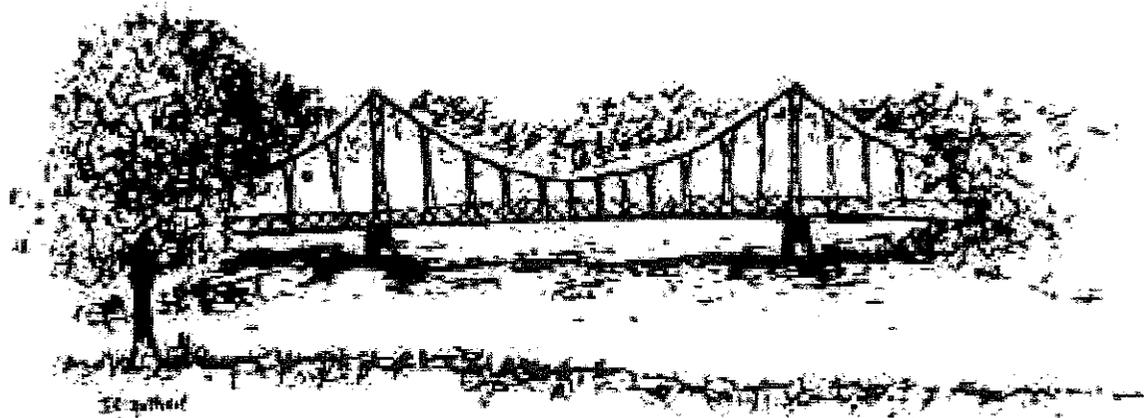

ZONING ORDINANCE

CHARLES CITY, IOWA



Approved by:

Planning and Zoning Commission 11/01/04

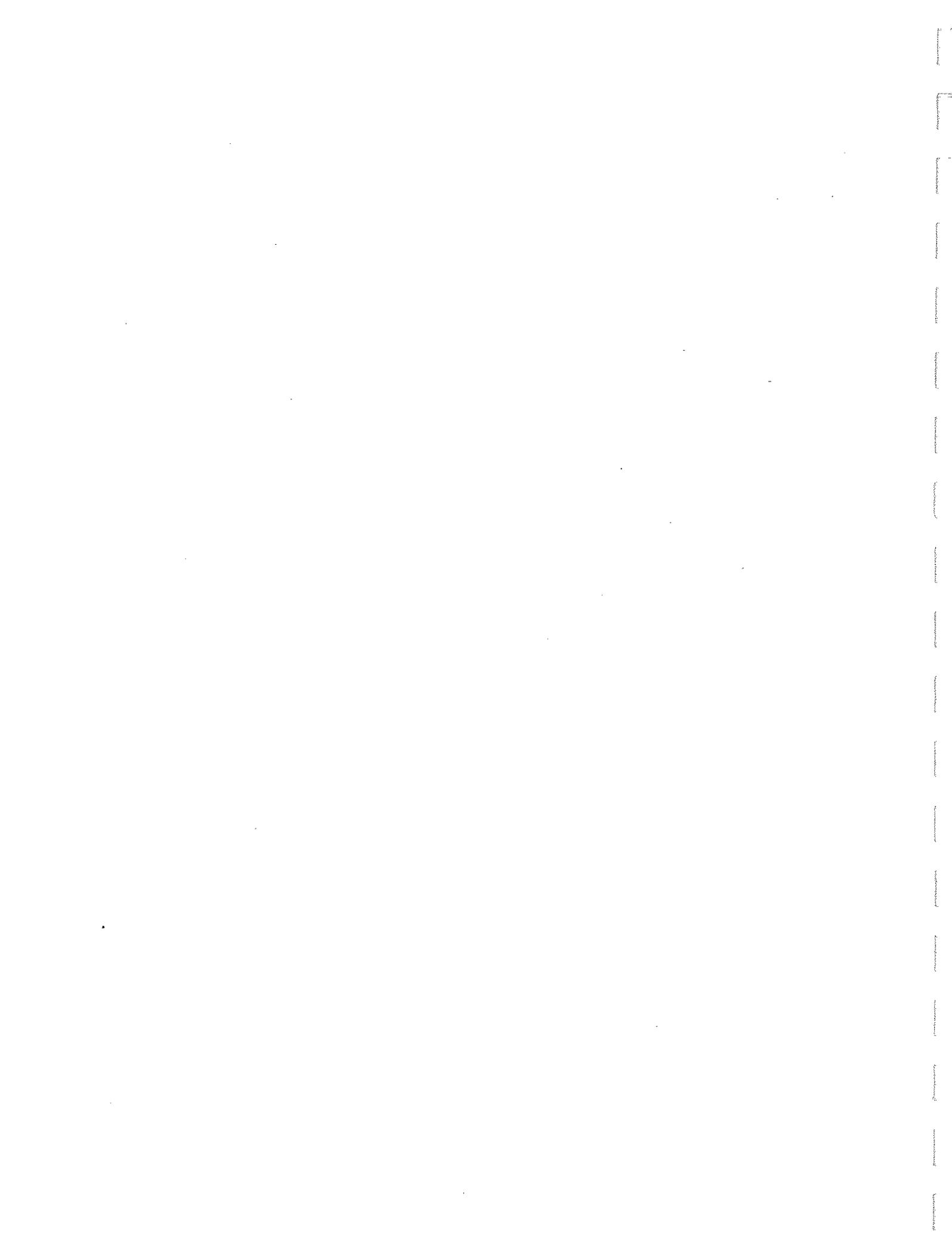
City Council 1/03/05

Effective:

1/18/05



VEENSTRA & KIMM, INC.



**ZONING ORDINANCE
CHARLES CITY, IOWA
2005**

CITY COUNCIL

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Dennis Sanvig
Arvin Tibbitts

PLANNING AND ZONING COMMISSION

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Jody Meyer, City Clerk
Ralph Smith, City Attorney
Tracy Meise, Project and Planning Coordinator
Dave Boehmer, Assistant Building Official
Roy Schwickerath, Fire Chief/Building Official
Dennis Willemsen, Project Engineer

Prepared by
VEENSTRA & KIMM, INC.
West Des Moines, Iowa
Mason City, Iowa

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ORDINANCE NO. 1013

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF CHARLES CITY, IOWA AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 414, CODE OF IOWA, AND FOR THE REPEAL OF ZONING ORDINANCE NO. 548 AND ALL AMENDMENTS THERETO

WHEREAS, Chapter 414, Code of Iowa, empowers the City of Charles City to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the City Council deems it necessary for the purpose of promoting the health, safety, and general welfare of the City of Charles City to enact such an ordinance, and

WHEREAS, the City Council, pursuant to the provisions of Chapter 414, Code of Iowa, has appointed a Planning and Zoning Commission to recommend the boundaries of various zoning districts and appropriate regulations to be enforced therein, and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with an approved comprehensive plan, designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to establish adequate provisions for transportation, water, sanitation, schools, parks, and other public requirements, and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS, the Planning and Zoning Commission has made a preliminary report and held a public hearing thereon, and submitted its final report to the City Council, and

WHEREAS, the City Council has given due public notice of hearing relating to zoning districts, regulations, and restrictions, and has held such public hearing, and

WHEREAS, all requirements of Chapter 414, Code of Iowa, with regard to the preparation of the report of the Planning and Zoning Commission and the subsequent action of the City Council have been met;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLES CITY, IOWA;
SECTION 1. The Code of Ordinances of the City of Charles City, Iowa, as amended, is hereby amended by repealing Zoning Ordinance No. 548 and all amendments thereto.

SECTION 2. The Code of Ordinances of the City of Charles City, Iowa is hereby amended by enacting in lieu of the preceding, this Zoning Ordinance to include the following amendment per Ordinance No. 1015:

SECTION 3. That Section R-2 General Residence District is hereby amended by the addition of the following Special Use:

10. Fitness Centers.

SECTION 4. After the adoption and publication of this Ordinance as provided by law, the City Clerk shall record a copy of the ordinance in the Office of the Floyd County Recorder, Charles City, Iowa, and shall pay the fees for the said recordings.

