet shall be permitted in all other areas.

(b) Signs supporting a candidacy for office or urging action on any matter on the ballot of a primary, general or special election, or city election. These signs shall not exceed 32 square feet.

(c) Other non-electrical temporary/portable signs. Such signs shall be limited to two faces and no more than one sign per business. The sign shall not exceed 1/10 of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area is permitted. No sign shall exceed 32 square feet. Said signs shall not be placed on premises beyond 30 days without a 90-day interval.

(d) Special event signs notifying the public of non-commercial community events sponsored or

approved by a City, County or School District.  
These signs shall not exceed 32 square feet.

Said signs shall not be situated:

- Above three feet of sign grade or below 12 feet of sign grade.
- Within a 30-foot triangle of the intersection of two street lines.
- Within a 15-foot triangle of the intersection of an alley and a street line.
- Within a five-foot triangle of a designated hard surface driveway and a street line.

(2) Special signs shall be granted by Special Exception of the Board of Adjustment.

C. Public Right-of-Way. The following signs are permitted and may be placed on public right-of-way:

(1) Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs, and emblems, names, logos, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.

D. General Sign Requirements. The following requirements shall apply to all signs in the community:

(1) All signs and other outdoor advertising devices, advertising or identifying businesses or services no longer existing or offered shall be removed by the owner of the premises within 90 days of the order of the Building and Zoning Official, and the support structure shall be removed within six months of the order of the Building and Zoning Official.

(2) No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

(3) No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

(4) No sign may imitate or resemble an official traffic control sign, signal or device.

(5) No sign may obscure or physically interfere with an official traffic control sign, signal or device.



(6) No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

E. Prohibited Signs. The following signs are prohibited and shall be removed within the time periods specified.

(1) Miscellaneous Signs and Posters. The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on walls of buildings, barns, sheds, trees, poles, posts, fences or other structures is prohibited and such sign shall be removed upon notice.

(2) Painted Wall Signs. Painted wall signs shall be prohibited except that existing signs may remain provided said signs are maintained. Signs which are not maintained shall be removed or renovated within 60 days upon notice. Painted wall graphics shall be permitted, however, such graphics and/or murals shall not contain any words or graphics advertising a business, product, or service.

(3) Parking of Advertising Vehicles Prohibited. No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premises. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.

(4) Nuisance Signs. Signs which imitate an official traffic sign or signal or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic, street sign or signal shall be removed upon notice.

F. Nonconforming and Abandoned Signs; Maintenance. Any sign existing on the date of adoption of this chapter which does

not conform with the provisions of this code, is eligible for characterization as a “legal nonconforming sign” and is permitted to remain except as follows:

- (1) The sign has been removed, relocated or destroyed;
- (2) The sign has been brought into compliance with this chapter;
- (3) The sign is abandoned.

Signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of said signs. Signs deemed to be unsafe by the Building and Zoning Official shall be removed or brought into compliance immediately upon written notice. Prior to the Building and Zoning Official deeming a sign unsafe, he or she shall obtain a professional opinion from an engineer licensed in the State of Iowa stating that, in the best interest of public safety, said sign ought to be removed or otherwise brought into compliance.

[The next page is 111]

**165.26 RS – RESIDENTIAL SINGLE-FAMILY DISTRICT.****INTENT**

1. This district is intended to provide for a variety of single-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Low and medium population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various single-family residential areas of the City.

**PERMITTED USES**

2. The following uses are permitted in the RS District:
- A. Single-family detached dwellings.
  - B. Two-family dwelling units (duplexes) in existence at the time of adoption of these regulations. No new duplexes shall be permitted in the RS district after these regulations are adopted.
  - C. Family homes (no such home shall be within ¼ mile of any other family home).
  - D. Elder homes (no such home shall be within ¼ mile of any other elder home).
  - E. Home occupations, except those specifically prohibited within the district.

**ACCESSORY USES**

3. Uses of land or structure customarily incidental and subordinate to a permitted use in the RS District including, but not limited to, the following:
- A. Private garages (subject to accessory building requirements).
  - B. Private recreational facilities (subject to accessory building requirements).
  - C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
  - D. Solar collectors.
  - E. Private radio and television receiving antennas.

**SPECIAL EXCEPTIONS**

4. Certain uses may be permitted in the RS District subject to specific conditions and requirements as may be imposed by the Board of Adjustment which are intended to make them compatible with and acceptable to adjacent uses.

- A. Preschools and child care centers.
- B. Public or private utility substations, relay stations, etc.
- C. Churches.
- D. A facility which is on the National Register of Historic Places.
- E. Publicly owned and operated buildings and facilities.
- F. Private schools that are accredited by the State of Iowa with a curriculum similar to public schools.
- G. Golf courses but not miniature courses or separate driving tees.
- H. Railroad tracks but no other facility.
- I. Telecommunications towers and wireless communication facilities, subject to the following requirements:
  - (1) A minimum distance of 300 feet from the telecommunications tower to any residentially zoned or used property measured from the base of the telecommunications tower to the property line.
  - (2) A minimum distance of one-half mile between telecommunications towers measured from the base of one telecommunications tower to the base of another, except when an existing antenna support structure is used to co-locate a wireless communication facility.
  - (3) Building permit shall include documented Federal Communications Commission (FCC) approval prior to permit issuance.
  - (4) The maximum height for telecommunications towers and wireless communications facilities shall not exceed 100 feet for single users or 200 feet for two or more users. When such structure is located in an airport approach zone, Federal Aviation Administration approval will be required prior to permit issuance.

(5) The tower shall be constructed in a manner that will make it inaccessible for unauthorized persons to climb.

(6) All approvals for wireless communication facilities shall be in effect only while the facilities are being operated on a continual basis. When the use is replaced or discontinued for a period of 12 months, the approvals will lapse, and the operator or property owner shall be required to remove the facility and all associated equipment and restore the property to its original or otherwise acceptable condition, subject to the approval of the Building and Zoning Official. The tower owner shall give notice to the Building and Zoning Official of intent to discontinue use of a tower on the day that notice is given to the FCC.

(7) Prior to receiving a building permit for construction of the wireless communication facility, the applicant shall provide:

(a) Documentation supplied to the Building and Zoning Official sufficient to demonstrate that the tower owner has the obligation under the governing lease to dismantle and remove the tower upon abandonment.

(b) For placement into the Wireless Communication Facility Removal Account established with the City Clerk's Office the adequate amount of an irrevocable cash deposit to cover the cost of removal of the tower. The adequate amount shall be thirty dollars (\$30.00) per foot of height for camouflage structures and one hundred dollars (\$100.00) per foot of height for monopole, lattice, or guyed towers. An account shall be established for removal of towers constructed under this chapter, refundable up to the amount of deposit plus the appropriate allocation of interest earned in the account as determined by the City Clerk, and upon restoration of the site to its previous condition as determined by the Building and Zoning Official.

(c) In lieu of the cash deposit described above, a permit may be issued with the submission of a removal bond of the same amount and in the form acceptable to the City Clerk.

J. Special Signs. The following special signs are permitted; however, they shall be placed behind a setback line, shall not exceed three feet in height, and shall not be placed in a 30-foot triangle at a street intersection or a five-foot triangle at the intersection of a driveway with a street:

(1) Non-electrical public service signs which give only directions “in and out” or signs which provide only information about directing people to ancillary facilities such as parking, entrance, etc.

(2) Non-electrical signs, including bulletin boards, which are not over 20 square feet in area for public, educational, charitable, fraternal or religious institutions when the same are located on the premises of such institution.

(3) Non-electrical signs denoting only the name and profession/business of an occupant in a commercial building, public institutional building or dwelling house and not exceeding two square feet in area.

(4) A single non-electrical sign denoting the architect, engineer or contractor when placed upon work under construction and not exceeding 32 square feet in area.

(5) Non-electrical memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other non-combustible materials.

(6) Entry pillars at street entry to identify area, not more than 30 inches square. The name plate shall consist of an area not to exceed 20 inches square per pillar.

#### **PERFORMANCE STANDARDS**

5. The following performance standards shall apply to the RS District:

A. Special Sales Uses. Special sales, including garage sales, porch sales, basement sales, moving sales, estate sales, or similar activities, shall be operated not more than three days in the same month or more than six days in the same year.

B. Residential Dwelling Standards. Residential dwellings are subject to the following requirements:

(1) The minimum width of any dwelling shall not be less than 20 feet, as measured across the narrowest portion.

(2) All dwelling units shall provide a full frost-free perimeter foundation or pier footings. The use of pier footings shall be allowed if the system meets the support and anchorage requirements as required by the State Building Code. A certification from an engineer or architect regarding compliance is required for a pier footing system. All foundation systems must be visually compatible with any other foundation systems of surrounding residential structures.

(3) The use of flat or corrugated sheet metal for the exterior walls is prohibited.

C. Fences. Fences may be erected in required yards, provided they meet or exceed the following requirements:

(1) No barbed wire or electric fences shall be erected.

(2) No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.

(3) Fences not more than seven feet in height may be erected on any part of a lot other than in the required front yard. Fences not more than four feet in height may be located on any part of the lot. Fences exceeding these limits may be allowed by Special Exception of the Board of Adjustment.

(4) No fence or hedge more than 30% solid or more than three feet high, measured at the lot line at the intersection of the streets abutting the corner lot, may be located within 20 feet of a street line. Fences or hedges up to four feet high above grade may be located on any remaining part of a lot. Fences or hedges up to seven feet high above grade may be erected in the rear yard only.

D. Home Occupation. Home occupations shall be conducted in accordance with the following regulations:

(1) No persons other than members of the family residing on the premises shall be engaged on the premises in such occupation, except by special exception by the Board of Adjustment, but in no case shall more than two persons be employed on the premises other than members of the family residing on the premises.

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 30% of the gross floor area of the interior of the dwelling unit, calculated from the outside perimeter, shall be used in the conduct of the home occupation. Open, unenclosed porches shall not be counted in said measurement. This area restriction shall not apply to the care of children if the property otherwise qualifies as a home occupation.

(3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, except that one sign, identifying the name of the business, is allowed. The sign shall not be larger than two square feet in size, shall not be illuminated, and must be mounted flat against the building. Advertising displays, devices, or signs visible through a window of the building shall not be allowed.

(4) No home occupation may be conducted in any accessory building, except by special exception of the Board of Adjustment.

(5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard.

(6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

(7) The following uses shall not be allowed as a home occupation:

- (a) Vehicle repair shops.
- (b) Auction houses.
- (c) Appliance repair shops.



- (d) Small engine repair.
- (e) Furniture stripping and refinishing.
- (f) Health salons, gyms, dance studios, aerobic exercise studios.
- (g) Television repair shops.
- (h) Welding shops.
- (i) Commercial kennels.
- (j) Firearms dealer.

E. Accessory Uses and Structures. The following regulations apply to accessory uses and structures:

- (1) No accessory building may be erected in any required front yard or side yard.
- (2) All accessory buildings, including decks and garages, located in the rear yard shall not occupy more than 40% of the rear yard.
- (3) No accessory building shall be used without occupancy of the principal building.
- (4) Accessory buildings are allowed in rear yards but shall not be closer than 2 feet to a lot line. However, if a garage is entered directly from an alley in a perpendicular or nearly perpendicular manner, the garage setback shall be 15 feet.
- (5) A private detached garage shall be allowable as an accessory building for the storage of private non-commercial passenger vehicles or recreational equipment.
- (6) Accessory buildings must be anchored to a concrete slab or other appropriate method as approved by the Building and Zoning Official.
- (7) Accessory buildings may not be used for dwelling purposes.
- (8) Accessory buildings shall not be allowed in any required side yard. Accessory buildings must not be located within utility and drainage easements. It is the owner's responsibility to verify the location of the property lines. Accessory buildings shall be located at least ten feet from the primary dwelling unit.

- (9) Accessory building sidewalls may not exceed the sidewall height of the principal structure or residence.
  - (10) A maximum of two accessory buildings may be constructed on any one lot.
  - (11) No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building, except by variance.
  - (12) Exterior materials used on accessory buildings shall be the same as or of similar quality as that of the principal building. Accessory buildings shall be compatible with the principal buildings with respect to building materials, design and character.
  - (13) No carports are allowed.
- F. Projections. Sills, belt courses, cornices, overhangs, and ornamental features may project no more than 30 inches into a required yard setback.
- G. Fire Exits and Chimneys. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half feet when so placed as not to obstruct light and ventilation, may be permitted by the Building and Zoning Official.
- H. Porches. Open, unenclosed porches may extend ten feet into a front yard.
- I. Terraces/Decks/Patios. Terraces, decks and patios which do not extend more than six inches above the level of the ground may project into a required yard, provided these projections are distant at least two feet from the adjacent side lot line. However, no terraces, decks or patios above six inches shall extend into the front yard.
- J. Driveways. Driveways shall conform to the prescribed standards within the City's Engineering and Design Standards (SUDAS Regulations).

**BULK REGULATIONS**

6. The following requirements shall provide for light and air around permitted residential uses and buildings in the RS District:

<b>Zoning Symbol</b>	<b>Minimum Lot Area (square feet)</b>	<b>Minimum Lot Width (feet)</b>	<b>Minimum Front Setback (feet)</b>	<b>Minimum Side Setback (feet)</b>	<b>Minimum Rear Setback (feet)</b>	<b>Maximum Height (the lesser of)</b>
RS-6	6,000	60	30	6	30	2½ stories or 35 feet
RS-8	8,000	60	30	6	30	2½ stories or 35 feet
RS-10	10,000	80	30	10	30	2½ stories or 35 feet

**OFF-STREET PARKING**

7. The following off-street parking requirements shall apply in the RS District:

A. Dwellings – two parking spaces on the lot for each living unit in the building. For dwellings not consisting of living units – two parking spaces on the lot for each 1,000 square feet of floor area.

B. Churches – one parking space on the lot for each five seats in the main auditorium.

C. Public Buildings and Facilities – one parking space for each 300 square feet of gross floor area or one parking space for each five seats in the main assembly area.

D. Elementary, Junior High and Equivalent Private or Parochial Schools – one parking space for each classroom and office plus one parking space for each 300 square feet of gross floor area in the auditorium or gymnasium.

E. Senior High Schools and Equivalent Private or Parochial Schools – one parking space for each employee and one parking space for each ten students.

F. Colleges, Universities, Institutions of Higher Learning, and Equivalent Private or Parochial Schools – one parking space for each employee and one parking space for each five students.

G. Public Buildings and Facilities – one parking space for each 300 square feet of gross floor area.

H. Preschools/Child Care Centers – one parking space per employee.

No parking spaces are permitted in the required front or side yard except for portions of the front yard necessary for hard-surfaced driveways or as otherwise provided in this chapter.

#### **OFF-STREET LOADING**

8. The following off-street loading requirements shall apply in the RS District:

None required.

#### **SIGNS**

9. The following sign regulations shall apply to the RS District:

A. Off-Premises Signs. Off-premises signs are not permitted.

B. On-Premises Signs. On-premises signs are not permitted, except in conjunction with a Home Occupation or Special Exception or as follows:

(1) Temporary/Portable Signs. The following temporary/portable signs are permitted, but shall not encroach or extend over right-of-way.

(a) Non-electrical real estate signs advertising for sale, rent or lease only on premises, lots or tracts on which they are located. The area of such signs shall not exceed one-tenth of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area shall be permitted on a residential lot and a sign not exceeding 18 square feet shall be permitted in all other areas.

(b) Signs supporting a candidacy for office or urging action on any matter on the ballot of a primary, general or special election, or city election. These signs shall not exceed 32 square feet.

(c) Other non-electrical temporary/portable signs. Such signs shall be limited to two faces and

no more than one sign per business. The sign shall not exceed one-tenth of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area is permitted. No sign shall exceed 32 square feet. Said signs shall not be placed on premises beyond 30 days without a 90-day interval.

(d) Special event signs notifying the public of non-commercial community events sponsored or approved by a City, County or School District. These signs shall not exceed 32 square feet.

Said signs shall not be situated:

- Above three feet of sign grade or below 12 feet of sign grade.
- Within a 30-foot triangle of the intersection of two street lines.
- Within a 15-foot triangle of the intersection of an alley and a street line.
- Within a five-foot triangle of a designated hard surface driveway and a street line.

(2) Special signs shall be granted by Special Exception of the Board of Adjustment.

C. Public Right-of-Way. The following signs are permitted and may be placed on public right-of-way:

(1) Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs, and emblems, names, logos, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.

D. General Sign Requirements. The following requirements shall apply to all signs in the community:

(1) All signs and other outdoor advertising devices, advertising or identifying businesses or services no longer existing or offered shall be removed by the owner of the premises within 90 days of the order of the Building and Zoning Official, and the support structure shall be removed within six months of the order of the Building and Zoning Official.

(2) No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

(3) No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

(4) No sign may imitate or resemble an official traffic control sign, signal or device.

(5) No sign may obscure or physically interfere with an official traffic control sign, signal or device.

(6) No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

E. Prohibited Signs. The following signs are prohibited and shall be removed within the time periods specified.

(1) Miscellaneous Signs and Posters. The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on walls of buildings, barns, sheds, trees, poles, posts, fences or other structures is prohibited and such sign shall be removed upon notice.

(2) Painted Wall Signs. Painted wall signs shall be prohibited except that existing signs may remain provided said signs are maintained. Signs which are not maintained shall be removed or renovated within 60 days upon notice. Painted wall graphics shall be permitted, however, such graphics and/or murals shall not contain any words or graphics advertising a business, product, or service.

(3) Parking of Advertising Vehicles Prohibited. No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premises. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.