SECTION 5. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 7. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this 3rd day of January, 2005.

James A. Erb, Mayor

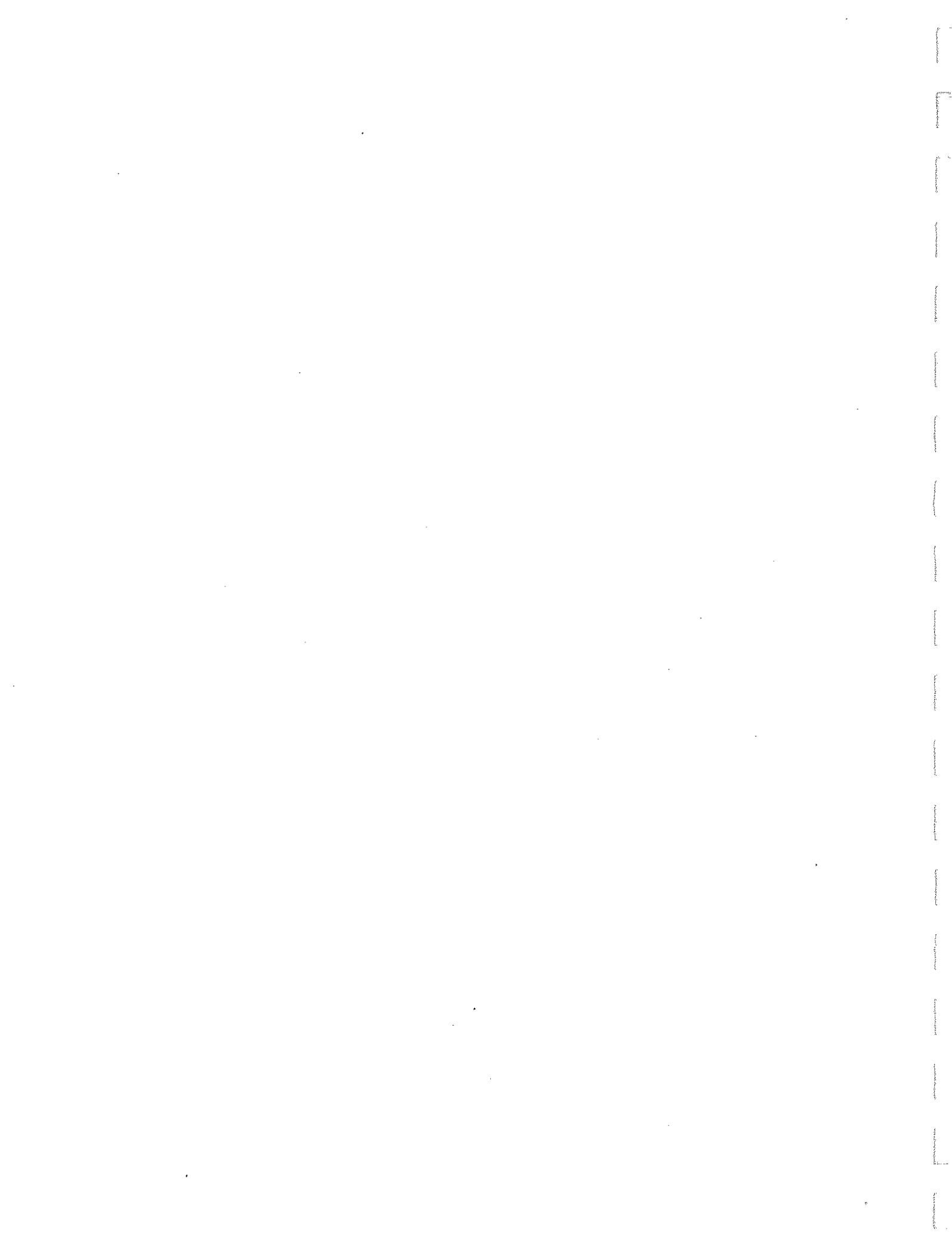
ATTEST:

Jody J. Meyer, City Clerk

CERTIFICATE

I, Jody J. Meyer, City Clerk of the City of Charles City, Iowa do hereby certify that the above and foregoing Ordinance No. 1013 was duly published in the Charles City Press, a newspaper published daily in the City of Charles City, Iowa on the 18th day of January, 2005.

Jody J. Meyer, City Clerk



SECTION I

TITLE

This Ordinance shall be known and may be cited and referred to as the "Zoning Ordinance" of the City of Charles City, Iowa, and shall be referred to herein as "this Ordinance".



SECTION II

INTERPRETATION OF STANDARDS

A. INTERPRETATION

1. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
2. Where the conditions imposed, by any provision of this Ordinance upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance, or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
3. This Ordinance is not intended to abrogate any easement, covenant or other private agreement, provided, that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the requirements of this Ordinance shall govern.
4. No building, structure, or use not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this ordinance and to the extent that and in any manner that, said unlawful building, structure, or use is in conflict with the requirements of this Ordinance, said building, structure, or use remains unlawful hereunder.
5. Any regulations adopted under the authority of this Ordinance which relates to a structure, building, dam, obstruction, deposit, or excavation in or on the floodplains of a river or stream, shall require prior approval of the Iowa Department of Natural Resources and the U.S. Army Corps of Engineers to establish, amend, supplement, change or modify such regulation or to grant a variation or exception from it.

B. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council of the City of Charles City that the several provisions of this Ordinance are severable, in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment, and

2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

SECTION III

RULES AND DEFINITIONS

The language set forth in the text of this Ordinance shall be interpreted with the following rules:

1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and future tenses, and the future the present.
3. The word "shall" is mandatory, while the word "may" is permissive.
4. The masculine gender includes the feminine and neuter.
5. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition thereof; and any word appearing in parenthesis, directly after a word herein defined, shall be construed in the same sense as that word.
6. All measured distances, expressed in feet, shall be to the nearest integral foot. If a fraction is one-half foot or more the integral foot next above shall be taken.
7. The following words and terms, wherever they occur in this Ordinance shall be construed as here defined:

ACCESSORY USE OR STRUCTURE - A subordinate structure or use which customarily is incidental to that of the principal or special use of the premises. Customary residential accessory uses include but are not limited to, tennis courts, swimming pools, detached garages, garden houses, children's play houses, barbecue ovens, fire places, patios and residential storage sheds. Garages or other accessory uses attached to the principal structure shall be considered a part thereof and meet the requirements of the principal structure.

ADULT - As used in this Ordinance refers to a person who has attained the age of eighteen (18) years.

ADULT ENTERTAINMENT BUSINESSES - A business which as a part of or in the process of delivering goods and services displays to its patrons specified sexual activities or specified anatomical areas in printed form or through any form of photographic medium or by use of male or female models. In reference to the above, the following definitions shall apply:

- A. Specified sexual activities: any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between a finger of one person and the genitalia of another person or by use of artificial sexual organs or substitute therefor in contact with the genitalia or anus.
- B. Specified anatomical areas include the following: human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
- C. Substantial: more than twenty-five percent (25%) of the book, magazine, film or video tape inventory are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- D. Adult Art or Adult Modeling Studio: an establishment or business which provides the services of modeling for the purpose of viewing and/or reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise; provided entrance to such establishment and such services are available only to adults.
- E. Adult Artist - Body Painting Studio: an establishment or business which provides the services of applying paint or other substance whether transparent or non-transparent to or on the human body when such body is wholly or partially nude; provided entrance to such establishment and such services are available only to adults.
- F. Adult Bath House: an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy; provided entrance to such establishment and such services are available only to adults; and not including such services provided by a medical practitioner or professional physical therapist licensed by the State of Iowa.
- G. Adult Book Store: an establishment or business having a substantial part of its stock in trade, books, magazines, photographs, pictures and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein and limited in sale of such sexual materials to adults.
- H. Adult Cabaret: a cabaret which features go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
- I. Adult Motel: a motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas".