(4) Nuisance Signs. Signs which imitate an official traffic sign or signal or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic, street sign or signal shall be removed upon notice.

F. Nonconforming and Abandoned Signs; Maintenance. Any sign existing on the date of adoption of this chapter which does not conform with the provisions of this code, is eligible for characterization as a “legal nonconforming sign” and is permitted to remain except as follows:

- (1) The sign has been removed, relocated or destroyed;
- (2) The sign has been brought into compliance with this chapter;
- (3) The sign is abandoned.

Signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of said signs. Signs deemed to be unsafe by the Building and Zoning Official shall be removed or brought into compliance immediately upon written notice. Prior to the Building and Zoning Official deeming a sign unsafe, he or she shall obtain a professional opinion from an engineer licensed in the State of Iowa stating that, in the best interest of public safety, said sign ought to be removed or otherwise brought into compliance.

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**165.28 RM – RESIDENTIAL MULTI-FAMILY DISTRICT.****INTENT**

1. This district is intended to provide for a variety of multi-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Medium and high population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various multi-family residential areas of the City.

**PERMITTED USES**

2. The following uses are permitted in the RM District:
- A. Single-family detached dwellings.
  - B. Multi-family dwellings (as per Bulk Regulations).
  - C. Home occupations, except those specifically prohibited within the district.
  - D. Family homes.
  - E. Elder homes (no two such homes shall be within one-quarter mile of any other elder home).

**ACCESSORY USES**

3. Uses of land or structure customarily incidental and subordinate to a permitted use in the RM District including, but not limited to, the following:
- A. Private garages.
  - B. Parking lots.
  - C. Private recreational facilities.
  - D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
  - E. Solar collectors.
  - F. Private radio and television receiving antennas.

**SPECIAL EXCEPTIONS**

4. Certain uses may be permitted in the RM District subject to specific conditions and requirements as may be imposed by the Board of Adjustment which are intended to make them compatible with and acceptable to adjacent uses.

- A. Preschools and child care centers.
- B. Public or private utility substations, relay stations, etc.
- C. Churches and publicly owned and operated buildings and facilities.
- D. Facilities which are on the National Register of Historic Places.
- E. Private schools that are accredited by the State of Iowa with curriculum similar to public schools.
- F. Lodging houses, dormitories, fraternities and sororities.
- G. Bed and breakfasts, subject to the following requirements:
  - (1) They shall be in compliance with applicable state laws including Iowa Department of Health, maintaining a guest list, and providing a smoke detector in each sleeping room.
  - (2) Such uses shall be an incidental use with an owner-occupied principal dwelling structure.
  - (3) Off-street parking requirements shall be one space per guest room and shall be in addition to parking requirements for the residence.
  - (4) Meals shall be limited to breakfast, which is prepared in a common facility (household kitchen). Meals may be served only to overnight registered guests and cooking is not permitted in the sleeping rooms.
- H. Health care facilities.
- I. Hospitals.
- J. Golf courses but not miniature courses or separate driving ranges or driving tees.
- K. Railroad tracks but no other facility.
- L. Telecommunications towers and wireless communication facilities, subject to the following requirements:

- (1) A minimum distance of 300 feet from the telecommunications tower to any residentially zoned or used property measured from the base of the telecommunications tower to the property line.
- (2) A minimum distance of one-half mile between telecommunications towers measured from the base of one telecommunications tower to the base of another, except when an existing antenna support structure is used to co-locate a wireless communication facility.
- (3) Building permit shall include documented Federal Communications Commission (FCC) approval prior to permit issuance.
- (4) The maximum height for telecommunications towers and wireless communications facilities shall not exceed 100 feet for single users or 200 feet for two or more users. When such structure is located in an airport approach zone, Federal Aviation Administration approval will be required prior to permit issuance.
- (5) The tower shall be constructed in a manner that will make it inaccessible for unauthorized persons to climb.
- (6) All approvals for wireless communication facilities shall be in effect only while the facilities are being operated on a continual basis. When the use is replaced or discontinued for a period of 12 months, the approvals will lapse, and the operator or property owner shall be required to remove the facility and all associated equipment and restore the property to its original or otherwise acceptable condition, subject to the approval of the Building and Zoning Official. The tower owner shall give notice to the Building and Zoning Official of intent to discontinue use of a tower on the day that notice is given to the FCC.
- (7) Prior to receiving a building permit for construction of the wireless communication facility, the applicant shall provide:
  - (a) Documentation supplied to the Building and Zoning Official sufficient to demonstrate that the tower owner has the obligation under the governing lease to dismantle and remove the tower upon abandonment.

(b) For placement into the Wireless Communication Facility Removal Account established with the City Clerk's Office the adequate amount of an irrevocable cash deposit to cover the cost of removal of the tower. The adequate amount shall be thirty dollars (\$30.00) per foot of height for camouflage structures and one hundred dollars (\$100.00) per foot of height for monopole, lattice, or guyed towers. An account shall be established for removal of towers constructed under this chapter, refundable up to the amount of deposit plus the appropriate allocation of interest earned in the account as determined by the City Clerk, and upon restoration of the site to its previous condition as determined by the Building and Zoning Official.

(c) In lieu of the cash deposit described above, a permit may be issued with the submission of a removal bond of the same amount and in the form acceptable to the City Clerk.

M. Special Signs. The following special signs are permitted; however, they shall be placed behind a setback line, shall not exceed three feet in height, and shall not be placed in a 30-foot by 30-foot triangle at a street intersection or a five-foot by five-foot triangle at the intersection of a driveway with a street:

(1) Non-electrical public service signs which give only directions "in and out" or signs which provide only information about directing people to ancillary facilities such as parking, entrance, etc.

(2) Non-electrical signs, including bulletin boards, which are not over 20 square feet in area for public, educational, charitable, fraternal or religious institutions when the same are located on the premises of such institution.

(3) Non-electrical signs denoting only the name and profession/business of an occupant in a commercial building, public institutional building or dwelling house and not exceeding two square feet in area.

- (4) A single non-electrical sign denoting the architect, engineer or contractor when placed upon work under construction and not exceeding 32 square feet in area.
- (5) Non-electrical memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other non-combustible materials.
- (6) On multiple dwellings only, there may be one dimly lighted script name place sign per premises, attached to the building, with letters that will not exceed 24 inches in height. Wall signs shall be one square foot or less per linear foot of the main building facing the street frontage. The sign shall be attached to the main building and not project more than 12 inches from the building exterior and shall not be directly lit.
- (7) Entry pillars at street entry to identify area, not more than 30 inches square. The name plate shall consist of an area not to exceed 20 inches square per pillar.

#### **PERFORMANCE STANDARDS**

5. The following performance standards shall apply to the RM District:

A. Special Sales Uses. Special sales, including garage sales, porch sales, basement sales, moving sales, estate sales, or similar activities, shall be operated not more than three days in the same month or more than six days in the same year.

B. Residential Dwelling Standards. Residential dwellings are subject to the following requirements:

- (1) The minimum width of any dwelling shall not be less than 20 feet, as measured across the narrowest portion.
- (2) All dwelling units shall provide a full frost-free perimeter foundation or pier footings. The use of pier footings shall be allowed if the system meets the support and anchorage requirements as required by the State Building Code. A certification from an engineer or architect regarding compliance is required for a pier footing system. All foundation systems must be visually compatible with any other foundation systems of surrounding residential structures.

(3) The use of flat or corrugated sheet metal for the exterior walls is prohibited.

C. Fences. Fences may be erected in required yards, provided they meet or exceed the following requirements:

(1) No barbed wire or electric fences shall be erected.

(2) No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.

(3) Fences not more than seven feet in height may be erected on any part of a lot other than in the required front yard. Fences not more than four feet in height may be located on any part of the lot. Fences exceeding these limits may be allowed by Special Exception of the Board of Adjustment.

(4) No fence or hedge more than 30% solid or more than three feet high, measured at the lot line at the intersection of the streets abutting the corner lot, may be located within 20 feet of a street line. Fences or hedges up to four feet high above grade may be located on any remaining part of a lot. Fences or hedges up to seven feet high above grade may be erected in the rear yard only.

D. Home Occupation. Home occupations shall be conducted in accordance with the following regulations:

(1) No persons other than members of the family residing on the premises shall be engaged on the premises in such occupation, except by special exception by the Board of Adjustment, but in no case shall more than two persons be employed on the premises other than members of the family residing on the premises.

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 30% of the gross floor area of the interior of the dwelling unit, calculated from the outside perimeter, shall be used in the conduct of the home occupation. Open, unenclosed porches shall not be counted in said measurement. This area restriction shall not apply to the care of children if the property otherwise qualifies as a home occupation.

(3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, except that one sign, identifying the name of the business, is allowed. The sign shall not be larger than two square feet in size, shall not be illuminated, and must be mounted flat against the building. Advertising displays, devices, or signs visible through a window of the building shall not be allowed.

(4) No home occupation may be conducted in any accessory building, except by special exception of the Board of Adjustment.

(5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard.

(6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

(7) The following uses shall not be allowed as a home occupation:

- (a) Vehicle repair shops.
- (b) Auction houses.
- (c) Appliance repair shops.
- (d) Small engine repair.
- (e) Furniture stripping and refinishing.
- (f) Health salons, gyms, dance studios, aerobic exercise studios.
- (g) Television repair shops.
- (h) Welding shops.

- (i) Commercial kennels.
- (j) Firearms dealer.

E. Accessory Uses and Structures. The following regulations apply to accessory uses and structures:

- (1) No accessory building may be erected in any required front yard or side yard.
- (2) All accessory buildings, including decks and garages, located in the rear yard shall not occupy more than 40% of the rear yard.
- (3) No accessory building shall be used without occupancy of the principal building.
- (4) Accessory buildings are allowed in rear yards but shall not be closer than 2 feet to a lot line. However, if a garage is entered directly from an alley in a perpendicular or nearly perpendicular manner, the garage setback shall be 15 feet.
- (5) A private detached garage shall be allowable as an accessory building for the storage of private non-commercial passenger vehicles or recreational equipment.
- (6) Accessory buildings must be anchored to a concrete slab or other appropriate method as approved by the Building and Zoning Official.
- (7) Accessory buildings may not be used for dwelling purposes.
- (8) Accessory buildings shall not be allowed in any required side yard. Accessory buildings must not be located within utility and drainage easements. It is the owner's responsibility to verify the location of the property lines. Accessory buildings shall be located at least ten feet from the primary dwelling unit.
- (9) Accessory building sidewalls may not exceed the sidewall height of the principal structure or residence.
- (10) A maximum of two accessory buildings may be constructed on any one lot.
- (11) No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building, except by variance.



(12) Exterior materials used on accessory buildings shall be the same as or of similar quality as that of the principal building. Accessory buildings shall be compatible with the principal buildings with respect to building materials, design and character.

(13) Carports are not allowed.

F. Projections. Sills, belt courses, cornices, overhangs, and ornamental features may project no more than 30 inches into a required yard setback.

G. Fire Exits and Chimneys. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half feet when so placed as not to obstruct light and ventilation, may be permitted by the Building and Zoning Official.

H. Porches. Open, unenclosed porches may extend ten feet into a front yard.

I. Terraces/Decks/Patios. Terraces, decks and patios which do not extend more than six inches above the level of the ground may project into a required yard, provided these projections are distant at least two feet from the adjacent side lot line. However, no terraces, decks or patios above six inches shall extend into the front yard.

J. Driveways. Driveways shall conform to the prescribed standards within the City's Engineering and Design Standards (SUDAS Regulations).

**BULK REGULATIONS**

6. The following requirements shall provide for light and air around permitted residential uses and buildings in the RM District:

<b>Zoning Symbol</b>	<b>Minimum Lot Area Per Dwelling Unit (sq. ft.)</b>	<b>Maximum Units Per Building</b>	<b>Minimum Lot Area (sq. ft.)</b>	<b>Minimum Lot Width (feet)</b>	<b>Minimum Front Setback (feet)</b>	<b>Minimum Side Setback (feet)</b>	<b>Minimum Rear Setback (feet)</b>	<b>Maximum Height (feet)</b>
RM-1	1,000	None	6,000	60	20	10	20	3 stories or 45 feet
RM-2	2,000	12	6,000	60	20	10	20	3 stories or 45 feet
RM-3	3,000	8	6,000	60	20	10	20	3 stories or 45 feet
RM-4	4,000	4	6,000	60	20	10	20	3 stories or 45 feet

**OFF-STREET PARKING**

7. The following off-street parking requirements shall apply in the RM District:

- A. Single-Family Dwellings – two parking spaces on the lot.
- B. Multi-Family Dwellings – one parking space on the lot for each dwelling unit.
- C. Churches – one parking space on the lot for each five seats in the main auditorium.
- D. Elementary, Junior High and Equivalent Private or Parochial Schools – one parking space for each classroom and office plus one parking space per each 300 square feet of gross floor area in auditorium or gymnasium.
- E. Senior High Schools and Equivalent Private or Parochial Schools – one parking space for each employee and one parking space for each ten students.
- F. Colleges, Universities, Institutions of Higher Learning, and Equivalent Private or Parochial Schools – one parking space for each employee and one parking space for each five students.
- G. Public Buildings and Facilities – one parking space for each 300 square feet of gross floor area or one parking space for each five seats in the main assembly area.

H. Preschools and Child Care Centers – one parking space per employee.

No parking spaces are permitted in the required front or side yard except for portions of the front yard necessary for hard-surfaced driveways or as otherwise provided in this chapter.

Except in conjunction with a legal nonconforming business it is unlawful for any person to park, store, leave or permit the parking, storing or leaving of any commercial vehicle, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.

All parking, loading, and maneuvering and drive areas thereto shall be hard-surfaced with asphalt or concrete.

#### **OFF-STREET LOADING**

8. The following off-street loading requirements shall apply in the RM District:

None required.

#### **SIGNS**

9. The following sign regulations shall apply to the RM District:

A. Off-Premises Signs. Off-premises signs are not permitted.

B. On-Premises Signs. On-premises signs are not permitted, except in conjunction with a Home Occupation or Special Exception or as follows:

(1) Temporary/Portable Signs. The following temporary/portable signs are permitted, but shall not encroach or extend over right-of-way.

(a) Non-electrical real estate signs advertising for sale, rent or lease only on premises, lots or tracts on which they are located. The area of such signs shall not exceed one-tenth of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area shall be permitted on a residential lot and a sign not exceeding 18 square feet shall be permitted in all other areas.

(b) Signs supporting a candidacy for office or urging action on any matter on the ballot of a primary, general or special election, or city election. These signs shall not exceed 32 square feet.

(c) Other non-electrical temporary/portable signs. Such signs shall be limited to two faces and no more than one sign per business. The sign shall not exceed one-tenth of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area is permitted. No sign shall exceed 32 square feet. Said signs shall not be placed on premises beyond 30 days without a 90-day interval.

(d) Special event signs notifying the public of non-commercial community events sponsored or approved by a City, County or School District. These signs shall not exceed 32 square feet.

Said signs shall not be situated:

- Above three feet of sign grade or below 12 feet of sign grade.
- Within a 30-foot triangle of the intersection of two street lines.
- Within a 15-foot triangle of the intersection of an alley and a street line.
- Within a five-foot triangle of a designated hard surface driveway and a street line.

(2) Special signs shall be granted by Special Exception of the Board of Adjustment.

C. Public Right-of-Way. The following signs are permitted and may be placed on public right-of-way:

(1) Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs, and emblems, names, logos, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.

D. General Sign Requirements. The following requirements shall apply to all signs in the community:

- (1) All signs and other outdoor advertising devices, advertising or identifying businesses or services no longer existing or offered shall be removed by the owner of the premises within 90 days of the order of the Building and Zoning Official, and the support structures shall be removed within six months of the order of the Building and Zoning Official.
- (2) No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- (3) No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- (4) No sign may imitate or resemble an official traffic control sign, signal or device.
- (5) No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- (6) No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

E. Prohibited Signs. The following signs are prohibited and shall be removed within the time periods specified.

- (1) Miscellaneous Signs and Posters. The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on walls of buildings, barns, sheds, trees, poles, posts, fences or other structures is prohibited and such sign shall be removed upon notice.
- (2) Painted Wall Signs. Painted wall signs shall be prohibited except that existing signs may remain provided said signs are maintained. Signs which are not maintained shall be removed or renovated within 60 days upon notice. Painted wall graphics shall be permitted, however, such graphics and/or murals shall not contain any words or graphics advertising a business, product, or service.
- (3) Parking of Advertising Vehicles Prohibited. No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be

visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premises. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.

(4) Nuisance Signs. Signs which imitate an official traffic sign or signal or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic, street sign or signal shall be removed upon notice.

F. Nonconforming and Abandoned Signs; Maintenance. Any sign existing on the date of adoption of this chapter which does not conform with the provisions of this code, is eligible for characterization as a “legal nonconforming sign” and is permitted to remain except as follows:

- (1) The sign has been removed, relocated or destroyed;
- (2) The sign has been brought into compliance with this chapter;
- (3) The sign is abandoned.

Signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of said signs. Signs deemed to be unsafe by the Building and Zoning Official shall be removed or brought into compliance immediately upon written notice. Prior to the Building and Zoning Official deeming a sign unsafe, he or she shall obtain a professional opinion from an engineer licensed in the State of Iowa stating that, in the best interest of public safety, said sign ought to be removed or otherwise brought into compliance.