J. Adult Motion Picture Arcade: any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas".

K. Adult Motion Picture Theater: an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

L. Adult Mini Motion Picture Theater: an enclosed building with a capacity for less than 50 persons used for presenting motion pictures, slides or photographic reproductions distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.

M. Adult Massage: any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand, other parts of the body, or any instrument, for any consideration or gratuity.

N. Adult Massage Establishment: any establishment having a fixed place of business where massages are administered for any form of consideration or gratuity, including but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include an establishment employing (1) persons licensed by the State of Iowa under the provisions of Chapters 148, 148A, 148B, 1509, 150A, 151, 152, 157 or 158 of the Iowa Code, when performing massage services as a part of the profession or trade for which licensed; (2) persons performing massage therapy or massage services under the direction of a person licensed as described in (1) above; (3) persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician; (4) nurses, aides, technicians and attendants at any hospital or health care facility licensed pursuant to Chapter 135B, 135C or 145A of the Iowa Code, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in (1) above; (5) an athletic coach or trainer (i) in any accredited public or private secondary school, junior college, college or university, or (ii) employed by a professional or semi-professional athletic teams or organization, in the course of his or her employment as such coach or trainer. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad or a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, or recreational and athletic facilities, and facilities for the welfare of the residents of the area.

O. Juice Bar: any establishment where alcoholic beverages are prohibited and where for any form of consideration or gratuity, models, dancers, strippers, and similar entertainers perform in nude or semi-nude for observation by patrons therein.

P. Model Studio: any establishment where for any form of consideration or gratuity, models who display specified anatomical areas are provided to be observed, or subject to lawful tactile conduct, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude or semi-nude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity.

Q. Model: any person who for consideration or gratuity appears either nude or semi-nude to be either viewed, photographed, sketched, drawn, sculptured; to dance; to provide reading or counseling sessions; for body painting; to deliver a service or in connection with the sale of merchandise; or to present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

R. Nude Encounter Parlor means an establishment having a fixed place of business where any person, therein engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on, any business of viewing any person or persons or the actual encounter of any person or persons depicting, describing or relating to "specified sexual activities" as defined herein.

S. Nude Photographic Parlor means an establishment having a fixed place of business, where any person, association, firm or corporation therein engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on any business of photographing any person or persons depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein.

T. Any one or more of the above or similar uses, which are customarily not open to persons who have not attained the age of eighteen (18) years.

AGRICULTURE - The use of land for agriculture purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, aquatic farming, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce: provided, however, that the operation of such accessory use shall be secondary to that of normal agricultural activities.

AIRCRAFT - Any contrivance, now known or hereafter invented, for use in or designed for navigation of or flight in the air.

AIRPORT (LANDING STRIP OR HELIPORT) - An area of land which is used, or intended for use, for the landing and take-off of aircraft; and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

ALLEY - A right-of-way, with a width not exceeding 24 feet, which affords a secondary means of access to abutting property.

ALTERATION, STRUCTURAL - Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

ANIMAL HOSPITAL - A building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

ASSISTED LIVING RESIDENTIAL FACILITY - A building which provides housing with services which may include, but are not limited to, health-related care, personal care, and assistance with instrumental activities of daily living to six or more tenants in a physical structure which provides a home-like environment, and which is either certified or voluntarily accredited through the Department of Elder Affairs as provided in Chapter 231C, Code of Iowa.

AUTOMOBILE SERVICE STATION (GAS STATION) - A building or premises used for dispensing or offering for sale at retail, any automotive fuels or oils, or having pumps and storage tanks therefore; or elsewhere battery, tire or any similar service is rendered and where vehicles are not parked for purposes of inspection and sale.

AUTOMOBILE WRECKING YARD - A place where two or more motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for the wrecking or storing of such automobiles or the parts thereof.

BASEMENT - A portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground. (See Attachment C.)

BED AND BREAKFAST HOME - A private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.

BED AND BREAKFAST INN - A building having nine or fewer guest rooms, equipped, used, advertised, or presented to the public as an inn, hotel, motel, motor inn, or place where sleeping accommodations are furnished and food service for the general public is allowed.

BILLBOARD - An outdoor advertising sign for a business, commodity, or service located or offered elsewhere than upon the premises where such sign or billboard is located. An off-premise outdoor advertising sign is synonymous with billboard.

BLOCK - A tract of land bounded by streets, or by a combination of one or more streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways, or corporate boundary lines.

BOARDING OR LODGING HOUSE - A building other than a hotel where, for compensation and by pre-arrangement for definite periods, lodging and/or meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons. Individual cooking facilities are not provided.

BUFFER - An area of land used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

BUILDABLE AREA - The area in between front and rear yards, and side yards.

BUILDING - Any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

BUILDING ACCESSORY - A subordinate building or portion of a principal building, the use of which is incidental to that of the principal building and customary in connection with that use.

BUILDING, COMPLETELY ENCLOSED - A building separated on all sides from the adjacent open space or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

BUILDING DETACHED - A building surrounded by open space on the same lot.

BUILDING HEIGHT - The vertical distance measured from the established curb level to the highest point of the under side of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the under side of rafters between the eaves and the ridge of a gable, hip or gambrel roof. Chimneys, spires, towers, elevator penthouses, tanks, and similar projections other than signs shall not be included in calculating the height.

BUILDING PRINCIPAL - A non-accessory building in which is conducted the principal use of the lot on which it is located.

BUILDING, RESIDENTIAL - A building arranged, designed, used or intended to be used for residential occupancy by one or more families. Residential buildings include but are not limited to the following types: (1) single-family detached dwellings, (2) two-family dwellings, (3) multiple-family dwellings, and (4) rows of one or two-family attached dwellings developed initially under single ownership or control.

BUILDING, TEMPORARY - A building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

BULK - A composite characteristic of a given building as located upon a given lot - not definable as a single quantity but involving all of these characteristics: (1) size and height of building, (2) location of exterior walls at all levels in relation to lot lines, streets, or to other buildings (3) gross floor area of the building in relation to lot area (floor area ratio), (4) all open spaces allocated to the building, and (5) amount of lot area provided per dwelling unit.

BULK STATIONS - Distributing stations commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids, or liquefied petroleum products where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons. Bulk station does not include retail sales.

BUSINESS - An occupation, employment or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered for compensation.

CAMPGROUND, COMMERCIAL AND RECREATIONAL VEHICLE PARK - Any premises where two (2) or more camping units are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two (2) or more camping units for camping purposes, which include any buildings, structures, vehicles, or enclosure used or intended wholly or in part for the accommodation of transient campers.

CAMPING UNIT - Any recreational vehicle or other vehicle, tent, or other movable shelter used for camping purposes.

CAR WASH - A building or portion thereof where automobiles are washed; using a conveyor, blower, steam-cleaning equipment, or other mechanical device of production-line nature.

CELLAR - The portion of a building located partly or wholly underground, and half or more than half of its clear floor-to-ceiling height is below the average grade of the adjoining ground. (See Attachment C.)

CHURCH OR PLACE OF RELIGIOUS WORSHIP - An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

CLINIC, MEDICAL OR DENTAL - A building or buildings in which physicians, dentists or physicians and dentists, and allied professional assistants are associated for the purpose of carrying on their professions.

CLUB OR LODGE, PRIVATE - A non-profit association of persons who are bona-fide members paying annual dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a Board of Directors, Executive Committee, or similar body chosen by the members of their annual meetings, and such affairs may include the serving of food and meals on such premises, provided dining room space and kitchen facilities are available.