[The next page is 189]

**165.30 MH – MANUFACTURED HOUSING DISTRICT.****INTENT**

1. This district is intended to provide for certain medium density residential areas in the City now developed as mobile home parks which by reason of their design and location are compatible with surrounding residential areas and areas of the City where similar development seems likely to occur. This district has useful application as a transition zone between shopping areas and residential areas and is normally located along thoroughfares where direct access to the site is available.

**PERMITTED USES**

2. The following uses are permitted in the MH District:
- A. Manufactured homes.
  - B. Home occupations, except firearms dealer.
  - C. Buildings or structures under park management supervision shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary service for park residents' use only. No accessory building or structure shall exceed 25 feet in height, or two stories; and shall meet the requirements of other applicable codes and ordinances.

**ACCESSORY USES**

3. Uses of land or structure customarily incidental and subordinate to a permitted use in the MH District including, but not limited to, the following:
- A. Private recreational facilities.
  - B. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.
  - C. Storage shed.

**SPECIAL EXCEPTIONS**

4. Certain uses may be permitted in the MH District subject to specific conditions and requirements as may be imposed by the Board of Adjustment which are intended to make them compatible with and acceptable to adjacent uses.
- A. Public or private utility substation, relay stations, etc.
  - B. Preschools and child care centers.

- C. Churches or accessory facilities.
- D. Railroad tracks but no other facility.
- E. Recreational uses.
- F. Special Signs. The following special signs are permitted; however, they shall be placed behind a setback line, shall not exceed three feet in height, and shall not be placed in a 30-foot by 30-foot triangle at a street intersection or a five-foot triangle at the intersection of a driveway with a street:

(1) One permanent, low-illuminated identification sign may be permitted at any entrance to a mobile home park. Such sign shall be of ornamental metal, stone, masonry, or other permanent material, and shall indicate only the name of such mobile home park. Such sign shall not exceed 20 square feet in surface area and the maximum height above street grade shall be as follows: such sign located on the property line shall not exceed two feet in height; however, such sign may be located in a required yard and for every three feet such sign is set back from the property line, the sign may be one foot greater in height, up to a maximum of six feet.

(2) Non-electrical public service signs which give only directions "in and out" or signs which provide only information about directing people to ancillary facilities such as parking, entrance, etc.

(3) Non-electrical signs, including bulletin boards, which are not over 20 square feet in area for public, educational, charitable, fraternal or religious institutions when the same are located on the premises of such institution.

(4) Non-electrical signs denoting only the name and profession/business of an occupant in a commercial building, public institutional building or dwelling house and not exceeding two square feet in area.

(5) A single non-electrical sign denoting the architect, engineer or contractor when placed upon work under construction and not exceeding 32 square feet in area.

(6) Non-electrical memorial signs or tablets, names of buildings and date of erection when cut into any masonry



surface or when constructed of bronze or other non-combustible materials.

(7) Entry pillars at street entry to identify area, not more than 30 inches square. The name plate shall consist of an area not to exceed 20 inches square per pillar.

#### **PERFORMANCE STANDARDS**

5. The following performance standards shall apply to the MH District:

A. Fences. Fences may be erected in required yards, provided they meet or exceed the following requirements:

- (1) No barbed wire or electric fences shall be erected.
- (2) No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.
- (3) Fences not more than seven feet in height may be erected on any part of a lot other than in the required front yard. Fences not more than four feet in height may be located on any part of the lot. Fences exceeding these heights may be allowed by Special Exception of the Board of Adjustment.
- (4) No fence or hedge more than 30% solid or more than three feet high, measured at the lot line at the intersection of the streets abutting the corner lot, may be located within 20 feet of a street line. Fences or hedges up to four feet high above grade may be located on any remaining part of a lot. Fences or hedges up to seven feet high above grade may be erected in the rear yard only.

B. Accessory Uses and Structures. The following regulations apply to accessory uses and structures:

- (1) No accessory building may be erected in any required front yard or side yard.
- (2) All accessory buildings located in the rear yard shall not occupy more than 40% of the rear yard, including decks and garages.
- (3) No accessory building shall be used without occupancy of the principal building.

- (4) Accessory buildings are allowed in rear yards but shall not be closer than 2 feet to a lot line. However, if a garage is entered directly from an alley in a perpendicular or nearly perpendicular manner, the garage setback shall be 15 feet.
  - (5) A private detached garage shall be allowable as an accessory building for the storage of private non-commercial passenger vehicles or recreational equipment.
  - (6) Accessory buildings must be anchored to a concrete slab or other appropriate method as approved by the Building and Zoning Official.
  - (7) Accessory buildings may not be used for dwelling purposes.
  - (8) Accessory buildings shall not be allowed in any required side yard. Accessory buildings must not be located within utility and drainage easements. It is the owner's responsibility to verify the location of the property lines. Accessory buildings shall be located at least ten feet from the primary dwelling unit.
  - (9) Accessory building sidewalls may not exceed the sidewall height of the principal structure or residence.
  - (10) A maximum of two accessory buildings may be constructed on any one lot.
  - (11) No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building, except by variance.
  - (12) Exterior materials used on accessory buildings shall be the same as or of similar quality as that of the principal building. Accessory buildings shall be compatible with the principal buildings with respect to building materials, design and character.
  - (13) Carports are not allowed.
- C. Projections. Sills, belt courses, cornices, overhangs, and ornamental features may project no more than 30 inches into a required yard setback.

D. Fire Exits and Chimneys. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half feet when so placed as not to obstruct light and ventilation, may be permitted by the Building and Zoning Official.

E. Porches. Open, unenclosed porches may extend ten feet into a front yard.

F. Terraces/Decks/Patios. Terraces, decks and patios which do not extend more than six inches above the level of the ground may project into a required yard, provided these projections are distant at least two feet from the adjacent side lot line. However, no terraces, decks or patios above six inches shall extend into the front yard.

G. Driveways. Driveways shall conform to the prescribed standards within the City's Engineering and Design Standards (SUDAS Regulations).

### **BULK REGULATIONS**

6. The following requirements shall provide for light and air around permitted residential uses and buildings in the MH District:

	<b>Lot Area (sq. ft.)</b>	<b>Lot Width (feet)</b>	<b>Front Setback (feet)</b>	<b>Side Setback (feet)</b>	<b>Rear Setback (feet)</b>	<b>Maximum Height (feet)</b>
Residential Uses	4,000	40	20	5	20	35
Corner Lots	6,000	60	25	7	15	35
All Other Uses	6,000	60	25	15	15	35

### **OFF-STREET PARKING**

7. The following off-street parking requirements shall apply in the MH District:

None required.

### **OFF-STREET LOADING**

8. The following off-street loading requirements shall apply in the MH District:

None required.

### SIGNS

9. The following sign regulations shall apply in the MH District:
- A. Off-Premises Signs. Off-premises signs are not permitted.
  - B. On-Premises Signs. On-premises signs are not permitted, except in conjunction with a Home Occupation or Special Exception or as follows:
    - (1) Temporary/Portable Signs. The following temporary/portable signs are permitted, but shall not encroach or extend over right-of-way.
      - (a) Non-electrical real estate signs advertising for sale, rent or lease only on premises, lots or tracts on which they are located. The area of such signs shall not exceed one-tenth of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area shall be permitted on a residential lot and a sign not exceeding 18 square feet shall be permitted in all other areas.
      - (b) Signs supporting a candidacy for office or urging action on any matter on the ballot of a primary, general or special election, or city election. These signs shall not exceed 32 square feet.
      - (c) Other non-electrical temporary/portable signs. Such signs shall be limited to two faces and no more than one sign per business. The sign shall not exceed one-tenth of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area is permitted. No sign shall exceed 32 square feet. Said signs shall not be placed on premises beyond 30 days without a 90-day interval.
      - (d) Special event signs notifying the public of non-commercial community events sponsored or approved by a City, County or School District. These signs shall not exceed 32 square feet.

Said signs shall not be situated:

- Above three feet of sign grade or below 12 feet of sign grade.
- Within a 30-foot triangle of the intersection of two street lines.
- Within a 15-foot triangle of the intersection of an alley and a street line.
- Within a five-foot triangle of a designated hard surface driveway and a street line.

(2) Special signs shall be granted by Special Exception of the Board of Adjustment.

C. Public Right-of-Way. The following signs are permitted and may be placed on public right-of-way:

(1) Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs, and emblems, names, logos, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.

D. General Sign Requirements. The following requirements shall apply to all signs in the community:

(1) All signs and other outdoor advertising devices, advertising or identifying businesses or services no longer existing or offered shall be removed by the owner of the premises within 90 days of the order of the Building and Zoning Official, and the support structures shall be removed within six months of the order of the Building and Zoning Official.

(2) No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

(3) No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

(4) No sign may imitate or resemble an official traffic control sign, signal or device.

(5) No sign may obscure or physically interfere with an official traffic control sign, signal or device.

(6) No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental

subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

E. Prohibited Signs. The following signs are prohibited and shall be removed within the time periods specified.

(1) Miscellaneous Signs and Posters. The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on walls of buildings, barns, sheds, trees, poles, posts, fences or other structures is prohibited and such sign shall be removed upon notice.

(2) Painted Wall Signs. Painted wall signs shall be prohibited except that existing signs may remain provided said signs are maintained. Signs which are not maintained shall be removed or renovated within 60 days upon notice. Painted wall graphics shall be permitted, however, such graphics and/or murals shall not contain any words or graphics advertising a business, product, or service.

(3) Parking of Advertising Vehicles Prohibited. No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premises. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.

(4) Nuisance Signs. Signs which imitate an official traffic sign or signal or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic, street sign or signal shall be removed upon notice.

F. Nonconforming and Abandoned Signs; Maintenance. Any sign existing on the date of adoption of this chapter which does not conform with the provisions of this code, is eligible for characterization as a "legal nonconforming sign" and is permitted to remain except as follows:

(1) The sign has been removed, relocated or destroyed;

- (2) The sign has been brought into compliance with this chapter;
- (3) The sign is abandoned.

Signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of said signs. Signs deemed to be unsafe by the Building and Zoning Official shall be removed or brought into compliance immediately upon written notice. Prior to the Building and Zoning Official deeming a sign unsafe, he or she shall obtain a professional opinion from an engineer licensed in the State of Iowa stating that, in the best interest of public safety, said sign ought to be removed or otherwise brought into compliance.

#### **APPLICATION PROCEDURES**

10. The following information shall be shown on the development plan or submitted in writing with it. All applications shall be approved, denied or amended and approved by the City Council after recommendation by the Planning and Zoning Commission.

- A. The name of the proposed mobile home park.
- B. Names, addresses and telephone numbers of the developer or his representative.
- C. Location of the mobile home park, giving the subdivision and lot numbers.
- D. A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding intended for subsequent development.
- E. Allocation map showing the relationship of the proposed development and the adjacent tracts.
- F. The present land use and existing zoning of the proposed development and the adjacent tracts.
- G. Interior streets, street, street names, right-of-way and roadway widths.
- H. All lot lines and open spaces with dimensions shown.
- I. Topographic contours shall be shown on the plan at five-foot intervals where slope is greater than ten percent and two foot intervals where slope is ten percent or less.

- J. Delineation of all improvements required in this section.

#### **STAGING OF DEVELOPMENT**

11. Any MH District plan proposed to be constructed in stages shall include the following:

- A. Full details relating thereto shall be provided and the City Council may approve or modify any proposals when necessary.
- B. The staging shall include the time for beginning and completion of each stage.
- C. The landowner or developer shall make such easements, covenants, or other arrangements and shall furnish such performance bond for other security as may be determined by the City Council to be reasonably required to assume performance in accordance with the plan and to protect the public interest in the event of abandonment of the plan before completion.

#### **ADMINISTRATIVE PROCEDURE**

12. The following administrative procedures shall apply to the MH District:

- A. The general procedure for application review and action on an MH District shall be according to the following outline:

- (1) A concept plan at the option of the applicant may be submitted to the Planning and Zoning Commission for their review which indicates the general concept of the developer.
- (2) An application, filing fee, and two copies of the full plan shall be submitted to the Building and Zoning Official.
- (3) The City staff, including the Building and Zoning Official and/or Public Works Director, Fire Chief, or any others necessary, shall review and provide recommendations at the Planning and Zoning Commission public hearing.
- (4) The Planning and Zoning Commission shall conduct a public hearing in which notice is provided to adjacent property owners within 150 feet, by ordinary mail, at least seven days before said hearing and shall provide public notice in a paper of general circulation at least 7 but not more than 20 days prior to said hearing.



- (5) The Planning and Zoning Commission shall forward their recommendation to the City Council.
- (6) The City Council shall hold a hearing as required and take action.

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**165.32 HC – HIGHWAY COMMERCIAL DISTRICT.****INTENT**

1. This district is intended to provide for certain areas of the City for the development of service, retail, and other non-residential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to arterial and other main thoroughfares. The district is further characterized by a typical need for larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares.

**PERMITTED USES**

2. The following uses are permitted in the HC District:
  - A. Sales and display rooms and lots, including yards for the storage or display of new or used building materials but not for any scrap or salvage operation storage or sales.
  - B. Offices and clinics.
  - C. Churches and publicly owned and operated buildings and facilities.
  - D. Hotels and motels.
  - E. Any other retail or service sales business, including food preparation for sale off-premises.
  - F. Educational institutions accredited by the State of Iowa.

**ACCESSORY USES**

3. Uses of land or structure customarily incidental and subordinate to a permitted use in the HC District including, but not limited to, the following:
  - A. Private recreational facilities.
  - B. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
  - C. Private garages.
  - D. Parking lots.
  - E. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

**SPECIAL EXCEPTIONS**

4. Certain uses may be permitted in the HC District subject to specific conditions and requirements as may be imposed by the Board of Adjustment which are intended to make them compatible with and acceptable to adjacent uses.

- A. Public or private utility substations, relay stations, etc.
- B. Warehousing.
- C. Telecommunications towers and wireless communication facilities, subject to the following requirements:

(1) A minimum distance of 300 feet from the telecommunications tower to any residentially zoned or used property measured from the base of the telecommunications tower to the property line.

(2) A minimum distance of one-half mile between telecommunications towers measured from the base of one telecommunications tower to the base of another, except when an existing antenna support structure is used to co-locate a wireless communication facility.

(3) Building permit shall include documented Federal Communications Commission (FCC) approval prior to permit issuance.

(4) The maximum height for telecommunications towers and wireless communications facilities shall not exceed 100 feet for single users or 200 feet for two or more users. When such structure is located in an airport approach zone, Federal Aviation Administration approval will be required prior to permit issuance.

(5) The tower shall be constructed in a manner that will make it inaccessible for unauthorized persons to climb.

(6) All approvals for wireless communication facilities shall be in effect only while the facilities are being operated on a continual basis. When the use is replaced or discontinued for a period of 12 months, the approvals will lapse, and the operator or property owner shall be required to remove the facility and all associated equipment and restore the property to its original or otherwise acceptable condition, subject to the approval of the Building and Zoning Official. The tower owner shall give notice to the

Building and Zoning Official of intent to discontinue use of a tower on the day that notice is given to the FCC.

(7) Prior to receiving a building permit for construction of the wireless communication facility, the applicant shall provide:

(a) Documentation supplied to the Building and Zoning Official sufficient to demonstrate that the tower owner has the obligation under the governing lease to dismantle and remove the tower upon abandonment.

(b) For placement into the Wireless Communication Facility Removal Account established with the City Clerk's Office the adequate amount of an irrevocable cash deposit to cover the cost of removal of the tower. The adequate amount shall be thirty dollars (\$30.00) per foot of height for camouflage structures and one hundred dollars (\$100.00) per foot of height for monopole, lattice, or guyed towers. An account shall be established for removal of towers constructed under this chapter, refundable up to the amount of deposit plus the appropriate allocation of interest earned in the account as determined by the City Clerk, and upon restoration of the site to its previous condition as determined by the Building and Zoning Official.

(c) In lieu of the cash deposit described above, a permit may be issued with the submission of a removal bond of the same amount and in the form acceptable to the City Clerk.

#### **PERFORMANCE STANDARDS**

5. The following performance standards shall apply in the HC District:

A. Fences. Fences may be erected in required yards, provided they meet or exceed the following requirements:

(1) No barbed wire or electric fences shall be erected.

(2) No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.

(3) Fences not more than eight feet in height may be erected on any part of a lot other than in the required front yard except any yard adjacent to a residential use. Fences exceeding this height may be allowed by Special Exception of the Board of Adjustment.

(4) No fence or hedge more than 30% solid or more than three feet high, measured at the curb line at the intersection of the streets abutting the corner lot, may be located within 20 feet of a street line. Fences or hedges up to four feet high above grade may be located on any remaining part of a lot. Fences or hedges up to seven feet high above grade may be erected in the rear yard only.

B. Accessory Uses and Structures. The following regulations apply to accessory uses and structures:

(1) No accessory building may be erected in any required front yard or side yard.

(2) All accessory buildings, including decks and garages, located in the rear yard shall not occupy more than 40% of the rear yard.

(3) No accessory building shall be used without occupancy of the principal building.

(4) Accessory buildings are allowed in rear yards but shall not be closer than 2 feet to a lot line. However, if a garage is entered directly from an alley in a perpendicular or nearly perpendicular manner, the garage setback shall be 15 feet.

(5) A private detached garage shall be allowable as an accessory building for the storage of private non-commercial passenger vehicles or recreational equipment.

(6) Accessory buildings must be anchored to a concrete slab or other appropriate method as approved by the Building and Zoning Official.

(7) Accessory buildings may not be used for dwelling purposes.

(8) Accessory buildings shall not be allowed in any required side yard. Accessory buildings must not be located within utility and drainage easements. It is the

owner's responsibility to verify the location of the property lines. Accessory buildings shall be located at least ten feet from the principal building or structure.