CLUSTER DEVELOPMENT - A development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.

COCKTAIL LOUNGE - Any place of business, other than a "night club", located in and accessory to a hotel, motel, or restaurant, where liquor, beer or wine is sold for consumption on the premises, where music or other entertainment is limited to a piano bar or other one person performance.

COMMERCIAL FEEDLOT - Feeding, raising or breeding of livestock, poultry or other animals in confined feedlots, dry lots, pens, cages, ponds, or buildings when not in conjunction with a farming operation.

COMMISSION - The Planning and Zoning Commission of Charles City, Iowa.

COMPREHENSIVE PLAN - The Comprehensive Plan for City of Charles City, Iowa which sets forth the City's long range plans for land use and transportation management and development policies to guide the City's growth and on which the City's zoning regulations shall be based.

CONDOMINIUM - An estate in real property as regulated by Chapter 499B of the Code of Iowa consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

CONSERVATION EASEMENT - An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, wooded, or topographic condition, retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing slopes and land use.

CONVENIENCE STORE - Any retail establishment offering for sale food products, household items and other goods commonly found in grocery stores, as well as retail gas sales, and having a gross floor area of more than 1,200 square feet but less than 5,000 square feet.

CORRECTIONAL PLACEMENT RESIDENCE - A residential facility occupied by three or more persons who have been convicted of public offenses and who have been released to such facility during any period of (a) probation, or (b) work release while serving a sentence in a correctional institution, or (c) assignment to the judicial district department of correctional services after receiving a deferred sentence.

CURB LEVEL - The level of the established curb in front of a building or structure, measured at the center of such front. Where no curb elevation has been established, the curb level shall be deemed to be the established level of the center line of a street surface in front of a building or structure, measured at the center line of such front.

DAY NURSERY OR NURSERY SCHOOLS - Any private agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight, for six (6) or more unrelated children of preschool age, for compensation.

DEVELOPMENTAL DISABILITY OR DEVELOPMENTALLY DISABLED - A disability of a person which has continued or can be expected to continue indefinitely and which is one of the following:

- (1) Attributable to mental retardation, cerebral palsy, epilepsy or autism.
- (2) Attributable to any other condition found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons or requires treatment and services similar to those required for the persons.
- (3) Attributable to dyslexia resulting from a disability described in either subparagraph (1) or (2).
- (4) Attributable to a mental or nervous disorder.
- (5) Attributable to a brain injury.

DISTRICT - A part or parts of the City of Charles City in which regulations governing the use of buildings or premises or the height and location of buildings are uniform.

DISTRICT, OVERLAY - An overlay district which acts in conjunction with the underlying zoning district.

DOG KENNEL - A place where four or more dogs, over four months of age, are boarded, bred and/or offered for sale.

DRIVE-IN FACILITY - An establishment that, by design of physical facilities or by service or packaging procedures, permits customers to receive a service or obtain a product while remaining in a motor vehicle or to be entertained while remaining in a motor vehicle.

DWELLING - A residential building, or portion thereof, but not including hotels, motels, rooming houses, tourist houses, trailers or mobile homes except as hereinafter provided.

DWELLING, CONDOMINIUM - A multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units, with each owner having an undivided interest in the common real estate.

DWELLING UNIT - A group of rooms, constituting all or part of a dwelling, which are arranged, designed, used, or intended for use exclusively as living quarters for one family and an aggregate of not more than two roomers or boarders, and which include complete kitchen facilities permanently installed.

DWELLING, ATTACHED (GROUP, ROW AND TOWNHOUSES) - A residential building joined horizontally to another residential building at one or more sides by a party wall or walls.

DWELLING, DETACHED - A residential building entirely surrounded by open space on the same lot.

DWELLING, SINGLE-FAMILY - A residential building containing one dwelling unit, that is detached.

DWELLING, SINGLE-FAMILY SEMI-DETACHED - A dwelling designed for or occupied by one family only which is erected on a separate lot and is joined to another such residence on one side only by a wall located on the lot line and which has yards on the remaining sides.

DWELLING, TWO FAMILY (DUPLEX) - A residential building containing two dwelling units, either attached or detached.

DWELLING, MULTIPLE-FAMILY (APARTMENT BUILDINGS) - A building or portion thereof containing three or more dwelling units.

EASEMENT - A grant by the property owner to the public, a corporation, or persons of the use of a tract of land for a specific purpose(s).

EFFICIENCY UNIT - A dwelling unit consisting of one principal room together with bathroom, kitchen, hallway, closets and/or dining alcove directly off the principal room, provided such total unit is less than 600 square feet in area.

FAMILY - One or more persons each related to the other by blood, marriage, or adoption, or a group of not more than four persons not all so related, together with his or their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit.

FAMILY HOME - A community-based residential home which is located as a residential care facility under Chapter 135C of the Code of Iowa, or as a child foster care facility under Chapter 237 of the Code of Iowa to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237 of the Code of Iowa.

FARM - A tract of land which is used for the growing of vegetables, fruits, and grains, or for the raising of domestic poultry and animals. The term "farming" includes the operating of such area for one or more of the above uses and for such necessary accessory uses as treating or storing the produce, provided, however, that any such accessory uses shall be secondary to the normal farming activities and that such accessory uses do not include the commercial feeding of animals or poultry in confined lots or buildings.

FARM DWELLING - A dwelling located on a farm and occupied by the owner or operator of the farm on which it is located.

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

FENCE, SOLID - A fence, including solid entrance and exit gates, which effectively conceals from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it.

FLOODPLAIN - Those areas contiguous to a river, stream or other drainage course which have been inundated by floodwaters or where inundation by floodwaters can be expected to occur at a frequency of at least once in one hundred (100) years.

FLOODWAY - The channel of a river, stream, or watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water.

FLOODWAY FRINGE - Those portions of the floodplain, other than the floodway, which can be filled, levee, or otherwise obstructed without causing substantially higher flood levels or flood velocities within the floodway.

FLOOR AREA (BUILDING) - For the purpose of determining the floor area ratio, conversion of existing buildings, and maximum size of business establishments: The sum of the gross horizontal areas of the several floors, including the basement floor but not including the cellar floor, of the building; measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.

The floor area of a building shall also include elevator shafts and stair wells on each floor; floor space used for mechanical equipment, except equipment, open or enclosed, located on the roof; penthouses; attic space having head-room of seven feet ten inches or more; interior balconies and mezzanines; enclosed porches; and floor area devoted to accessory uses provided that any space devoted to off-street parking or loading shall not be included in floor area.

FLOOR AREA (PARKING) - For the purpose of determining off-street parking and off-street loading requirements: The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production of processing of goods or to business or professional offices.

However, floor area for purposes of determining off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein) floor areas devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

FLOOR AREA, GROUND - The area covered by a principal building measured from the exterior faces of exterior walls, including utility rooms but excluding open porches or open car ports, garages and terraces.

FLOOR AREA RATIO - The numerical value obtained through dividing the gross area of a building or buildings by the net site area on which such building or buildings are located.

FOSTER CHILD CARE - Care and education of not more than five (5) children unrelated to the residents by blood or adoption.

GARAGE, PRIVATE - An accessory building or an accessory portion of the principal building which is intended and used for storing the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on, provided that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one or two-car capacity may be so rented.

GARAGE, MAINTENANCE AND REPAIR - Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed and/or stored for compensation.

GARAGE, PUBLIC - A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

GARAGE, STORAGE - A building or premises used for housing, only of motor vehicles, pursuant to previous arrangements and not by transients; and where no equipment, parts, fuel, grease or oil are sold and vehicles are not rebuilt, serviced, repaired, hired nor sold.

GRAIN ELEVATOR - A structure or group of structures whose purpose is limited to the receiving, processing, storage, drying and transporting of bulk grain.

GREENHOUSE - A building or accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or other tender plants.