(9) Accessory building sidewalls may not exceed the sidewall height of the principal structure or residence.

(10) A maximum of two accessory buildings may be constructed on any one lot of record.

(11) No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building, except by variance.

(12) Exterior materials used on accessory buildings shall be the same as or of similar quality as that of the principal building. Accessory buildings shall be compatible with the principal buildings with respect to building materials, design and character.

C. Projections. Sills, belt courses, cornices, overhangs, and ornamental features may project no more than 30 inches into a required yard setback.

D. Fire Exits and Chimneys. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half (3½ feet) when so placed as not to obstruct light and ventilation, may be permitted by the Building and Zoning Official.

E. Driveways. Driveways shall conform to the prescribed standards within the City's Engineering and Design Standards (SUDAS Regulations).

### **BULK REGULATIONS**

6. The following requirements shall provide for light and air around permitted uses and buildings in the HC District.

<b>Minimum Lot Area</b>	<b>Minimum Lot Width (feet)</b>	<b>Minimum Front Setback (feet)</b>	<b>Minimum Side Setback (feet)</b>	<b>Minimum Rear Setback (feet)</b>	<b>Maximum Height (the lesser of)</b>
None	50	50	None; however, if adjacent to a Residential District, then the side yard shall be 15 feet	None; however, if adjacent to a Residential District, then the rear yard shall be 20 feet	3 stories or 45 feet

**OFF-STREET PARKING**

7. The following off-street parking requirements shall apply in the HC District:

- A. Sales and Service Buildings – one parking space per 300 square feet of gross floor area.
- B. Offices/Clinics – one parking space per 300 square feet of gross floor area.
- C. Churches – one parking space on the lot for each five seats in the main auditorium.
- D. Public Buildings and Facilities – one parking space per 300 square feet of gross floor area or one parking space for each five seats in the main assembly area.
- E. Hotels and Motels – one parking space per room plus one parking space for each employee.

No parking spaces are permitted in the required front or side yard except for portions of the front yard necessary for hard-surfaced driveways or as otherwise provided in this chapter.

All parking, loading, and maneuvering and drive areas thereto shall be hard-surfaced with asphalt or concrete.

**OFF-STREET LOADING**

8. The following off-street loading requirements shall apply in the HC District:

- A. All activities or uses allowed in the HC District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
- B. Loading shall not be permitted to block public right-of-way unless otherwise provided for in the Jefferson Municipal Code.

**SIGNS**

9. The following sign regulations shall apply to the HC District:

- A. Off-Premises Signs. Off-premises signs are permitted.
  - (1) Off-premises signs shall comply with the setbacks of the Districts they are located in, but in no case closer



than ten feet to the front lot line. No off-premises sign exceeding 32 square feet along with its supporting structure, and having a maximum of two faces, shall be located within a 300-foot radius of another off-premises sign exceeding 32 square feet.

(2) Off-premises signs are governed by State and Federal regulations along highways, and where zoning exists the new signs may be erected only in areas zoned commercial or industrial. Federal and State regulations apply to all streets.

B. On-Premises Signs. On-premises signs of the roof, wall, ground, and projecting type are permitted when meeting the following conditions:

(1) The total sign area for all types of permitted on-premises signs shall not exceed two square feet per lineal foot of street frontage.

(2) Wall signs may project as follows:

(a) One inch below eight feet above grade.

(b) Twelve inches from eight feet to 16 feet above grade.

(c) Eighteen inches above 16 feet above grade.

(d) In alleys one inch below 14 feet above grade.

(e) In alleys 12 inches between 14 feet and 16 feet above grade.

(f) In alleys 18 inches over 16 feet above grade.

(3) No wall sign may be painted directly upon a building.

(4) No wall sign may have a flashing, blinking, rotating, or moving part, except to denote public service information similar to a "time/temperature" portion, which must be at least 12 feet above grade.

(5) No wall sign may project above a roof line.

(6) Projecting signs may project to a maximum distance of five feet from a building with a maximum thickness of two feet, providing the lowest part of the sign is over 12 feet above grade.

- (7) Projecting signs may not project over public right-of-way.
- (8) Projecting signs may not project over alleys.
- (9) Projecting signs of the cantilever type are the only allowed type and there may be no more than one per business establishment.
- (10) Projecting signs may not have any flashing, blinking, rotating, or moving part, except to denote public service information similar to a “time/temperature” portion, which must be at least 12 feet above grade.
- (11) Projecting signs may not extend over three feet above the roof line of the building.
- (12) Roof signs may extend a maximum of three feet above the roof thereunder.
- (13) Roof signs may project over a roof edge less than 12 inches.
- (14) Roof signs may have no flashing, blinking, moving or rotating part.
- (15) No ground sign or supporting structure may be placed in a five-foot by five-foot triangle at the intersection of a street and a drive.
- (16) No ground sign copy area or other surface (except a supporting structure not blocking visions) shall be placed in a 30-foot by 30-foot triangle at any street intersection.
- (17) No ground sign may have a flashing, blinking, rotating or moving part may be placed below 15 feet above grade.
- (18) No ground sign may encroach upon or extend beyond the property line.
- (19) No ground sign may encroach upon or extend over a setback above three feet above grade and below 12 feet above grade except the supporting structure of a sign placed over 12 feet above grade may be placed in a required setback if it does not impair vision.
- (20) Signs may be placed on awnings or canopies and for the purpose of determining projection, clearance, height and material shall be considered a part of and meet the requirements for an awning or canopy. For purposes of

calculating permitted square footage only the copy area of the sign shall be considered.

C. Temporary/Portable Signs. The following temporary/portable signs are permitted, but shall not encroach or extend over right-of-way.

(1) Non-electrical real estate signs advertising for sale, rent or lease only on premises, lots or tracts on which they are located. The area of such signs shall not exceed one-tenth of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area shall be permitted on a residential lot and a sign not exceeding 18 square feet shall be permitted in all other areas.

(2) Signs supporting a candidacy for office or urging action on any matter on the ballot of a primary, general or special election, or City election. These signs shall not exceed 32 square feet.

(3) Other non-electrical temporary/portable signs shall be limited to two faces and no more than one sign per business. The sign shall not exceed one-tenth of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area is permitted. No sign shall exceed 32 square feet. Said signs shall not be placed on premises beyond 30 days without a 90 interval.

(4) Special event signs notifying the public of non-commercial community events sponsored or approved by a City, County or School District. These signs shall not exceed 32 square feet.

Said signs shall not be situated:

- Above three feet of sign grade or below 12 feet of sign grade.
- Within a 30-foot triangle of the intersection of two street lines.
- Within a 15-foot triangle of the intersection of an alley and a street line.
- Within a five-foot triangle of a designated hard surface driveway and a street line.

D. Public Right-of-way. The following signs are permitted and may be placed on public right-of-way:

(1) Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs, and emblems, names, logos, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.

E. General Sign Requirements. The following requirements shall apply to all signs in the community:

(1) All signs and other outdoor advertising devices, advertising or identifying businesses or services no longer existing or offered shall be removed by the owner of the premises within 90 days of the order of the Building and Zoning Official, and the support structures shall be removed within six months of the order of the Building and Zoning Official.

(2) No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

(3) No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

(4) No sign may imitate or resemble an official traffic control sign, signal or device.

(5) No sign may obscure or physically interfere with an official traffic control sign, signal or device.

(6) No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

F. Prohibited Signs. The following signs are prohibited and shall be removed within the time periods specified.

(1) Miscellaneous Signs and Posters. The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on walls of buildings, barns, sheds, trees, poles, posts, fences or other structures is prohibited and such sign shall be removed upon notice.

(2) Painted Wall Signs. Painted wall signs shall be prohibited except that existing signs may remain provided

said signs are maintained. Signs which are not maintained shall be removed or renovated within 60 days upon notice. Painted wall graphics shall be permitted, however, such graphics and/or murals shall not contain any words or graphics advertising a business, product, or service.

(3) Parking of Advertising Vehicles Prohibited. No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premises. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.

(4) Nuisance Signs. Signs which imitate an official traffic sign or signal or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic, street sign or signal shall be removed upon notice.

G. Nonconforming and Abandoned Signs; Maintenance. Any sign existing on the date of adoption of this chapter which does not conform with the provisions of this code, is eligible for characterization as a "legal nonconforming sign" and is permitted to remain except as follows:

- (1) The sign has been removed, relocated or destroyed;
- (2) The sign has been brought into compliance with this chapter;
- (3) The sign is abandoned.

Signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of said signs. Signs deemed to be unsafe by the Building and Zoning Official shall be removed or brought into compliance immediately upon written notice. Prior to the Building and Zoning Official deeming a sign unsafe, he or she shall obtain a professional opinion from an engineer licensed in the State of Iowa stating that, in the best interest of public safety,

said sign ought to be removed or otherwise brought into compliance.

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**165.34 CBC – CENTRAL BUSINESS COMMERCIAL DISTRICT.****INTENT**

1. This district is intended to accommodate the major business and office concentration in Jefferson. It is characterized further by a variety of stores and related activities which occupy the central commercial area of Jefferson. This district is intended to be the single central business district of Jefferson and is also characterized by certain mixed use structures and limited single-family residential. Bulk regulations further reflect a more in time use and development pattern.

**PERMITTED USES**

2. The following uses are permitted in the CBC District:
- A. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products.
  - B. Offices/clinics.
  - C. Hotels and motels.
  - D. Publicly owned and operated buildings and facilities including municipal or county jails, but excluding state and federal prisons, as well as excluding solid waste transfer stations.

**ACCESSORY USES**

3. Uses of land or structure customarily incidental and subordinate to a permitted use in the CBC District including, but not limited to, the following:
- A. Private garages.
  - B. Parking lots.
  - C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
  - D. Accessory uses customarily incidental to any permitted principal use.

**SPECIAL EXCEPTIONS**

4. Certain uses may be permitted in the CBC District subject to specific conditions and requirements as may be imposed by the Board of Adjustment which are intended to make them compatible with and acceptable to adjacent uses.

- A. Service stations and the sales of petroleum products.
- B. Warehousing.
- C. Preschools and child care centers.
- D. Churches or accessory facilities.
- E. Outdoor sales.
- F. Motor vehicle repair.
- G. Dwellings.
- H. Adult uses.

#### **PERFORMANCE STANDARDS**

5. The following performance standards shall apply in the CBC District:

A. Fences. Fences may be erected in required yards, provided they meet or exceed the following requirements:

- (1) No barbed wire or electric fences shall be erected.
- (2) No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.
- (3) Fences not more than seven feet in height may be erected on any part of a lot other than in the required front yard. Fences not more than four feet in height may be located on any part of the lot. Fences exceeding these heights may be allowed by Special Exception of the Board of Adjustment.
- (4) No fence or hedge more than 30% solid or more than three feet high, measured at the curb line at the intersection of the streets abutting the corner lot, may be located within 20 feet of a street line. Fences or hedges up to four feet high above grade may be located on any remaining part of a lot. Fences or hedges up to seven feet high above grade may be erected in the rear yard only.

B. Accessory Uses and Structures. The following regulations apply to accessory uses and structures:

- (1) No accessory building may be erected in any required front yard or side yard.
- (2) No accessory building shall be used without occupancy of the principal building.



(3) Accessory buildings are allowed in rear yards but shall not be closer than 2 feet to a lot line. However, if a garage is entered directly from an alley in a perpendicular or nearly perpendicular manner, the garage setback shall be 15 feet.

(4) A private detached garage shall be allowable as an accessory building for the storage of private non-commercial passenger vehicles or recreational equipment.

(5) Accessory buildings must be anchored to a concrete slab or other appropriate method as approved by the Building and Zoning Official.

(6) Accessory buildings may not be used for dwelling purposes.

(7) Accessory buildings shall not be allowed in any required side yard. Accessory buildings must not be located within utility and drainage easements. It is the owner's responsibility to verify the location of the property lines. Accessory buildings shall be located at least ten feet from the principal building or structure.

(8) Accessory building sidewalls may not exceed the sidewall height of the principal structure or residence.

(9) A maximum of two accessory buildings may be constructed on any one lot of record.

(10) No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building, except by variance.

(11) Exterior materials used on accessory buildings shall be the same as or of similar quality as that of the principal building. Accessory buildings shall be compatible with the principal buildings with respect to building materials, design and character.

C. Projections. Sills, belt courses, cornices, overhangs, and ornamental features may project no more than 30 inches into a required yard setback.

D. Fire Exits and Chimneys. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half (3½ feet) when so

placed as not to obstruct light and ventilation, may be permitted by the Building and Zoning Official.

E. Driveways. Driveways shall conform to the prescribed standards within the City's Engineering and Design Standards (SUDAS Regulations).

F. Adult Uses. It is recognized that there are some uses which are recognized as having serious objectionable operational characteristics, and are not compatible with certain uses. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

(1) No adult use may be established, operated, or maintained within 500 feet of a residential district, a church, a school, or public park, as measured from the closest point of the property lines.

(2) No more than two adult uses or one adult use and one on-sale liquor establishment may be established, operated, or maintained within 500 feet of each other as measured from the closest point of the outside wall of the building or tenant space.

### **BULK REGULATIONS**

6. The following requirements shall provide for light and air around permitted uses and buildings in the CBC District:

<b>Minimum Lot Area</b>	<b>Minimum Lot Width (feet)</b>	<b>Minimum Front Setback (feet)</b>	<b>Minimum Side Setback (feet)</b>	<b>Minimum Rear Setback (feet)</b>	<b>Maximum Height (the lesser of)</b>
None	None	None	None, except if a side yard is adjacent to a Residential District, then it shall be 10 feet	None, except if a rear yard is adjacent to a Residential District, then it shall be 10 feet	3 stories or 60 feet
RS Bulk Regulations shall apply to special exception single-family dwelling uses.					
RM Bulk Regulations shall apply to special exception multi-family dwelling uses.					

**OFF-STREET PARKING**

7. The following off-street parking requirements shall apply in the CBC District:

None required.

**OFF-STREET LOADING**

8. The following off-street loading requirements shall apply in the CBC District:

- A. All activities or uses allowed in the CBC District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
- B. Loading shall not be permitted to block public right-of-way unless otherwise provided for in the Jefferson Municipal Code.

**SIGNS**

9. The following sign regulations shall apply to the CBC District:

- A. Off-Premises Signs. Off-premises signs are permitted.
  - (1) Off-premises signs shall comply with the setbacks of the Districts they are located in, but in no case closer than ten feet to the front lot line. No off-premises sign exceeding 32 square feet along with its supporting structure, and having a maximum of two faces, shall be located within a 300 foot radius of another off-premises sign exceeding 32 square feet.
  - (2) Off-premises signs are governed by State and Federal regulations along highways, and where zoning exists the new signs may be erected only in areas zoned commercial or industrial. Federal and State regulations apply to all streets.
- B. On-Premises Signs. On-premises signs, except for roof signs, are permitted.

On-premises signs of the wall, projecting and ground type are permitted when meeting the following conditions:

- (1) The total sign area for all types of permitted on-premises signs shall not exceed one and one-half square feet per lineal foot of street frontage.
- (2) Wall signs may project as follows:
  - (a) One inch below eight feet above grade.
  - (b) Twelve inches from eight feet to 16 feet above grade.
  - (c) Eighteen inches above 16 feet above grade.
  - (d) In alleys one inch below 14 feet above grade.
  - (e) In alleys 12 inches between 14 feet and 16 feet above grade.
  - (f) In alleys 18 inches over 16 feet above grade.
- (3) No wall sign may be painted directly upon a building.
- (4) No wall sign may have a flashing, blinking, rotating, or moving part, except to denote public service information similar to a “time/temperature” portion, which must be at least 12 feet above grade.
- (5) No wall sign may project above a roof line.
- (6) Projecting signs may project to a maximum distance of five feet from a building with a maximum thickness of two feet, providing the lowest part of the sign is over 12 feet above grade.
- (7) Projecting signs may project over public right-of-way, but no closer than two feet to a curb line and not to exceed two square feet.
- (8) Projecting signs may not project over alleys.
- (9) Projecting signs of the cantilever type are the only allowed type and there may be no more than one per business establishment.
- (10) Projecting signs may not have any flashing, blinking, rotating, or moving part, except to denote public service information similar to a “time/temperature” portion, which must be at least 12 feet above grade.

(11) No ground sign or supporting structure may be placed in a five-foot by five-foot triangle at the intersection of a street and a drive.

(12) No ground sign copy area or other surface (except a supporting structure not blocking visions) shall be placed in a 30-foot by 30-foot triangle at any street intersection.

(13) No ground sign may have a flashing, blinking, rotating or moving part may be placed below 15 feet above grade.

(14) No ground sign may encroach upon or extend beyond the property line.

(15) No ground sign may encroach upon or extend over a setback above three feet above grade and below 12 feet above grade except the supporting structure of a sign placed over 12 feet above grade may be placed in a required setback if it does not impair vision.

(16) No ground sign may exceed 35 feet in height.

(17) Signs may be placed on awnings or canopies and for the purpose of determining projection, clearance, height and material shall be considered a part of and meet the requirements for an awning or canopy. For purposes of calculating permitted square footage only the copy area of the sign shall be considered.

C. Temporary/Portable Signs. The following temporary/portable signs are permitted, but shall not encroach or extend over right-of-way.

(1) Non-electrical real estate signs advertising for sale, rent or lease only on premises, lots or tracts on which they are located. The area of such signs shall not exceed one-tenth of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area shall be permitted on a residential lot and a sign not exceeding 18 square feet shall be permitted in all other areas.

(2) Signs supporting a candidacy for office or urging action on any matter on the ballot of a primary, general or special election, or City election. These signs shall not exceed 32 square feet.

(3) Other non-electrical temporary/portable signs shall be limited to two faces and no more than one sign per business. The sign shall not exceed one-tenth of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area is permitted. No sign shall exceed 32 square feet. Said signs shall not be placed on premises beyond 30 days without a 90 day interval.

(4) Special event signs notifying the public of non-commercial community events sponsored or approved by a City, County or School District. These signs shall not exceed 32 square feet.

Said signs shall not be situated:

- Above three feet of sign grade or below 12 feet of sign grade.
- Within a 30-foot triangle of the intersection of two street lines.
- Within a 15-foot triangle of the intersection of an alley and a street line.
- Within a five-foot triangle of a designated hard surface driveway and a street line.

D. Public Right-of-way. The following signs are permitted and may be placed on public right-of-way:

(1) Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs, and emblems, names, logos, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.

E. General Sign Requirements. The following requirements shall apply to all signs in the community:

(1) All signs and other outdoor advertising devices, advertising or identifying businesses or services no longer existing or offered shall be removed by the owner of the premises within 90 days of the order of the Building and Zoning Official, and the support structures shall be removed within six months of the order of the Building and Zoning Official.

(2) No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

(3) No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

(4) No sign may imitate or resemble an official traffic control sign, signal or device.

(5) No sign may obscure or physically interfere with an official traffic control sign, signal or device.

(6) No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

F. Prohibited Signs. The following signs are prohibited and shall be removed within the time periods specified.

(1) Miscellaneous Signs and Posters. The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on walls of buildings, barns, sheds, trees, poles, posts, fences or other structures is prohibited and such sign shall be removed upon notice.

(2) Painted Wall Signs. Painted wall signs shall be prohibited except that existing signs may remain provided said signs are maintained. Signs which are not maintained shall be removed or renovated within 60 days upon notice. Painted wall graphics shall be permitted, however, such graphics and/or murals shall not contain any words or graphics advertising a business, product, or service.

(3) Parking of Advertising Vehicles Prohibited. No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premises. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.

(4) Nuisance Signs. Signs which imitate an official traffic sign or signal or which are of a size, location,

movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic, street sign or signal shall be removed upon notice.

G. Nonconforming and Abandoned Signs; Maintenance. Any sign existing on the date of adoption of this chapter which does not conform with the provisions of this code, is eligible for characterization as a “legal nonconforming sign” and is permitted to remain except as follows:

- (1) The sign has been removed, relocated or destroyed;
- (2) The sign has been brought into compliance with this chapter;
- (3) The sign is abandoned.

Signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of said signs. Signs deemed to be unsafe by the Building and Zoning Official shall be removed or brought into compliance immediately upon written notice. Prior to the Building and Zoning Official deeming a sign unsafe, he or she shall obtain a professional opinion from an engineer licensed in the State of Iowa stating that, in the best interest of public safety, said sign ought to be removed or otherwise brought into compliance.

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**165.36 LI – LIGHT INDUSTRIAL DISTRICT.****INTENT**

1. This district is intended to allow a variety of land uses that have industrial, commercial, entertainment or recreational value serving local populations as well as regional that have high standards of performance and that can locate in close proximity to residential and business uses. The district regulations are designed to permit the development of any manufacturing, industrial, entertainment or recreational operations which on the basis of actual physical and operational characteristics would not be detrimental to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors. All industrial operations must be in an enclosed building. No schools, colleges, hospitals, clinics, or residential uses other than hotels or motels are permitted in this district.

**PERMITTED USES**

2. The following uses are permitted in the LI District.
- A. Agriculture, including the usual agricultural buildings and structures; however, not including any residential farm dwellings.
  - B. Any nonresidential building or use which would not be hazardous, obnoxious, offensive or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke, or other air pollutants.
  - C. Storage, manufacture, compounding, processing, packing and/or treatment of products, exclusive of the rendering or refining of fats and/or oils.
  - D. Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials.
  - E. Assembly of appliances and equipment, including manufacture of small parts.
  - F. Wholesale distribution of all standard types of prepared or packaged merchandise.
  - G. Sale and storage of building materials.
  - H. Contractors' offices and storage of equipment.
  - I. Public or private utility substations, relay stations, etc.
  - J. Hotels and motels.

- K. A state licensed gambling structure, as defined by state law, and compatible facilities typically associated with casino operations.
- L. Convention and exhibition halls, meeting facilities and banquet facilities.
- M. Restaurants and food services.

#### **ACCESSORY USES**

- 3. Uses of land or structure customarily incidental and subordinate to a permitted use in the LI District including, but not limited to, the following:
  - A. Accessory buildings and uses customarily incidental to a permitted use.
  - B. Living quarters for watchmen or custodians of industrial properties.

#### **SPECIAL EXCEPTIONS**

- 4. Certain uses may be permitted in the LI District subject to specific conditions and requirements as may be imposed by the Board of Adjustment which are intended to make them compatible with and acceptable to adjacent uses.
  - A. Telecommunications towers and wireless communication facilities, subject to the following requirements:
    - (1) A minimum distance of 300 feet from the telecommunications tower to any residentially zoned or used property measured from the base of the telecommunications tower to the property line.
    - (2) A minimum distance of one-half mile between telecommunications towers measured from the base of one telecommunications tower to the base of another, except when an existing antenna support structure is used to co-locate a wireless communication facility.
    - (3) Building permit shall include documented Federal Communications Commission (FCC) approval prior to permit issuance.
    - (4) The maximum height for telecommunications towers and wireless communications facilities shall not exceed 100 feet for single users or 200 feet for two or more users. When such structure is located in an airport

approach zone, Federal Aviation Administration approval will be required prior to permit issuance.

(5) The tower shall be constructed in a manner that will make it inaccessible for unauthorized persons to climb.

(6) All approvals for wireless communication facilities shall be in effect only while the facilities are being operated on a continual basis. When the use is replaced or discontinued for a period of 12 months, the approvals will lapse, and the operator or property owner shall be required to remove the facility and all associated equipment and restore the property to its original or otherwise acceptable condition, subject to the approval of the Building and Zoning Official. The tower owner shall give notice to the Building and Zoning Official of intent to discontinue use of a tower on the day that notice is given to the FCC.

(7) Prior to receiving a building permit for construction of the wireless communication facility, the applicant shall provide:

(a) Documentation supplied to the Building and Zoning Official sufficient to demonstrate that the tower owner has the obligation under the governing lease to dismantle and remove the tower upon abandonment.

(b) For placement into the Wireless Communication Facility Removal Account established with the City Clerk's Office the adequate amount of an irrevocable cash deposit to cover the cost of removal of the tower. The adequate amount shall be thirty dollars (\$30.00) per foot of height for camouflage structures and one hundred dollars (\$100.00) per foot of height for monopole, lattice, or guyed towers. An account shall be established for removal of towers constructed under this chapter, refundable up to the amount of deposit plus the appropriate allocation of interest earned in the account as determined by the City Clerk, and upon restoration of the site to its previous condition as determined by the Building and Zoning Official.

(c) In lieu of the cash deposit described above, a permit may be issued with the submission of a

removal bond of the same amount and in the form acceptable to the City Clerk.

- B. Publicly owned and operated buildings and facilities.
- C. Recycling collection or processing facility.

#### **PERFORMANCE STANDARDS**

5. The following performance standards shall apply in the LI District:

A. Physical Appearance. All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes or similar equipment when in operable condition.

B. Fire Hazard. No operation shall involve the use of highly flammable gasses, acids, alkalines, lacquers, grinding processes or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other ordinances of the City of Jefferson.

C. Sewage and Liquid Wastes. No operation shall be carried on which involves the discharge into a sewer, water course or the ground, of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

D. Fences. Fences may be erected in required yards, provided they meet or exceed the following requirements:

- (1) No barbed wire or electrical fences shall be erected.
- (2) No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.
- (3) Fences not more than eight feet in height may be erected on any part of a lot other than in the required front yard except any yard adjacent to a residential use. Fences

exceeding this height may be allowed by Special Exception of the Board of Adjustment.

(4) No fence or hedge more than 30% solid or more than three feet high, measured at the curb line at the intersection of the streets abutting the corner lot, may be located within 20 feet of a street line. Fences or hedges up to four feet high above grade may be located on any remaining part of a lot. Fences or hedges up to seven feet high above grade may be erected in the rear yard only.

E. Accessory Uses and Structures. The following regulations apply to accessory uses and structures:

(1) No accessory building may be erected in any required front yard or side yard.

(2) All accessory buildings, including decks and garages, located in the rear yard shall not occupy more than 40% of the rear yard.

(3) No accessory building shall be used without occupancy of the principal building.

(4) Accessory buildings are allowed in rear yards but shall not be closer than 2 feet to a lot line. However, if a garage is entered directly from an alley in a perpendicular or nearly perpendicular manner, the garage setback shall be 15 feet.

(5) A private detached garage shall be allowable as an accessory building for the storage of private non-commercial passenger vehicles or recreational equipment.

(6) Accessory buildings must be anchored to a concrete slab or other appropriate method as approved by the Building and Zoning Official.

(7) Accessory buildings may not be used for dwelling purposes.

(8) Accessory buildings shall not be allowed in any required side yard. Accessory buildings must not be located within utility and drainage easements. It is the owner's responsibility to verify the location of the property lines. Accessory buildings shall be located at least ten feet from the principal building or structure.

(9) Accessory building sidewalls may not exceed the sidewall height of the principal structure or residence.

(10) A maximum of two accessory buildings may be constructed on any one lot of record.

(11) No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building, except by variance.

(12) Exterior materials used on accessory buildings shall be the same as or of similar quality as that of the principal building. Accessory buildings shall be compatible with the principal buildings with respect to building materials, design and character.

F. Projections. Sills, belt courses, cornices, overhangs, and ornamental features may project no more than 30 inches into a required yard setback.

G. Fire Exits and Chimneys. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half (3½ feet) when so placed as not to obstruct light and ventilation, may be permitted by the Building and Zoning Official.

H. Driveways. Driveways shall conform to the prescribed standards within the City's Engineering and Design Standards (SUDAS Regulations).

### **BULK REGULATIONS**

6. The following requirements shall provide for light and air around permitted uses and buildings in the LI District.

<b>Minimum Lot Area</b>	<b>Minimum Lot Width (feet)</b>	<b>Minimum Front Setback (feet)</b>	<b>Minimum Side Setback (feet)</b>	<b>Minimum Rear Setback (feet)</b>	<b>Maximum Height (the lesser of)</b>
None	75	25	10, except that if adjacent to RS/RM Districts, then it shall be 15 feet	20, except that if adjacent to RS/RM Districts, then it shall be 25 feet	3 stories or 45 feet

### **OFF-STREET PARKING**

7. The following off-street parking requirements shall apply in the LI District:

A. All commercial uses shall provide one parking space on the lot for each 300 square feet of floor area.

- B. All industrial uses shall provide one parking space on the lot for each two employees of maximum number employed at any one time.
- C. No parking spaces are permitted in the required front or side yard except for portions of the front yard necessary for hard-surfaced driveways or as otherwise provided in this chapter.
- D. All parking, loading, and maneuvering and drive areas thereto shall be hard-surfaced with asphalt or concrete.

#### **OFF-STREET LOADING**

- 8. The following off-street loading requirements shall apply in the LI District:

- A. All activities or uses allowed in the LI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
- B. Loading shall not be permitted to block public right-of-way unless otherwise provided for in the Jefferson Municipal Code.

#### **SIGNS**

- 9. The following sign regulations shall apply to the LI District:

- A. Off-Premises Signs. Off-premises signs are permitted.
  - (1) Off-premises signs shall comply with the setbacks of the Districts they are located in, but in no case closer than ten feet to the front lot line. No off-premises sign exceeding 32 square feet along with its supporting structure, and having a maximum of two faces, shall be located within a 300 foot radius of another off-premises sign exceeding 32 square feet.
  - (2) Off-premises signs are governed by State and Federal regulations along highways, and where zoning exists the new signs may be erected only in areas zoned commercial or industrial. Federal and State regulations apply to all streets.
- B. On-Premises Signs. On-premises signs of the wall, roof, ground and projecting type are permitted when meeting the following conditions:

- (1) The total sign area for all types of permitted on-premises signs shall not exceed one and one-half square feet per lineal foot of street frontage.
- (2) Wall signs may project as follows:
  - (a) One inch below eight feet above grade.
  - (b) Twelve inches from eight feet to 16 feet above grade.
  - (c) Eighteen inches above 16 feet above grade.
  - (d) In alleys one inch below 14 feet above grade.
  - (e) In alleys 12 inches between 14 feet and 16 feet above grade.
  - (f) In alleys 18 inches over 16 feet above grade.
- (3) No wall sign may be painted directly upon a building.
- (4) No wall sign may have a flashing, blinking, rotating, or moving part, except to denote public service information similar to a "time/temperature" portion, which must be at least 12 feet above grade.
- (5) No wall sign may project above a roof line.
- (6) Projecting signs may project to a maximum distance of five feet from a building with a maximum thickness of two feet, providing the lowest part of the sign is over 12 feet above grade.
- (7) Projecting signs may project over public right-of-way.
- (8) Projecting signs may not project over alleys.
- (9) Projecting signs of the cantilever type are the only allowed type and there may be no more than one per business establishment.
- (10) Projecting signs may not have any flashing, blinking, rotating, or moving part, except to denote public service information similar to a "time/temperature" portion, which must be at least 12 feet above grade.
- (11) Projecting signs may not extend over three feet above the roof line of the building.



- (12) Roof signs may extend a maximum of three feet above the roof thereunder.
- (13) Roof signs may project over a roof edge less than 12 inches.
- (14) Roof signs may have no flashing, blinking, moving, or rotating parts.
- (15) No ground sign or supporting structure may be placed in a five-foot by five-foot triangle at the intersection of a street and a drive.
- (16) No ground sign copy area or other surface (except a supporting structure not blocking visions) shall be placed in a 30-foot by 30-foot triangle at any street intersection.
- (17) No ground sign may have a flashing, blinking, rotating or moving part may be placed below 15 feet above grade.
- (18) No ground sign may encroach upon or extend beyond the property line.
- (19) No ground sign may encroach upon or extend over a setback above three feet above grade and below 12 feet above grade except the supporting structure of a sign placed over 12 feet above grade may be placed in a required setback if it does not impair vision.
- (20) No ground sign may exceed 35 feet in height.
- (21) Signs may be placed on awnings or canopies and for the purpose of determining projection, clearance, height and material shall be considered a part of and meet the requirements for an awning or canopy. For purposes of calculating permitted square footage only the copy area of the sign shall be considered.

C. Temporary/Portable Signs. The following temporary/portable signs are permitted, but shall not encroach or extend over right-of-way.

- (1) Non-electrical real estate signs advertising for sale, rent or lease only on premises, lots or tracts on which they are located. The area of such signs shall not exceed one-tenth of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area shall be permitted on a residential lot and a sign not

exceeding 18 square feet shall be permitted in all other areas.

(2) Signs supporting a candidacy for office or urging action on any matter on the ballot of a primary, general or special election, or City election. These signs shall not exceed 32 square feet.

(3) Other non-electrical temporary/portable signs shall be limited to two faces and no more than one sign per business. The sign shall not exceed one-tenth of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area is permitted. No sign shall exceed 32 square feet. Said signs shall not be placed on premises beyond 30 days without a 90 day interval.

(4) Special event signs notifying the public of non-commercial community events sponsored or approved by a City, County or School District. These signs shall not exceed 32 square feet.

Said signs shall not be situated:

- Above three feet of sign grade or below 12 feet of sign grade.
- Within a 30-foot triangle of the intersection of two street lines.
- Within a 15-foot triangle of the intersection of an alley and a street line.
- Within a five-foot triangle of a designated hard surface driveway and a street line.

D. Public Right-of-way. The following signs are permitted and may be placed on public right-of-way:

(1) Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs, and emblems, names, logos, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.

E. General Sign Requirements. The following requirements shall apply to all signs in the community:

(1) All signs and other outdoor advertising devices, advertising or identifying businesses or services no longer existing or offered shall be removed by the owner of the premises within 90 days of the order of the Building and

Zoning Official, and the support structures shall be removed within six months of the order of the Building and Zoning Official.

(2) No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

(3) No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

(4) No sign may imitate or resemble an official traffic control sign, signal or device.

(5) No sign may obscure or physically interfere with an official traffic control sign, signal or device.

(6) No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

F. Prohibited Signs. The following signs are prohibited and shall be removed within the time periods specified.

(1) Miscellaneous Signs and Posters. The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on walls of buildings, barns, sheds, trees, poles, posts, fences or other structures is prohibited and such sign shall be removed upon notice.

(2) Painted Wall Signs. Painted wall signs shall be prohibited except that existing signs may remain provided said signs are maintained. Signs which are not maintained shall be removed or renovated within 60 days upon notice. Painted wall graphics shall be permitted, however, such graphics and/or murals shall not contain any words or graphics advertising a business, product, or service.

(3) Parking of Advertising Vehicles Prohibited. No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity

located on the same premises or any other premises. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.

(4) Nuisance Signs. Signs which imitate an official traffic sign or signal or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic, street sign or signal shall be removed upon notice.

G. Nonconforming and Abandoned Signs; Maintenance. Any sign existing on the date of adoption of this chapter which does not conform with the provisions of this code, is eligible for characterization as a “legal nonconforming sign” and is permitted to remain except as follows:

- (1) The sign has been removed, relocated or destroyed;
- (2) The sign has been brought into compliance with this chapter;
- (3) The sign is abandoned.

Signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of said signs. Signs deemed to be unsafe by the Building and Zoning Official shall be removed or brought into compliance immediately upon written notice. Prior to the Building and Zoning Official deeming a sign unsafe, he or she shall obtain a professional opinion from an engineer licensed in the State of Iowa stating that, in the best interest of public safety, said sign ought to be removed or otherwise brought into compliance.

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**165.38 HI – HEAVY INDUSTRIAL DISTRICT.****INTENT**

1. This district is intended to provide areas for activities and uses of a heavy industrial character and is the least restrictive of any district. In the best interest of the City, certain uses in the HI District shall be subject to final City Council approval, conditional approval, or denial to insure that proper safeguards are taken. No residential uses, schools, colleges, hospitals, or clinics are permitted.

**PERMITTED AND CONDITIONAL USES**

2. There may be any use, excluding residential uses and mobile homes. The following uses must be given separate City Council approval before approval is issued.

- A. Acid and bases manufacture.
- B. Cement, lime, gypsum, or plaster of paris manufacture.
- C. Distillation of bones.
- D. Explosive manufacture or storage.
- E. Fat rendering.
- F. Fertilizer manufacture.
- G. Gas manufacture.
- H. Glue manufacture.
- I. Petroleum, or its products, refining of.
- J. Smelting of tin, copper, zinc, or iron ores.
- K. Junk yards. Must be surrounded by a solid fence at least six feet high located within building lines and the junk piled not higher than the fence.
- L. Reduction or dumping of garbage, offal, or dead animals.
- M. Stockyards or the slaughter or evisceration of animals.
- N. Animal feeding operations.

**ACCESSORY USES**

3. Uses of land or structure customarily incidental and subordinate to a permitted use in the HI District including, but not limited to, the following:

- A. Accessory buildings and uses customarily incidental to a permitted use.
- B. Living quarters for watchmen or custodians of industrial properties.

### **SPECIAL EXCEPTIONS**

- 4. Certain uses may be permitted in the HI District subject to specific conditions and requirements as may be imposed by the Board of Adjustment which are intended to make them compatible with and acceptable to adjacent uses.

### **PERFORMANCE STANDARDS**

- 5. The following performance standards shall apply to the HI District:

- A. Fences. Fences may be erected in required yards, provided they meet or exceed the following requirements:

- (1) No barbed wire or electric fences shall be erected.
- (2) No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.
- (3) Fences not more than eight feet in height may be erected on any part of a lot other than in the required front yard except any yard adjacent to a residential use. Fences exceeding this height may be allowed by Special Exception of the Board of Adjustment.
- (4) No fence or hedge more than 30% solid or more than three feet high, measured at the curb line at the intersection of the streets abutting the corner lot, may be located within 20 feet of a street line. Fences or hedges up to four feet high above grade may be located on any remaining part of a lot. Fences or hedges up to seven feet high above grade may be erected in the rear yard only.

- B. Accessory Uses and Structures. The following regulations apply to accessory uses and structures:

- (1) No accessory building may be erected in any required front yard or side yard.
- (2) All accessory buildings, including decks and garages, located in the rear yard shall not occupy more than 40% of the rear yard.

- (3) No accessory building shall be used without occupancy of the principal building.
  - (4) Accessory buildings are allowed in rear yards but shall not be closer than 2 feet to a lot line. However, if a garage is entered directly from an alley in a perpendicular or nearly perpendicular manner, the garage setback shall be 15 feet.
  - (5) A private detached garage shall be allowable as an accessory building for the storage of private non-commercial passenger vehicles or recreational equipment.
  - (6) Accessory buildings must be anchored to a concrete slab or other appropriate method as approved by the Building and Zoning Official.
  - (7) Accessory buildings may not be used for dwelling purposes.
  - (8) Accessory buildings shall not be allowed in any required side yard. Accessory buildings must not be located within utility and drainage easements. It is the owner's responsibility to verify the location of the property lines. Accessory buildings shall be located at least ten feet from the principal building or structure.
  - (9) Accessory building sidewalls may not exceed the sidewall height of the principal structure or residence.
  - (10) A maximum of two accessory buildings may be constructed on any one lot of record.
  - (11) No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building, except by variance.
  - (12) Exterior materials used on accessory buildings shall be the same as or of similar quality as that of the principal building. Accessory buildings shall be compatible with the principal buildings with respect to building materials, design and character.
- C. Projections. Sills, belt courses, cornices, overhangs, and ornamental features may project no more than 30 inches into a required yard setback.

D. Fire Exits and Chimneys. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half (3½ feet) when so placed as not to obstruct light and ventilation, may be permitted by the Building and Zoning Official.

E. Driveways. Driveways shall conform to the prescribed standards within the City's Engineering and Design Standards (SUDAS Regulations).

F. Adult Uses. It is recognized that there are some uses which are recognized as having serious objectionable operational characteristics, and are not compatible with certain uses. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

(1) No adult use may be established, operated, or maintained within 500 feet of a residential district, a church, a school, or public park, as measured from the closest point of the property lines.

(2) No more than two adult uses or one adult use and one on-sale liquor establishment may be established, operated, or maintained within 500 feet of each other as measured from the closest point of the outside wall of the building or tenant space.

### **BULK REGULATIONS**

6. The following requirements shall provide for light and air around permitted uses and buildings in the HI District.

<b>Minimum Lot Area</b>	<b>Minimum Lot Width (feet)</b>	<b>Minimum Front Setback (feet)</b>	<b>Minimum Side Setback (feet)</b>	<b>Minimum Rear Setback (feet)</b>	<b>Maximum Height (the lesser of)</b>
None	None	25	10, except that if adjacent to RS/RM Districts, then it shall be 20 feet	10, except that if adjacent to RS/RM Districts, then it shall be 25 feet	3 stories or 60 feet

### **OFF-STREET PARKING**

7. The following off-street parking requirements shall apply in the HI District.



- A. All commercial uses shall provide one parking space on the lot for each 300 square feet of floor area.
- B. All industrial uses shall provide one parking space on the lot for each two employees of maximum number employed at any one time.
- C. No parking spaces are permitted in the required front or side yard except for portions of the front yard necessary for hard-surfaced driveways or as otherwise provided in this chapter.
- D. All parking, loading, and maneuvering and drive areas thereto shall be hard-surfaced with asphalt or concrete.

#### **OFF-STREET LOADING**

8. The following off-street loading requirements shall apply in the HI District:

- A. All activities or uses allowed in the HI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
- B. Loading shall not be permitted to block public right-of-way unless otherwise provided for in the Jefferson Municipal Code.

#### **SIGNS**

9. The following sign regulations shall apply to the HI District:

- A. Off-Premises Signs. Off-premises signs are permitted.
  - (1) Off-premises signs shall comply with the setbacks of the Districts they are located in, but in no case closer than ten feet to the front lot line. No off-premises sign exceeding 32 square feet along with its supporting structure, and having a maximum of two faces, shall be located within a 300 foot radius of another off-premises sign exceeding 32 square feet.
  - (2) Off-premises signs are governed by State and Federal regulations along highways, and where zoning exists the new signs may be erected only in areas zoned commercial or industrial. Federal and State regulations apply to all streets.

B. On-Premises Signs. On-premises signs of the wall, roof, ground and projecting type are permitted when meeting the following conditions:

- (1) The total sign area for all types of permitted on-premises signs shall not exceed one and one-half square feet per lineal foot of street frontage.
- (2) Wall signs may project as follows:
  - (a) One inch below eight feet above grade.
  - (b) Twelve inches from eight feet to 16 feet above grade.
  - (c) Eighteen inches above 16 feet above grade.
  - (d) In alleys one inch below 14 feet above grade.
  - (e) In alleys 12 inches between 14 feet and 16 feet above grade.
  - (f) In alleys 18 inches over 16 feet above grade.
- (3) No wall sign may be painted directly upon a building.
- (4) No wall sign may have a flashing, blinking, rotating, or moving part, except to denote public service information similar to a “time/temperature” portion, which must be at least 12 feet above grade.
- (5) No wall sign may project above a roof line.
- (6) Projecting signs may project to a maximum distance of five feet from a building with a maximum thickness of two feet, providing the lowest part of the sign is over 12 feet above grade.
- (7) Projecting signs may not project over public right-of-way.
- (8) Projecting signs may not project over alleys.
- (9) Projecting signs of the cantilever type are the only allowed type and there may be no more than one per business establishment.
- (10) Projecting signs may not have any flashing, blinking, rotating, or moving part, except to denote public service information similar to a “time/temperature” portion, which must be at least 12 feet above grade.

- (11) Projecting signs may not extend over three feet above the roof thereunder.
- (12) Roof signs may extend a maximum of three feet above the roof thereunder.
- (13) Roof signs may project over a roof edge less than 12 inches.
- (14) Roof signs may have no flashing, blinking, moving, or rotating parts.
- (15) No ground sign or supporting structure may be placed in a five-foot by five-foot triangle at the intersection of a street and a drive.
- (16) No ground sign copy area or other surface (except a supporting structure not blocking visions) shall be placed in a 30-foot by 30-foot triangle at any street intersection.
- (17) No flashing, blinking, rotating or moving part may be placed below 15 feet above grade.
- (18) No ground sign may encroach upon or extend beyond the property line.
- (19) No ground sign may encroach upon or extend over a setback above three feet above grade and below 12 feet above grade except the supporting structure of a sign placed over 12 feet above grade may be placed in a required setback if it does not impair vision.
- (20) No ground sign may exceed 35 feet in height.
- (21) Signs may be placed on awnings or canopies and for the purpose of determining projection, clearance, height and material shall be considered a part of and meet the requirements for an awning or canopy. For purposes of calculating permitted square footage only the copy area of the sign shall be considered.

C. Temporary/Portable Signs. The following temporary/portable signs are permitted, but shall not encroach or extend over right-of-way.

- (1) Non-electrical real estate signs advertising for sale, rent or lease only on premises, lots or tracts on which they are located. The area of such signs shall not exceed one-tenth of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in

area shall be permitted on a residential lot and a sign not exceeding 18 square feet shall be permitted in all other areas.

(2) Signs supporting a candidacy for office or urging action on any matter on the ballot of a primary, general or special election, or City election. These signs shall not exceed 32 square feet.

(3) Other non-electrical temporary/portable signs shall be limited to two faces and no more than one sign per business. The sign shall not exceed one-tenth of the continuous street frontage in feet of the lot or tract, except that a sign not exceeding eight square feet in area is permitted. No sign shall exceed 32 square feet. Said signs shall not be placed on premises beyond 30 days without a 90 day interval.

(4) Special event signs notifying the public of non-commercial community events sponsored or approved by a City, County or School District. These signs shall not exceed 32 square feet.

Said signs shall not be situated:

- Above three feet of sign grade or below 12 feet of sign grade.
- Within a 30-foot triangle of the intersection of two street lines.
- Within a 15-foot triangle of the intersection of an alley and a street line.
- Within a five-foot triangle of a designated hard surface driveway and a street line.

D. Public Right-of-way. The following signs are permitted and may be placed on public right-of-way:

(1) Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs, and emblems, names, logos, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.

E. General Sign Requirements. The following requirements shall apply to all signs in the community:

(1) All signs and other outdoor advertising devices, advertising or identifying businesses or services no longer existing or offered shall be removed by the owner of the

premises within 90 days of the order of the Building and Zoning Official, and the support structures shall be removed within six months of the order of the Building and Zoning Official.

(2) No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

(3) No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

(4) No sign may imitate or resemble an official traffic control sign, signal or device.

(5) No sign may obscure or physically interfere with an official traffic control sign, signal or device.

(6) No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

F. Prohibited Signs. The following signs are prohibited and shall be removed within the time periods specified.

(1) Miscellaneous Signs and Posters. The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on walls of buildings, barns, sheds, trees, poles, posts, fences or other structures is prohibited and such sign shall be removed upon notice.

(2) Painted Wall Signs. Painted wall signs shall be prohibited except that existing signs may remain provided said signs are maintained. Signs which are not maintained shall be removed or renovated within 60 days upon notice. Painted wall graphics shall be permitted, however, such graphics and/or murals shall not contain any words or graphics advertising a business, product, or service.

(3) Parking of Advertising Vehicles Prohibited. No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the basic purpose of providing advertisement of

products or directing people to a business or activity located on the same premises or any other premises. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.

(4) Nuisance Signs. Signs which imitate an official traffic sign or signal or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic, street sign or signal shall be removed upon notice.

G. Nonconforming and Abandoned Signs; Maintenance. Any sign existing on the date of adoption of this chapter which does not conform with the provisions of this code, is eligible for characterization as a “legal nonconforming sign” and is permitted to remain except as follows:

- (1) The sign has been removed, relocated or destroyed;
- (2) The sign has been brought into compliance with this chapter;
- (3) The sign is abandoned.

Signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of said signs. Signs deemed to be unsafe by the Building and Zoning Official shall be removed or brought into compliance immediately upon written notice. Prior to the Building and Zoning Official deeming a sign unsafe, he or she shall obtain a professional opinion from an engineer licensed in the State of Iowa stating that, in the best interest of public safety, said sign ought to be removed or otherwise brought into compliance.

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**165.40 PUD - PLANNED UNIT DEVELOPMENT DISTRICT.**

1. Intent. This district is intended to provide for comprehensively planned projects which provide for innovative and imaginative approaches to urban design and land development. A PUD includes a development plan prepared by a developer in cooperation with the City. This differs from the traditional approach to land development wherein the developer develops the land pursuant to minimum standards previously adopted by the government. A PUD permits flexible variation from established land regulations as contained in other zoning districts and in platting and subdivision requirements. When an area of land is developed under this section, various provisions of the platting and subdivision requirements may be waived, requirements pertaining to area, height, spacing and density shall be established, and various land use mixtures may be permitted with appropriate screening, landscape buffers and setback restrictions. In essence, the developer, with City staff guidance, Planning and Zoning Commission review, and Council approval pursuant to an ordinance, may develop its own guidelines for the best development of the land in question. However, it is not the intent of this section either to permit a mixture of totally unrelated uses to be developed or to allow the fundamental purposes of the zoning, platting and subdivision provisions of this Code to be ignored. It is the intent of this section to permit the establishment of unified developments with differing land uses arranged so as to be compatible with one another, with the site to be developed, with the surrounding area, and with the City's Comprehensive Plan. In no event shall the basic purpose or intent of the zoning, platting and subdivision provisions of this Code of Ordinances be violated.

2. Pre-application Conference. Before submitting an application for a change to the PUD - Planned Unit Development district classification the developer shall meet with the City Administrator and Building and Zoning Official. The purpose of the conference shall be to discuss the feasibility of the proposal and to provide the developer with information and guidance regarding applicable city ordinances, specifications, standards and procedures before the developer enters into binding commitments or incurs substantial expenses. The conference shall concern, but not be limited to:

- A. The type of development proposed;
- B. The density of development both residential and non-residential;
- C. The quantity and location of parking areas and egress driveways;

- D. The location, type and method of maintenance of open space;
  - E. Proposed landscaping or other treatment of the tract;
  - F. The location and widths of public rights-of-way access;
  - G. The estimated time span for construction and development, including any anticipated staging; and
  - H. The proximity and adequacy of public utilities.
3. Application and Development Plan. An application for a change to the PUD - Planned Unit Development district classification shall be submitted to the Building and Zoning Official, and shall be accompanied by ten copies of a development plan of the entire proposed development prepared and signed by an architect or a landscape architect. The development plan shall include the following:
- A. The name of the proposed PUD and the names and addresses of the owners and developers;
  - B. A description of allowed and prohibited uses within the PUD district;
  - C. A site plan showing the following information:
    - (1) The legal description and boundaries of the PUD district and proposed lot lines and plot designs.
    - (2) Topographic features of the site, including contours, watercourses, floodplains (100 year flood evaluation), and other major existing natural features;
    - (3) Proposed building uses, number of stories, general exterior design and building materials, dimensions, and floor areas, prepared by an architect registered in this state;
    - (4) Parking areas and access drives;
    - (5) Streets abutting or within the proposed development;
    - (6) Landscaping plan for the entire PUD district showing the general location and type of proposed landscaping, walks, fences, walls and other screenings;
    - (7) Location, size and type of any existing and proposed signs;
    - (8) Required peripheral yards;



- (9) Common land, detention basins, recreation areas, parks, school sites and any other amenities and shall show if any area is to be dedicated to a governmental entity with its written acknowledgement of such dedication;
  - (10) Existing and proposed utility and other easements; and
  - (11) Development stages and schedule for commencement and completion after City Council approval of the development plan.
- D. The manner in which the developer proposes to maintain any common ground to be included within the development;
- E. Copies of proposed restrictive covenants, building restrictions, and easements affecting the development;
- F. The feasibility of providing adequate storm water and surface water drainage, sanitary sewer capacity, and water service for the proposed development;
- G. The surrounding streets are capable of accommodating the increased traffic that would be generated by the new development, including a traffic study if required by city staff at the pre-application conference;
- H. Off-street parking and loading will be provided as appropriate for the size and character of the proposed development; and
- I. A study to indicate a market for the proposed development, provided such study is required by city staff at the pre-application conference.
- J. Sufficient information as to land areas adjacent to the proposed PUD to indicate the relationship between the proposed development and adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape;
- K. The proposed treatment of the perimeter of the PUD, including materials and techniques to be used such as screens, fences and walls; and
- L. Any additional information required by City staff deemed necessary to evaluate the character and impact of the proposed PUD.