GUEST, PERMANENT - A person who occupies, or has the right to occupy, a hotel or apartment hotel accommodation for a period of 30 days or more.

HEALTH CLUB - Means an establishment providing physical fitness facilities and services to the public for a fee, including but not limited to: game courts, exercise equipment, exercise areas, running tracks, swimming pools, physical fitness maintenance and weight control services and instructors, locker rooms, saunas and associated retail shop intended for members of club only.

HOME OCCUPATION - A business, profession, occupation or trade conducted for gain or support as an accessory use entirely within a dwelling, or a structure, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.

HOMEOWNERS OR PROPERTY OWNERS ASSOCIATION - A formally constituted non-profit association or corporation made up of the property owners and/or residents of a definitive area; who collectively may take permanent responsibility for costs and upkeep of commonly owned or designated community property.

HOSPITAL - Means an institution licensed by state law providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

HOTEL - A building which provides a common entrance, lobby, halls and stairways and in which lodging is offered with or without meals to transient guests.

HOTEL, APARTMENT - A hotel in which at least 50 percent of the hotel accommodations are for occupancy by permanent guests.

JUNK YARD - An open area where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, dissembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. The term includes an auto-wrecking yard but does not include uses carried on entirely within enclosed buildings.

KENNEL - Any premises on which four (4) or more dogs, or four (4) or more cats, or any combination thereof exceeding four (4) in number, which are six (6) months or older, are kept; or the keeping of dogs or cats, regardless of number, for sale, breeding, boarding or treatment purposes.

LAUNDROMAT, SELF-SERVICE - A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

LODGING ROOM - A room rented as sleeping and living quarters but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.

LOT - A parcel of land (whether legally described or subdivided as one or more lots or parts of lots) located within a single block, occupied by, or intended for occupancy by one principal building or principal use, and having its principal frontage upon a street; together with any accessory buildings and such open spaces as are required by this Ordinance.

LOT AREA - The area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.

LOT CORNER - A lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point of deflection in alignment of a single street, the interior angle of which does not exceed 135 degrees.

LOT DEPTH - The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

LOT, DOUBLE FRONTAGE (THROUGH) - A lot which has a pair of opposite lot lines along two more or less parallel streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines but in the case of two or more contiguous through lots, there shall be a common front lot line.

LOT LINE - A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line or the inside of the sidewalk.

LOT LINE, FRONT - That boundary of a lot which is along an existing or dedicated street lot line as the front lot line.

LOT LINE, REAR - That boundary of a lot which is most distant from and is, or is approximately, parallel to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot, parallel to, and at the maximum distance from, the front lot line.

LOT LINE, SIDE - Any boundary of a lot which is not a front or rear lot line.

LOT OF RECORD - A lot which is a 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.

LOT, REVERSED CORNER - A corner lot where the street-side lot line is substantially a continuation of the front lot line of the first lot to its rear.

LOT, WIDTH - The width of a lot measured at the building line and at right angles to its depth. On corner lot, the width of the lot shall be that which has the least dimension.

MANUFACTURED HOME - A factory-built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling. For the purposes of these regulations, manufactured home shall be considered the same as any site built single-family detached dwelling.

MARINA - A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure water craft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

MINI-WAREHOUSE - A building or group of buildings not more than one (1) story or twenty feet (20') in height and not having any dimension greater than one hundred fifty feet (150') per building, containing varying sizes of individualized, compartmentalized, and controlled access stalls or lockers for the dead storage of customer's goods or wares, excluding junk, explosive, or flammable materials, and other noxious or dangerous materials, including, if any, caretaker or supervisors' quarters as an accessory use. No business activities other than rental of storage units shall be conducted on the premises.

MOBILE HOME - Any vehicle which at any time was used or maintained for use as a conveyance upon highways or public streets, or waterways, and duly licensed as such; and so designed and constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one (1) or more persons.

A. This definition shall refer to and include portable and potentially portable contrivances used or intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power, towed, or transported by another vehicle.

B. This definition shall also include and apply to such vehicles or structures that are located on a permanent or temporary foundation but shall not include mobile homes converted to real estate as defined herein.

MOBILE HOME PARK - Shall mean any site, lot, field or tract of land with two or more mobile homes, manufactured homes, or modular homes, or a combination of any of these homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

MODULAR HOME - Factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, and must display the seal issued by the state building code commissioner. If a modular home is placed in a mobile home park, the home is subject to the annual tax as required by Section 435.22, Code of Iowa. If a modular home is placed outside a mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate.

MOTEL - An establishment consisting of a group of living or sleeping accommodations with individual bathrooms, designed for use by transients, and having not more than 50 percent of the living and sleeping accommodations occupied by, or designed for occupancy by, persons other than transient automobile tourists. A motel furnishes customary hotel service and laundering of linen, telephone and secretarial or desk service and the use and upkeep of furniture.

MOTOR FREIGHT TERMINAL - A building in which freight by motor truck is assembled and sorted for routing in intrastate or interstate shipment.

NET SITE AREA - The area inside of lot lines, exclusive of streets and alleys.

NONCONFORMING STRUCTURE - Any structure or building lawfully constructed prior to the effective date of this Ordinance (or amendment thereto) which does not conform with the bulk regulations of the district in which it is located.

NONCONFORMING USE - The lawful use of any structure or land that was established prior to the effective date of this Ordinance (or amendment thereto) which does not conform with the regulations of the district in which it is located.

NOXIOUS MATTER - Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well-being of human beings.

OFF-PREMISE ADVERTISING - Any sign, insignia, or other advertising as defined in this ordinance, which appears other than on the premise of the advertiser.

OPEN SALES LOT - Any land used or occupied for the purpose of buying and selling second-hand passenger cars and/or trucks, farm machinery and equipment or for the storing of same prior to sale.

PARKING AREA OR LOT, OFF-STREET - An area which includes the parking space plus the maneuvering space required for the parking of motor vehicles. Space for maneuvering incidental to parking or unparking, shall not encroach upon any public right-of-way. Off-street parking requirements will be considered to be met only when actual spaces meeting the zoning requirements are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the City.

PARKING SPACE - An area of not less than 9 feet by 19 feet on a lot and/or within a building intended for the use of parking of a personal vehicle. This term is used interchangeably with parking stall.

PERMITTED USE - A use by right which is authorized in each zoning district.

PLANNED UNIT DEVELOPMENT - A development held in unified ownership or control which includes two or more principal buildings for which the specific requirements of a given district may be modified.

PORCH, UNENCLOSED - A roofed projection which has no more than fifty percent (50%) of each outside wall area enclosed by a building or siding material other than meshed screens.

PRINCIPAL BUILDING - A building in which the principal use of the lot on which the building is located is conducted.

PRINCIPAL USE - A principal use is the main use of the premises permitted outright in a particular zoning district as distinguished from a special use.

PRIVATE ROAD - A right-of-way open to vehicular ingress and egress established as a separate tract for the common use and benefit of certain, adjacent properties. This definition shall not apply to individual driveways.

RECREATIONAL VEHICLE - A vehicular type camping unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping or tent trailer, truck camper, and motor home or coach.

RECREATIONAL VEHICLE SITE - A plot of ground within a recreational vehicle park intended for the accommodation of two or more recreational vehicles, tents, or other individual camping units on a temporary basis.

REDEVELOPMENT AREA - For purposes of this Ordinance the Redevelopment Area is defined to include the area designated as Riverside Tax Increment Financing (TIF) District, (R-36(c)) Disaster Area).

RESEARCH LABORATORY - A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation but no facilities for the manufacture of products for sale.

RESIDENTIAL - Regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.

RESIDENTIAL CARE FACILITY - Any institution, place, building or agency providing for a period exceeding twenty-four 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.

RESTAURANT - An establishment that prepares and serves food and beverages to persons for immediate consumption.

- A. Dine-in: a restaurant where the patron consumes foods and beverages while seated at tables or counters located on the premises.
- B. Drive-in: a restaurant that delivers prepared food and/or beverages to patrons in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption on or off the premises.

C. Carry-out: a restaurant which prepares food and/or beverages which are packaged and delivered to the patrons or are picked up at the establishment by the customer, there is no consumption of food or beverages on the premises by patrons.

REST HOME (NURSING HOME) - A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such a home does not contain equipment for surgical care or for the treatment of disease injury, nor does it provide care for maternity or mental illness.

ROOMING HOUSE (TOURIST HOME) - A residential building, or portion thereof, containing lodging rooms which accommodates three or more persons who are not members of the keeper's family. Lodging or meals or both are provided for compensation on a weekly or monthly basis.

SATELLITE ANTENNA - SATELLITE DISH - Any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter relay located in planetary orbit.

SERVICE STATION - Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories and other items customarily associated with the sale of such products; for the rendering of service and making of adjustments and replacements to motor vehicles, and the washing, waxing, and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs, major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires. A service station is not a commercial garage nor a body or fender shop.

SETBACK - The required minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building respectively for a particular zoning district. Setback may also be referred to as required yard.

SHOPPING CENTER - A grouping of retail businesses and service uses within a single master planned complex of one or more buildings with common parking facilities, access and open space.

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story.

STORY-HALF - A space under a sloping roof which has the line of intersection of roof decking and wall not more than three feet above the top floor level, and in which space not more than 60 percent of the floor area is completed for principal or accessory uses.

STREET (AVENUE, PLACE, ROAD, TERRACE OR PARKWAY) - A right-of-way, not less than 24 feet wide, which affords a primary means of access to abutting property.

STRUCTURAL ALTERATIONS - Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.

STRUCTURE - Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. An advertising or business sign or other advertising device, if detached or projecting, shall be construed to be a separate structure.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions.

TELECOMMUNICATIONS ANTENNA - Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure.

TELECOMMUNICATIONS TOWER - A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building or other structure.

TELECOMMUNICATIONS SATELLITE DISH ANTENNA - Any antenna in the shape of a shallow dish, and the appurtenant equipment, used for the reception of communications (television or otherwise) from orbiting satellites or ground transmitters. This definition includes those satellite dishes less than three feet in diameter.

TOWNHOUSE - A dwelling unit which is attached horizontally, and not vertically to one or more other dwelling units, wherein the land or lot beneath each dwelling is individually owned by the owner of the dwelling. A townhouse subdivision shall have common elements which are specified in or determined under the rules and regulations set forth by recorded covenants. Covenants for a townhouse subdivision shall establish the guidelines for maintenance of common elements and permit free movement through common areas by members of the homeowners association (council of co-owners) to assure access to the structural exterior of each townhouse unit by the individual unit owner.

TV ANTENNA - RADIO ANTENNA - Any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals.

USE - The purpose of activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained.

USE, ACCESSORY - A subordinate use or structure, such as a private garage, which is clearly and customarily incidental to the principal use of a building or premises; and which is located on the same lot as the principal building or use, except for such accessory parking facilities as are specifically authorized to be located elsewhere.

USE, NON-CONFORMING - Any use of a building or premises which on the effective date of this ordinance does not, even though lawfully established, comply with all of the applicable use regulations of the zoning district in which such building or premises shall be located.

USE, PRINCIPAL - The main use of land or building as distinguished from a subordinate or accessory use.

WAREHOUSE - A building used primarily for the storage of goods and materials.

YARD - An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this Ordinance. A yard extends along a lot line and at right angles to such line to a depth or width specified in the yard regulations for the district in which such lot is located.

YARD, FRONT - A yard extending along the full width of the front lot line between side lot lines.

YARD, REAR - The portion of the yard on the same lot with the principal building, located between the rear line of the building and the rear lot line and extending for the full width of the lot; provided that in those locations where an alley is platted in the rear of the lots, one-half of the width of the platted alley may be included in the rear yard requirements.

YARD, SIDE - A yard extending along a side lot line between the front and rear yards.

ZERO LOT LINE - The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

ZONING CERTIFICATE/BUILDING PERMIT - A written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of the Zoning Ordinance and for the purpose of carrying out and enforcing its provisions.

WIND GENERATORS - A structure used primarily to harness wind energy including such devices as wind generators, windmills, wind turbines and similar devices.

SECTION IV

GENERAL PROVISIONS

A. BUILDING ON LOT

In any district where single family dwellings are allowed, every single-family dwelling hereafter erected or structurally altered shall be located on a lot, and there shall not be more than one principal building on one lot.

B. ALLOWABLE USE OF LAND OR BUILDINGS

The following uses of land or buildings are permitted in the districts indicated hereinafter under the conditions specified in this Ordinance.

1. Uses lawfully established on the effective date of this Ordinance.
2. Permitted uses as designated in various districts in this Ordinance.
3. Special Uses.

C. PROHIBITED USE OF LAND OR BUILDINGS

No building or tract of land shall be devoted to any use other than one which is specified as a permitted, or special use in the zoning district in which such building or land is located. However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance and where that construction has been begun within one year of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with approved plans on the basis of which the building permit was issued and further may upon completion be occupied under a certificate of occupancy by the uses for which originally designated.

D. CONTROL OVER USE

No building or premises shall hereafter be used or occupied and no building or part thereof or structure shall be erected, raised, moved, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located; except that in Residence Districts, a lot the ownership of which was of record, that does not meet the requirements of this Ordinance as to area and width, may be used for single-family residence purposes, provided it qualifies under all other provisions.

E. CONTROL OVER BULK

All new buildings shall conform to the bulk regulations established herein for the district in which each building is located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict or to further conflict with the bulk regulations of this Ordinance for the district in which such building shall be located.

F. ACCESSORY BUILDINGS AND USES

1. Accessory structures and uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use.
2. No accessory structure, unless it is structurally a part of the principal building and unless it conforms with requirements of accessory buildings for special uses, shall be erected or altered at, nor moved to, a location within six (6) feet of the nearest wall of the principal building, nor within the required area in front or side yard of the lot, as set forth for the district, and in residence districts an accessory building in a rear yard shall be not less than three (3) feet from any property line, unless otherwise provided in this Section.
3. No accessory structure shall encroach upon that side yard of a corner lot which is adjacent to the street, nor upon that side yard of a reversed corner lot which is adjacent to the street, nor upon the rear yard of a through lot.
4. No accessory structure shall exceed the height of 25 feet unless greater height permitted as an accessory to business and manufacturing uses.
5. No accessory building or structure shall be erected in any yard other than a rear yard and it shall occupy no more than thirty percent (30%) of a required rear yard, nor be more than one thousand (1,000) square feet in area for single- or two-family uses on lots less than one (1) acre in size. However, this regulation shall not be interpreted to prohibit the construction of a four hundred forty (440) square foot garage on a minimum rear yard. Only one accessory structure as a garage may be erected on lots with single family dwellings. No accessory building shall be constructed upon a lot until construction of the principal building has been actually commenced, and no accessory building shall be used unless the principal building on the lot is used.
6. Any building for accessory use connected to the principal building shall be considered a part of the said principal building and must meet the space requirements thereof. Accessory buildings may be erected separately from and six (6) feet distant into the side yard and rear yard from the principal building, however, they shall meet the space requirements of the principal building

G. SPECIAL USES

1. To provide for the location of certain uses herein after specified which are deemed desirable for the public welfare within a given district or districts, but which might have an adverse effect upon nearby properties and upon the character and future development of the district in which they are located, a classification of Special Uses is hereby established.
2. Where a use exists on the date of the adoption of this Ordinance and it is classified as a Special Use it shall be considered to be a legal Special Use. Additions or alterations to existing buildings or land improvements for expansion of legal Special Uses shall not extend beyond the area included in the ownership existing at the time of adoption of this Ordinance, and they shall be subject to yard and floor area ratio requirements set forth in this Ordinance for permitted uses in the districts in which they are located.