4. Design Standards. A PUD shall be planned as an integral unit and may consist of residential, commercial and/or industrial land uses. A PUD District shall consist of not less than one acre. When different land uses are used in a PUD, the development shall be designed to be compatible with adjacent areas. A PUD shall meet all platting and subdivision requirements unless those requirements are specifically addressed and amended in the approving ordinance. The following design standards apply to a PUD:

A. The proposed development must be in harmony with the existing or anticipated uses of other properties in the surrounding neighborhood and shall generally be in conformance with the City's Comprehensive Plan;

B. Environmental Design. Existing trees, groves, waterways, scenic points, historic spots, and other natural assets and landmarks shall be preserved whenever possible. The location of trees shall be considered when designing open spaces and planning the location of buildings, underground services, walks, paved areas, playgrounds, parking areas and finished grade levels. Excessive site clearing of topsoil, trees and natural features shall be discouraged;

C. Open Space. The maintenance of public and/or common open space shall be encouraged. In the case of a large residential and/or commercial development, open space may be required. However, any requirement for open space shall not exceed more than twenty-five percent (25%) of the total land area involved in the development;

D. Building Spacing. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers and other landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise. High-rise buildings included within a PUD shall be located in such a way so as to minimize any adverse impact on adjoining low-rise buildings and any invasion of privacy of the occupants of such low-rise buildings;

E. Traffic Circulation.

(1) Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or

pedestrian traffic. Streets within a PUD shall be connected to streets outside of the PUD so as not to encourage the use of the streets within the PUD by through traffic;

(2) The pedestrian circulation system and its related walkways shall be separate from the vehicular street system when possible;

(3) All nonresidential land uses within a PUD shall have direct access to a public street or frontage road;

(4) Developers are encouraged to design and construct private roadways within PUDs to comply with those standards provided for public streets in the Jefferson Subdivision Regulations (Chapter 166). No privately owned roadways may be dedicated to the public use at a later date unless and until said roadways have been improved by the private owner thereof to then existing design standards for public streets.

F. Community Services. PUD approvals shall not be granted unless utility systems such as water lines, sanitary sewer lines and streets located outside the PUD exist in sufficient quantity and quality to serve the PUD without system overload, unless the developer agrees to sufficiently improve the system deemed inadequate at the developer's own expense.

G. Market Analysis. A market analysis may be required for any PUD project. The market analysis shall contain the following determinations:

(1) Determination of the trade area of the proposed commercial facilities;

(2) Determination of the trade area population, both present and prospective;

(3) Determination of the effective buying power in such trade area;

(4) Determination of net potential customer buying power for stores in the proposed commercial facilities and, on such basis, the recommended store types and store floor areas;

(5) Determination of the residual amount of buying power in the trade area and how it may be expected to be expended in other business areas serving the trade area;

H. Setbacks and other appropriate screens shall be provided around the boundary of a PUD development to protect the adjoining district properties. Only in exceptional circumstances shall such a setback be less than the amount of the setback which the adjoining district is required to maintain from the PUD development;

I. A PUD development shall comply with all applicable city ordinances, specifications and standards relating to all dedicated street, sanitary sewer and storm sewer facilities and to surface drainage and floodwater retention; and

J. Where appropriate to the size and character of a PUD development, provision shall be made therein for open space for recreation and other outdoor uses, and for places of worship, convenience shopping and other community services.

5. Review and Approval Process.

A. Building and Zoning Official Review. Upon receipt of a completed application and development plan for a PUD as required under this section, the Building and Zoning Official shall have 20 days to review the PUD application and supporting documents in detail and make comments and/or recommendations for changes to the developer.

B. Planning and Zoning Commission. After review by the Building and Zoning Official the Building and Zoning Official shall schedule the application and plan for review by the Planning and Zoning Commission at a public hearing. All property owners of property located within 200 feet of a proposed PUD shall be notified by ordinary mail at least seven days prior to the date of the Commission meeting held to consider such change. Notice shall be considered given on the date it is mailed to the owner of record at the owner's last known mailing address. The Commission shall review the conformity of the proposed development with the standards of this section and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing the Commission may vote to recommend either approval or disapproval of the proposed development plan and request for rezoning as submitted, or to recommend that the developer amend the plan and request for rezoning to preserve the intent and purpose of this section to promote public health, safety, morals and general welfare.

C. City Council. The recommendations of the Commission shall be referred to the City Council for consideration after a public hearing to be held at a regular meeting. Notice of the time and place of the public hearing shall be published as required by Iowa law not less than seven nor more than twenty days before the date of the hearing. After the hearing the Council may approve or disapprove the development plan and request for rezoning, as submitted or as amended after hearing before the Commission, or may require such changes in the plan or rezoning as the Council deems necessary to preserve the intent and purpose of this section to promote public health, safety, morals and general welfare. Approval of the development plan and request for rezoning shall be by ordinance which shall set forth the legal description of the property included within the development and restate and/or incorporate by reference the development plan. The ordinance, the development plan, the site plan and any other documents which relate to the operation or governance of the PUD (such as covenants, building restrictions and easements) shall be recorded with the county recorder.

6. Failure to Commence and/or Complete Construction. If the developer fails to begin and/or complete construction of the PUD, which shall include without limitation landscaping and development of common amenities and facilities, within the time schedule set forth in the development plan, the Building and Zoning Official shall schedule a public hearing before the Planning and Zoning Commission regarding such failure, and the developer shall be served prior notice of such hearing by certified mail. After such hearing the Commission shall consider all circumstances relevant to the developer's failure and may vote to recommend to the City Council that appropriate remedial measures be initiated, which may include (i) the initiation of rezoning of the subject property to the zoning classification effective prior to the rezoning of the property to a PUD district classification or to the current zoning classification of adjoining property, whichever is more appropriate, and/or (ii) referral of the matter to the City Attorney for institution of enforcement proceedings. Upon receipt of the recommendations of the Commission, the City Council may act to initiate remedial measures in conformity to the Commission's recommendations or to initiate such other remedial measures as the Council determines to be reasonably necessary under the circumstances.

7. Amendments. Any proposed change in the development plan, except an insubstantial change as described below, after the City Council has approved the plan shall be resubmitted in the same manner as the

original development plan. For purposes of this subsection insubstantial changes are those changes, as determined by the Building and Zoning Official, to be minor and in harmony with the intent and objectives of this section and the development plan as approved by the Council.

8. Building Permits. No building permit for any stage of a PUD planned unit development shall be issued until after the development plan has been approved by the City Council.

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**SUPPLEMENTARY DISTRICT REGULATIONS****165.45 SUPPLEMENTARY DISTRICT REGULATIONS.**

1. Building Lines on Approved Plats. Whenever the plat of a land subdivision approved by the Planning and Zoning Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.
2. Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public or approved private street, or public open space, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. At the time of adoption of these regulations, lots with permanent access to a public street by an easement shall be allowed; however, no future building permits will be allowed on these existing lots unless said easement is paved in accordance with the City's design and construction standards and specifications.
3. Erection of More Than One Principal Structure on a Lot. In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.
4. Height Limits. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tank, water towers, ornamental towers, spires, wireless tower, grain elevators, or necessary mechanical appurtenances are exempt from the district height regulations.
5. Service Lines. Nothing in this chapter shall have the effect of prohibiting utility service lines.
6. Parking Spaces. All vehicular parking spaces located in required front yards shall be a minimum of ten feet in width and be surfaced with gravel, concrete, or asphalt.
7. Swimming Pools. Private swimming pools shall be allowed only in rear yards and shall not be closer than five feet to side or rear lot lines.

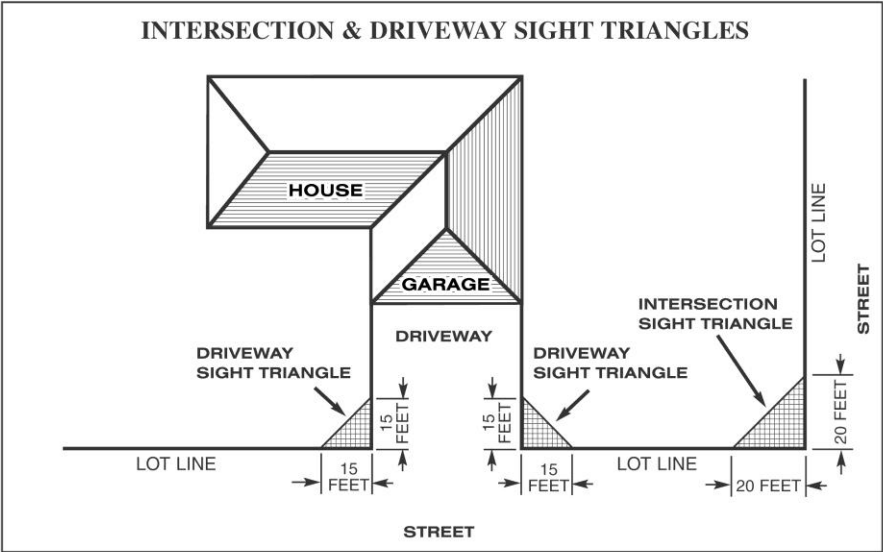
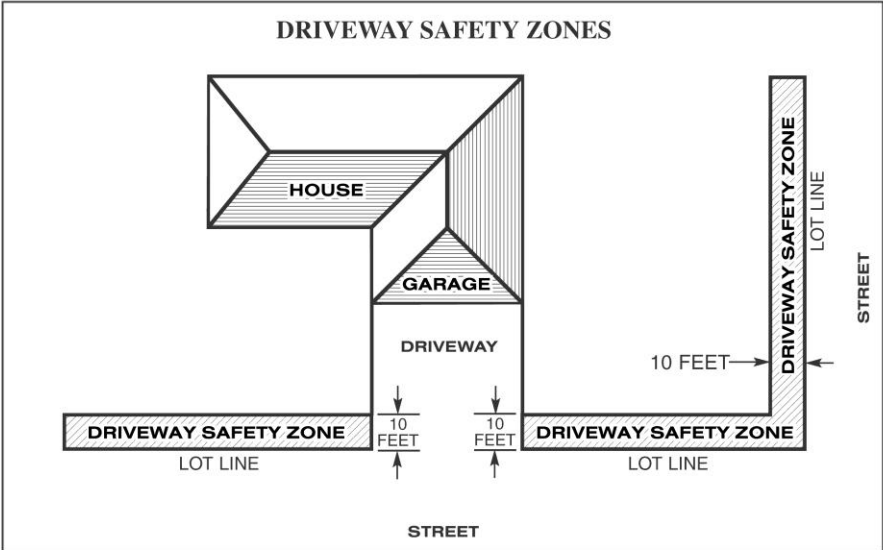
8. Visibility at Intersection, Driveways and Alleys. The following requirements shall apply to visibility at intersections, driveways and alleys:

A. No monument style sign or other sign with its face less than ten feet above grade or any fence, wall, shrub or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted or maintained within a triangular area of a corner lot that is included by measuring straight lines along the lot lines at points 20 feet distant in each direction from the intersection of the lots and a straight line connecting the first two lines. In addition, no such sign shall be erected, planted or maintained within triangular areas of any driveway, that is included by measuring straight lines along the lot lines at points 15 feet distant in each direction from the side edges of the driveway. (See chart on following page.)

B. No monument style sign or other sign with its face less than ten feet above grade or any fence, wall, shrub, or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted, or maintained within the area from the lot line to ten feet behind the lot line. (See chart on following page.)



**DRIVEWAY SAFETY ZONES AND  
INTERSECTION & DRIVEWAY SIGHT TRIANGLES**



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**TALL STRUCTURES ZONING REGULATIONS**

**165.50 INTENT.** The Jefferson Municipal Airport Tall Structures Zoning Regulations are established pursuant to the Authority conferred by the State of Iowa in Section 329.3 of the Iowa Code. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Jefferson Municipal Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Jefferson Municipal Airport; and that an obstruction may reduce the size of the areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Jefferson Municipal Airport and the public investment therein. Accordingly, it is declared:

1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Jefferson Municipal Airport.
2. That it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
3. That the prevention of incompatible land uses, and obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

**165.51 PURPOSE.** The Jefferson Municipal Airport Tall Structures Zoning Regulations are established in order to:

1. Prevent the establishment of airspace obstructions in public airport approaches and surrounding areas.
2. Minimize potential dangers from, and conflicts with, the use of aircraft at the Jefferson Municipal Airport.
3. Address Federal Aviation Regulation (FAR) Part 77 and all other applicable federal and state laws regulating hazards to air navigation.

**165.52 DEFINITIONS.**

1. “Administrative Agency” means the incorporated City or unincorporated County underlying the Airport Zones as defined in this chapter.
  - City of Jefferson
  - Greene County

2. “Aircraft Approach Category” means a grouping of aircraft based on 1.3 times their stall speed in their landing configuration at their maximum certified landing weight. The categories are as follows:

Category A: Speed less than 91 knots

Category B: Speed 91 knots or more but less than 121 knots.

Category C: Speed 121 knots or more but less than 141 knots.

Category D: Speed 141 knots or more but less than 166 knots.

Category E: Speed 166 knots or more.

3. “Airplane Design Group” means a grouping of airplanes based on wing span. The groups are as follows:

Group I: Up to but not including forty-nine feet (49’)

Group II: Forty-nine (49’) feet up to but not including seventy-nine feet (79’)

Group III: Seventy-nine (79’) feet up to but not including one hundred and eighteen feet (118’).

Group IV: One hundred and eighteen feet (118’) up to but not including one hundred and seventy one feet (171’).

Group V: One hundred and seventy one feet (171’) up to but not including two hundred and fourteen feet (214’).

Group VI: Two hundred and fourteen feet (214’) up to but not including two hundred and sixty-two feet (262’).

4. “Airport” means the Jefferson Municipal Airport.

5. “Airport Elevation” means one thousand and forty three feet (1,043’) above mean sea level.

6. “Airport Owner” means the City of Jefferson, Iowa.

7. “Building Restriction Line (BRL)” means a line which identified suitable building area locations on airports. The BRL should encompass the runway protection zones, the runway object free area, the runway visibility zones, NAVAID critical areas required for terminal instrument procedures, and areas addressed under 14 CFR Part 77 Subpart C (Airport Imaginary Surfaces) to point where the surfaces obtain a height of at least 35 feet above the primary surface.

8. “Hazard to Air Navigation” means an object which, as a result of an aeronautical study, the FAA determines will have a substantial adverse affect upon the safe and efficient use of navigable airspace by

aircraft, operation of air navigation facilities, or existing or potential airport capacity.

9. “Height” – For the purpose of determining the height limits in all zones set forth in this chapter, and shown on the Airport Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

10 “Large Airplane” means an airplane of more than 12,500 pounds maximum certified take off weight.

11. “Larger Than Utility Runway” means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

12. “Nonconforming Use” means any pre-existing structure, object of natural growth, or use of land that is inconsistent with the provisions of this chapter or an amendment thereto.

13. “Non-Precision Instrument Runway” means a runway having an existing instrument approach procedure providing course guidance without vertical path guidance utilizing VOR, NDB, LDA, GPS, or other authorized RNAV system, for which a straight-in non-precision instrument approach procedure has been approved or planned.

14. “Non-Precision Instrument Runway Having Approach Procedure With Vertical Guidance” means a runway having an existing instrument approach procedure providing course and vertical path guidance that does not conform to Instrument Landing System (ILS) or Microwave Landing System (MLS) system performance standards, or a precision system that does not meet TERPS alignment criteria, utilizing WAAS and authorized barometric VNAV, for which a straight-in non-precision instrument approach procedure has been approved or planned.

15. “Notice to the FAA of Proposed Construction” – 14 CFR Part 77, Objects Affecting Navigable Airspace, required persons proposing any construction or alteration described in 14 CFR Section 77.13 (A) to give 30 day notice to the FAA of their intent. This includes any construction or alteration of structures more than two hundred feet (200’) in height above the ground level or at a height that penetrates defined imaginary surfaces located in the vicinity of a public use airport as well as construction or alteration of greater height than an imaginary surface extending outward and upward at 100 to 1 foot for a horizontal distance of 20,000 feet from the nearest point of the nearest runway.

16. “Obstruction to Air Navigation” means an object of greater height than any of the heights or services presented in Subpart C of Code of

Federal Regulation (14 CFR), Part 77. (Obstruction to air navigation are presumed to be hazards to air navigation until an FAA study has determined otherwise).

17. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

18. "Precision Instrument Runway" means a runway having an existing instrument approach procedure providing course and vertical path guidance conforming to Instrument Landing System (ILS) or Microwave Landing System (MLS), precision system performance standards, utilizing ILS, LAAS, WAAS, MLS, and other precision systems. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning documents.

19. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

20. "Structure" means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

21. "Tree" means any object of natural growth.

22. "Visual Runway" means a runway without an existing or planned straight-in instrument approach procedure.