H. PERMITTED OBSTRUCTIONS - YARDS

For the purpose of this Ordinance, the following shall not be considered as obstructions when located in the yards indicated:

1. In Any Yards: Chimneys, overhanging roof eaves, pillars, open terraces, plants, porches, and awnings adjoining the principal building, if they do not exceed ten percent of the depth of the yard and ornamental light standards and flagpoles.

On any lot bounded by the street lines of intersecting streets, no fence or structure shall be erected that will obstruct the line of sight between the centerline of the intersecting streets when viewed across the triangular portion of the front or side yard determined by measuring 25 feet along each street line from the lot corner formed by the intersecting street lines; said line of sight to be viewed from one street center line to the other of a height of three feet above the respective established centerline grade at a point from which viewed and at the point to which viewed. On streets containing horizontal changes of direction no fence or structure shall be erected on any abutting property which will obstruct clear vision of the roadway for a distance of 200 feet as measured along the centerline of the street. On all other front yards obstruction may be permitted not to exceed three feet in height.

2. In Side Yards: Air conditioning units, open accessory off-street parking spaces and in a side yard abutting a street as permitted in this Ordinance. Fences six feet high if they do not extend into any portion of the front yard, hedges not to exceed six feet in height must be set back one foot from the sidewalk on the outside side yard and two feet from the lot line in inside side yards. Where in the opinion of the Zoning Administrator the public safety and welfare is not otherwise involved and where not prohibited by other provisions of this Ordinance neighbors by agreement may provide for fences and hedges in excess of the heights permitted herein. In the event of any disagreement, the provisions of this Ordinance shall immediately become in full force and effect.
3. In Rear Yards: Air conditioning units, private garages, detached; open accessory off-street parking spaces, accessory sheds, tool rooms or other similar accessory buildings; recreational and laundry-drying equipment; arbors and trellises. Fences not to exceed six feet in height may be erected on the rear lot line, hedges must be set back one foot from the rear lot line, fences on side lot lines of rear yards not to exceed six feet in height may be erected up to the side lot lines; hedges not to exceed six feet in height must be set back one foot from the side lot line of rear yards abutting a sidewalk and two feet back from inside lot lines of rear yards. Where in the opinion of the Zoning Administrator the public safety and welfare is not otherwise involved, and where not prohibited by other provisions of this Ordinance neighbors by agreement may provide for fences and hedges in excess of the heights permitted herein. In the event of any disagreement, the provisions of this Ordinance shall immediately become of full force and effect.

I. YARDS, GENERAL

1. The minimum yard space required for one structure shall not again be considered as yard space for another adjoining structure.
2. No lot shall be reduced in area so that the yards or other open spaces become less than required by this Ordinance.

3. In any "R" District, there shall be a minimum front yard required as stated in the yard requirements for that particular district. However, where lots comprising fifty (50) percent or more of the frontage within a block length or within two hundred (200) feet of either side lot line, when not within a recorded block excluding frontage zoned other than residential, are developed with buildings at a greater or lesser setback, the front yard requirement shall be the average of these building setbacks and the minimum front yard required for the undeveloped lots. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots shall not be counted. The required front yard as computed herein need not exceed fifty (50) feet in any case. These requirements are applicable to both developed and undeveloped lots subject to improvements.
4. On a vacant through lot the front-yard setback requirements shall apply to both of its street-lot lines and either street-lot lines may be the front lot line; except that where two or more through lots are contiguous and the lot line of one such lot has been duly established as the front-lot line, the same street-lot line shall thereafter be deemed to be the front-lot line of all such contiguous lots.

J. CONVERSION OF DWELLINGS

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

K. STREET FRONTAGE, MINIMUM REQUIREMENT

No lot created after the adoption of these regulations shall contain any building used as a single-family or two-family dwelling unless it abuts at least forty (40) feet on a street or has a permanent exclusive non-obstructed easement of access not less than 20 (twenty) feet wide to a public street. For multiple family dwelling, the minimum width of lot or easement shall not be less than 50 (fifty) feet wide to a public street.

L. VALIDITY OF EXISTING BUILDING PERMITS

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this Ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Ordinance and completion thereof carried on in a normal manner within the subsequent six-month period, and not discontinued until completion, except for reasons beyond the building's control.

M. HOME OCCUPATIONS

Subject to the limitations of this section, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit. Any question of whether a particular use is permitted as a home occupation, as provided herein, shall be determined by the Zoning Administrator pursuant to the provisions of this Ordinance. The regulations of this section are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities have traditionally been carried on in the home. This section recognizes that, when properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure.

1. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
 - (a) One employee may be employed in a home occupation business besides the occupant.
 - (b) No more than 25%, including storage area, of no more than one floor of the dwelling unit, shall be devoted to the home occupation. No stock of goods shall be displayed or sold on the premises in excess of storage area available. Storage is not permitted in garage, but must be within 25% of the area of no more than one floor of the dwelling unit.
 - (c) No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.
 - (d) The home occupation shall be conducted entirely within the principal dwelling unit, and in no event shall such use be apparent from any public way.
 - (e) There shall be no outdoor storage of equipment or materials used in the home occupation.

- (f) Not more than one commercially licensed vehicle used in connection with any home occupation shall be parked on the property.
 - (g) No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residence shall be permitted.
 - (h) No home occupation shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other harmful, objectionable emissions.
 - (i) For permitted home occupation, an unilluminated sign not to exceed four (4) square feet in area nor closer than eight (8) feet to any side or rear lot line or closer than four (4) feet to the front lot line shall advertise the presence or conduct of home occupation. No sign shall be placed in the parking.
 - (j) There shall be no off-premise signs.
2. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each such home occupation shall be subject to the use limitations set out in Section IV.N.1.
- (a) Providing instruction to not more than four students at a time.
 - (b) Office facilities for accountants, architects, brokers, doctors, dentists, engineers, lawyers, insurance agents and real estate agents.
 - (c) Office Facilities for ministers, priests and rabbis.
 - (d) Office facilities for salespersons, sales representatives and manufacturer's representatives when no retail or wholesale sales are made or transacted on the premises.
 - (e) Studio of an artist, photographer, craftsman, writer or composer.
 - (f) Homebound employment of a physically, mentally or emotionally handicapped person who is unable to work away from home by reason of his or her disability.
 - (g) Shop of a beautician, barber, hair stylist, dressmaker or tailor.

N. PROHIBITED STORAGE OF MOTOR VEHICLES

1. Outdoor storage of motor vehicles not currently licensed shall be prohibited in all zoning districts, except motor vehicles held for sale by a licensed motor vehicle dealer at the dealer's place of business in a zoning district where motor vehicle sales are permitted and auto wrecking yards (as permitted).

O. WATER AND SEWER REQUIREMENTS

In any district in which residences are permitted, except the UA District, and where neither public water supply nor public sanitary sewer is available, the minimum lot area and frontage requirements shall be as follows:

1. Lot area - one acre (43,560 square feet): lot width at building line - one hundred fifty (150) feet, provided, however, that where a public water supply system is available these requirements shall be twenty thousand (20,000) square feet and one hundred (100) feet, respectively.
2. The above requirements shall not apply in subdivision developments providing common private water supply and sewage collection and disposal systems which have been approved by the Iowa Department of Natural Resources.
3. In all districts where a proposed building, structure or use will involve the use of sewage facilities, and public sewer and/or water is not available, the sewage disposal system and domestic water supply shall comply with all of the requirements and standards of the Floyd County Board of Health.