**165.53 AIRPORT ZONES.** In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Jefferson Municipal Airport. Such zones are shown on the structures zoning map prepared by the City of Jefferson, Jefferson Airport Commission, and is made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive standard. The various zones are hereby established and defined as follows:

1. **Approach Surface Zone.** A surface longitudinally centered in the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 165.54 of this chapter. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

2. Inner Approach Surface. The inner portion of the approach surface is extending out from the runway end to where the Part 77 Subpart C approach surface reaches a one hundred foot (100') height above the ground elevation.
3. Runway With Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. Runway Protection Zone (RPZ). An area off the runway end to enhance the protection of people and property on the ground.
5. Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of Runway 1 and Runway 19.
6. Runway With A Visibility Minimum of One (1) Mile Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of Runways 14 and 32.
7. Transitional Zones. The transitional zone extends outward and upward from the primary and approach surface at a 7:1 slope.
8. Horizontal Zone. The horizontal zone is established by swinging arcs of 5,000 feet (Runways 1, 14, 19, and 32) radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
9. Conical Zone. The conical zone is a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
10. Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The primary surface is 250 feet in width on Runway 1/19 and 500 feet in width on

Runway 14/32. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**165.54 AIRPORT ZONE HEIGHT LIMITATIONS.** Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Runway With A Visibility Minimum of One (1) Mile Non-Precision Instrument Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended centerlines for Runways 14 and 32.
2. Transitional Zones. Slope seven feet (7 feet) outward for each foot upward, beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1,043 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet (7 feet) outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7 feet) outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
3. Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 1,193 feet above mean sea level.
4. Conical Zone. Slopes twenty feet (20 feet) outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
5. For Approach End of Runways Expected to Support Instrument Straight-In Night Operations. No object should penetrate a surface that starts 200 feet out from the threshold and at the elevation of the runway centerline at the threshold and slopes upward from the starting point at a slope of 20 (horizontal) to 1 (vertical). In the plan view, the centerline of this surface extends 10,000 feet along the extended runway centerline.



This surface extends laterally 200 feet on each side of the centerline at the starting point and is 1,900 feet in width at the outer edge.

**165.55 USE RESTRICTIONS.** Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

1. **Runway Protection Zone.** Runway protection zone is a trapezoidal area “off the end of the runway threshold established to enhance the protection of people and property on the ground” in the event an aircraft lands or crashes beyond the runway end. Runway protection zones underlie a portion of the approach closest to the airport.

Compatible land use within the RPZ is generally restricted to such land uses as agricultural and uses that do not involve congregations of people or construction of buildings or other improvements that may be obstructions. The following land use criteria apply within the RPZ:

A. While it is desirable to clear all objects from the RPZ, some uses are permitted, provided they do not attract wildlife, are outside the runway OFA, and do not interfere with navigational aids. Agricultural operations (other than forestry or livestock farms) are expressly permitted under this provision. Golf courses (but not club houses), although discouraged, may be permitted if a wildlife hazard assessment determines that it will not provide an environment attractive to birds. Automobile parking facilities, although discouraged, may be permitted, provided the parking facilities and any associated appurtenances in addition to meeting all of the preceding conditions, are located outside of the object free area extension.

B. Land uses prohibited from the RPZ are: residences and places of public assembly, churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons typify places of public assembly.

2. **Building Restriction Line.** No structures, other than those approved by the Federal Aviation Administration and the Jefferson Municipal Airport Commission, and which conform to the underlying

zoning designation, shall be constructed within the Building Restriction Line (BRL).

3. Exemption For Airport Operations. Use restrictions shall not apply to necessary and incidental airport operations.
4. Regardless of any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to do any of the following:
  - A. Create electrical interference with navigational signals or radio communication between the airport and aircraft,
  - B. Imitate airport lights,
  - C. Result in glare in the eyes of pilots using the airport,
  - D. Impair visibility in the vicinity of the airport,
  - E. Create bird strike hazards, or
  - F. Otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

#### **165.56 NONCONFORMING USES.**

1. Regulations Not Retroactive. The regulations prescribed in this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter and is diligently prosecuted.
2. Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Manager of the Jefferson Municipal Airport to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Jefferson Municipal Airport Commission. Any permit granted may be conditioned to require the owner of the structure in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary.
3. Alteration or Change of Nonconforming Use. No permit shall be granted that would allow a nonconforming use or structure to become a

greater hazard to air navigation than it was on the effective date of this chapter or any amendments thereto or than it is when the application for a permit is made.

4. Nonconforming Uses Abandoned or Destroyed. Whenever the Administrative Agency or its designee determines that a nonconforming structure is abandoned for one (1) year or destroyed, by any means, to the extent of more than sixty (60) percent of the replacement cost, said structure shall not be rebuilt, restored, or re-occupied for any purpose unless it shall thereafter conform to all regulations of this chapter.

### **165.57 VARIANCES.**

1. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the Jefferson Municipal Airport Commission for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. Additionally, no application for variance to the requirements of this chapter may be considered by the Airport Board of Adjustment unless a copy of the application has been furnished to the Jefferson Municipal Airport Commission for advice as to the aeronautical effects of the variance. If the Jefferson Municipal Airport Commission does not respond to the application within ninety (90) days after receipt, the Airport Board of Adjustment may act on its own to grant or deny said application.

In addition, all applications for height variance within the airport zones shall be accompanied by Federal Aviation Administration Form 7460-1, which has been completed by the applicant and processed by the FAA regional office.

2. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Jefferson Municipal Airport Commission, this

condition may be modified to require the owner to permit the Jefferson Municipal Airport Commission at its own expense, to install, operate, and maintain the necessary markings and lights.

**165.58 CONFLICTING REGULATIONS.** Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail.

**165.59 PERMITS.**

1. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this chapter or any amendment thereto or than it is when the application for a permit is made.

2. Future Uses. Except as specifically provided in A, B, and C hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit or variance therefore shall have been applied for and granted. Each application for a permit or variance shall indicate the purpose for which the permit or variance is desired, with sufficient particularity to permit or variance to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit or variance shall be granted. No permit or variance for a use inconsistent with the provisions of this chapter shall be granted unless a variance or permit has been approved in accordance with Section 165.57 of this chapter.

A. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than one hundred feet (100 feet) of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

B. In the area lying within the limits of the approach zones, but beyond the inner approach surface, no permit shall be required for any tree or structure less than one hundred feet (100 feet) of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

C. In the area lying within the limits of the transition zones beyond the Building Restriction Line, no permit shall be required for any tree or structure less than one hundred feet (100 feet) of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

D. Any conditions that the Federal Aviation Administration attached to the approval recommendation shall be adopted and administered by the Jefferson Municipal Airport Commission.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this chapter except as set forth in Section 165.54.

**165.60 ADMINISTRATIVE AGENCY.** It shall be the duty of the Administrative Agency and its designee to administer and enforce the regulations prescribed therein. Applications for permits and variances shall be made to the Administrative Agency upon a furnished form. Applications required by this chapter to be submitted to the Administrative Agency shall be promptly considered and granted or denied. Application for action by the Airport Board of Adjustment shall be forthwith transmitted by the Administrative Agency.

**165.61 AIRPORT BOARD OF ADJUSTMENT.**

1. There is hereby created an Airport Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Administrative Agency in the enforcement of this chapter; (2) to hear and decide special exceptions to the terms of this chapter upon which such Airport Board of Adjustment under such regulations may be required to pass; and (3) to hear and decide specific variances.

2. The Airport Board of Adjustment shall consist of members appointed by the City and County as provided in Section 329.12 of the Iowa Code. Members shall be removable by the appointing authority for cause, upon written changes, after a public hearing.

3. The Airport Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the Airport Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson or, in the absence of the Chairperson, the

Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Airport Board of Adjustment shall be public. The Airport Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such act, and shall keep records of its examinations and other official actions, all of which shall immediately be filed.

4. The Airport Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirements, decision, or determination which comes before it under the provisions of this chapter.

5. The concurring vote of a majority of the members of the Airport Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Administrative Agency or decide in favor of the applicant on any matter upon which is required to pass under this chapter, or to effect variation to this chapter.

#### **165.62 APPEALS.**

1. Any person aggrieved, or any taxpayer affected, by any decision of the Administrative Agency made in the administration of the chapter, may appeal to the Airport Board of Adjustment.

2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Airport Board of Adjustment, by filing with the Administrative Agency a Notice of Appeal specifying the grounds thereof. The Administrative Agency shall forthwith transmit to the Airport Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrative Agency certifies to the Airport Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Administrative Agency cause imminent peril to life or property. In such cases, proceedings shall not be stayed except by the order of the Airport Board of Adjustment on notice to the Administrative Agency and on due cause shown.

4. The Airport Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

5. The Airport Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

**165.63 JUDICIAL REVIEW.** Any person aggrieved, or any taxpayer affected, by any decision of the Airport Board of Adjustment, may appeal to the District Court of Iowa as provided in Chapters 329 and 335 of the Iowa Code.

**165.64 PENALTIES.** Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor, and each day a violation continues to exist shall constitute a separate offense and shall additionally constitute a civil infraction punishable as set out in this Code of Ordinances as adopted by the City of Jefferson and/or Greene County. Seeking a civil penalty does not preclude the City or County from seeking alternative relief including an order for abatement or injunctive relief in the same or separate action.

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## ADMINISTRATION

**165.70 BUILDING AND ZONING OFFICIAL APPOINTED.** An Building and Zoning Official designated by the City Council shall administer and enforce these zoning regulations. The Building and Zoning Official may be provided with the assistance of such other persons as the City Council may direct.

**165.71 BUILDING PERMIT.** No building shall be erected, moved, or added to, without a Building Permit therefore issued by the Building and Zoning Official. A Building Permit shall also be required for new driveways and fences and accessory buildings. No permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Adjustment. Fees for Building Permits shall be as provided by City resolution. Permits shall be applied for with the Building and Zoning Official and shall expire two years after the date of issuance if work is begun within one hundred eighty (180) days of issuance or after one hundred eighty (180) days if no substantial beginning of construction has occurred. Extensions of time may be granted in writing by the Building and Zoning Official for good cause. At the direction of the Building and Zoning Official, a survey may be required if the lot lines are unable to be reasonably determined. Sign permits shall be granted based upon review of appropriateness based upon lot frontage, structure type and sign type, or any other ordinance requirements in order to insure safety and compatibility of the sign with the site and building.

Each application for a building permit shall be accompanied by a plan in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this chapter. A record of application and plats shall be kept in the office of the Building and Zoning Official.

**165.72 CERTIFICATE OF OCCUPANCY.** A certificate of compliance shall be issued prior to occupancy of any building for which a building permit was issued, which allows the occupancy of said building and indicating that the work was completed within all required ordinances and codes.

**165.73 OFFICIAL ZONING DISTRICT MAP.** It shall be the responsibility of the Building and Zoning Official to update the Official Zoning District Map.

**165.74 RIGHT OF ENTRY.** Whenever necessary to make an inspection to enforce any of the provisions of this title, the Building and Zoning Official and authorized representatives may enter such building or premises at all reasonable times to inspect. Provided such building or premises is occupied, the Building and Zoning Official or authorized representative shall first present proper credentials and request entry. If such building or premises is unoccupied, the Building and Zoning Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Building and Zoning Official or authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Building and Zoning Official or authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry of the building or premises, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect to promptly permit entry.

**165.75 STOP ORDER.** Whenever any work or use is being done contrary to the provisions of this title, the Building and Zoning Official may order the work or use stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work or use until authorized by the Building and Zoning Official to proceed with the work or use.

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**BOARD OF ADJUSTMENT**

**165.80 BOARD OF ADJUSTMENT CREATED.** A Board of Adjustment is hereby established which shall consist of five members. Members shall be appointed for staggered terms of five years. The Board shall not carry out its business without having at least three members present. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant and shall be filled by the original appointing body. All members shall be appointed by the Mayor with approval of the City Council. A majority of the members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling of real estate.

**165.81 PROCEEDINGS OF THE BOARD OF ADJUSTMENT.** 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 time as the Board may determine. The Chairperson, or the City Attorney, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall, through its Secretary, keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All actions of the Board concerning variances shall be recorded in the Office of the County Recorder. The City shall record said action and all corresponding stipulations and further said action shall take effect upon recording. A copy of said action bearing the file stamp of the County Recorder shall also be filed in the office of the Building and Zoning Official prior to the issuance of a permit.

**165.82 ADMINISTRATIVE REVIEW.** The Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Building and Zoning Official in the enforcement of these zoning regulations.

1. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Jefferson affected by any decision of the Building and Zoning Official. Such appeal shall be taken within ten days by filing with the Building and Zoning Official, and with the Board a notice of appeal specifying the grounds thereof. The Building and Zoning Official shall forthwith

transmit to the Board all papers constituting the record upon which the action appealed from is taken.

2. The Board shall fix a reasonable time for the hearing of the appeal, and give not less than seven days or more than 20 days public notice in a paper of general circulation in the City, thereof, and decide the same within 30 days of the hearing. At said hearing, any party may appear in person, by agent or by attorney. The property owners within 200 feet shall be notified by regular mail not less than seven days prior to the hearing.

3. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building and Zoning Official from whom the appeal is taken certifies to the Board of Adjustment after the Notice of Appeal is filed with the Building and Zoning Official, that by reason of facts stated in the certificate, a stay would, in the Building and Zoning Official's opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Building and Zoning Official from whom the appeal is taken and on due cause shown.

**165.83 SPECIAL EXCEPTIONS.** The Board of Adjustment shall hear and decide only such special exceptions as the Board is specifically authorized to pass on by the terms of these zoning regulations, shall decide such questions as are involved in determining whether special exceptions should be granted, and shall grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:

1. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.

2. The Board shall fix a reasonable time for the hearing of the special exception, and give not less than seven days or more than 20 days public notice in a paper of general circulation in the City, thereof, and decide the same within 30 days of the hearing. The property owners within 200 feet shall be notified by regular mail not less than seven days prior to the hearing.

3. When the public hearing is held, any party may appear in person, or by agent or attorney.

4. The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application

to grant the special exception, and that the granting of the special exception will not adversely affect the public interest. The granting of a special exception shall run with the owner and not with the land.

5. A special exception approval shall lapse and become void two years following the date of approval unless prior to expiration a Building Permit is issued and construction is commenced and diligently pursued or the site is occupied if no Building Permit is required.

**165.84 VARIANCES.** The Board shall authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

1. A written application for a variance is submitted demonstrating all of the following:

A. An unnecessary hardship must be established by the applicant who applies for the variance. For purposes of this chapter, an unnecessary hardship is a situation where, in the absence of a variance an owner can make no feasible or reasonable use of the property. Convenience, loss of profit, financial limitations, or self-imposed hardship shall not be considered as grounds for approving a variance by the Board of Adjustment.

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.

C. The variance requested is the minimum variance that will alleviate the hardship.

D. Granting of the variance will comply with the general purpose and intent of this chapter and will not be offensive to adjacent areas or to the public welfare.

E. No nonconforming use or structure in the same district and no permitted or nonconforming use or structure in other districts shall be considered grounds for the issuance of a variance.

F. Exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity and that result from lot size or shape, topography or other circumstances which are not of the applicant's making.

G. In order to preserve the intent of these zoning regulations and to protect the public interest, the Board of Adjustment may attach conditions to a variance. A variance shall remain valid only as long as the property owner complies with any terms and conditions of the variance, as attached by the Board of Adjustment.

2. The Board shall fix a reasonable time for the hearing of the variance, and give not less than seven days or more than 20 days public notice in a paper of general circulation in the City, thereof, and decide the same within 30 days of the hearing. The property owners within 200 feet shall be notified by regular mail not less than seven days prior to the hearing.

3. When the public hearing is held, any party may appear in person, or by agent or by attorney.

4. The Board of Adjustment shall make findings that requirements of this subsection have been met by the applicant for a variance.

5. The Board of Adjustment shall further 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.

6. 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 will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these zoning regulations and punishable under this chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow 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 said district.

7. All decisions granting a variance shall be reported to the Council at its next regular meeting. The City Council may remand a decision to grant a variance to the Board of Adjustment for further study. The effective date of the variance is delayed for 30 days from the date of the remand. Such remand shall occur within 30 days of the Board of Adjustment decision.

The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Building and

Zoning Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

**165.85 APPEALS FROM THE BOARD OF ADJUSTMENT.** Any person or persons, or any board, taxpayer, department, board or bureau of the City, or other areas subject to this chapter aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Chapter 414, Code of Iowa.

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**ENFORCEMENT AND AMENDMENTS**

**165.90 PROCEDURE FOR INTERPRETATION.** All questions of interpretation and enforcement shall be first presented to the Building and Zoning Official, or that person's assistant. Such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Building and Zoning Official, and recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by Chapter 414, Code of Iowa.

**165.91 AMENDMENTS.** The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City. In no case shall the notice be published more than 20 days prior to the hearing. All property owners of property located within 200 feet of a proposed rezoning district change shall be notified by ordinary mail at least seven days prior to the date of the Planning and Zoning Commission meeting held to consider said change and shall receive, as part of the notification, a copy of the application for district change. Notice shall be considered given on the date it is mailed to the owner of record at their last known mailing address. Amendment requests shall be filed with the Building and Zoning Official and forwarded to the Planning and Zoning Commission which shall recommend on the request.

The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. Notwithstanding Section 414.2, of the Code of Iowa, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of 20 percent or more of the area of the lots included in the proposed change or repeal, or by the owners of 20 percent or more of the property which is located within 200 feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council. The protest, if filed, must be filed before or at the public hearing. Any amendment to these zoning regulations shall be recorded in the office of the

County Recorder. Further, a favorable vote of at least three-fourths ( $\frac{3}{4}$ ) of all members of the Council is required to override a recommendation of the Planning and Zoning Commission.

**165.92 VIOLATION.** Failure to comply with the provisions of this chapter or with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a violation of this chapter. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other legal action as is necessary to prevent any violation.

**165.93 SCHEDULE OF FEES, CHARGES, AND EXPENSES.** The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, Building Permits/Certificates of Occupancy, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Building and Zoning Official, and the City Clerk, and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

**165.94 COMPLAINTS REGARDING VIOLATIONS.** Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Building and Zoning Official. The Building and Zoning Official shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter, the Jefferson Municipal Code, or State law.

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