SECTION V

NON-CONFORMING BUILDING STRUCTURES AND USES

A. USE OF BUILDING

The lawfully existing non-conforming use of part or all of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be continued subject to the following provisions:

1. The non-conforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure.
2. If a non-conforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of twelve consecutive months, it shall not be renewed; and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.
3. No non-conforming use shall be changed to another non-conforming use when such non-conforming use is located in a building or structure all or substantially all of which building or structure is designed or intended for a permitted use.
4. Any structure devoted to a use made non-conforming by this Ordinance that is destroyed by any means to an extent of fifty (50) percent or more of its assessed value cost at the time of destruction, exclusive of the foundations, shall not be reconstructed and used as before such happening. If the structure be less than fifty (50) percent destroyed above the foundation, it may be reconstructed and used as before provided it be done within six (6) months of such happening, and be built of like or similar materials.

B. USE OF LAND

The nonconforming use of land not involving a structure or building, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the following provisions:

1. A nonconforming use of land shall not be expanded or extended beyond the area included in the ownership existing at the time it became nonconforming.

2. If the nonconforming use of land is discontinued for a period of six consecutive months, it shall not thereafter be renewed, and any subsequent use of the land shall conform to the regulations of the district in which the land is located.
3. The nonconforming use of land shall not be changed to any other use except to a use permitted in the district in which the land is located.

C. USE OF EXISTING LOTS OF RECORD

In any district where dwellings are permitted, a single family dwelling may be located on any lot of record as of the effective date of this Ordinance irrespective of its area or width; provided however:

1. The sum of the side yard widths of any such lot or plot shall not be less than twenty (20) percent of the width of the lot, but in no case less than ten (10) percent of the width of the lot or five (5) feet, whichever is greater, for any one side yard.
2. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case less than twenty (20) feet.
3. Where such a lot is a corner lot, the width of side yard on the longer street side of the corner lot shall not be less than seventy-five (75) percent of the front yard required on the lot to the rear if there is a reverse frontage of the corner lot.

SECTION VI

ZONING DISTRICTS

A. ESTABLISHMENT OF DISTRICTS

In order to carry out the purposes and provisions of this Ordinance, the City of Charles City is hereby divided into the following districts:

- UA - Urban Agriculture District
- COS - Conservation and Open Space District
- R-1 - Single-Family Residence District
- R-2 - General Residence District
- R-3 - Multi-Family Residence District
- R-4 - Mobile Home Park Residence District
- R-5 - Planned Unit Development (PUD) Residence District
- B-1 - Local Business District
- B-2 - General Business District
- B-3 - Service Business District
- B-4 - Highway Service Business District
- M-1 - Light Manufacturing District
- M-2 - General Manufacturing District
- F-1 - Floodplain (Overlay) District

B. OFFICIAL ZONING MAP

The Official Zoning Map is identified by the signature of the Mayor under the following words: "This is to certify that this is the Official Zoning Map referred to in Zoning Ordinance 1013 of the City of Charles City adopted on the 3rd day of January, 2005."

If, in accordance with the provisions of this Ordinance and Chapter 414 Code of Iowa as amended, changes are made in district boundaries or other matter portrayed in the Official Zoning Map, copies of such changes shall be filed with the Official Zoning Map promptly after the amendment has been approved by the City Council.

Regardless of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, together with amending ordinances, shall be the final authority as the current zoning status of land in the City.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of use, the City Council may 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 zoning ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, under the following words: "This is to certify that the Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) by the City of Charles City, Iowa.

C. BOUNDARIES OF DISTRICTS

When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply:

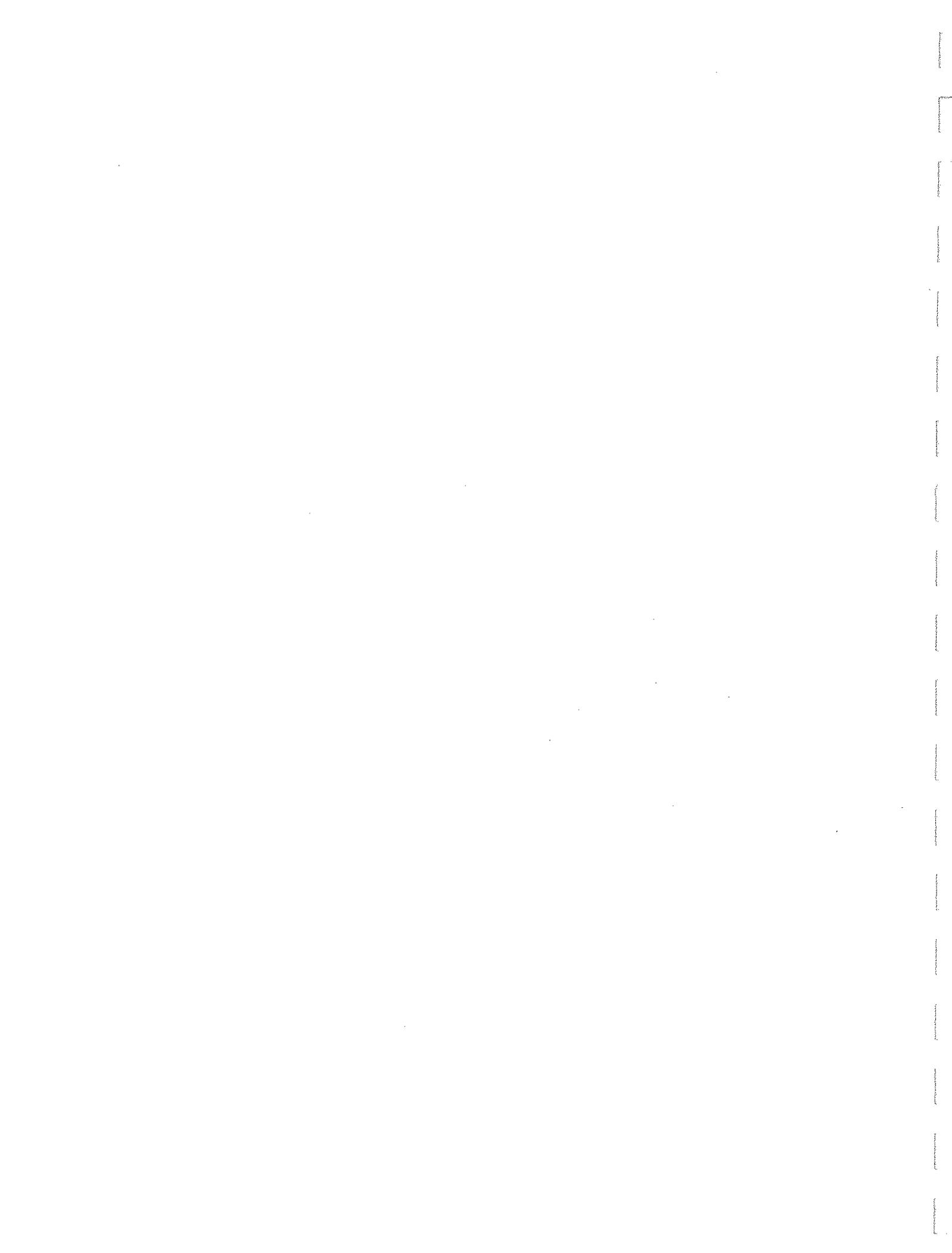
1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
4. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines.
5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
6. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 6 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
8. 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.

D. ANNEXED TERRITORY

Any additions to the incorporated area of the city, resulting from disconnection by the county or otherwise, shall be automatically classified as the UA - Urban Agricultural District until Planning and Zoning Commission and City Council have studied the area and adopted a Zoning District or districts for the area in accordance with Section XXV of this Ordinance.

E. EXEMPTIONS

The following uses are permitted in any district: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distributing installations for public utilities provided that installation conforms with requirements of authorities having jurisdiction.



SECTION VII

UA - URBAN AGRICULTURAL DISTRICT

A. STATEMENT OF INTENT

The "UA" District is intended and designed to preserve or encourage continuation of agricultural uses, to encourage urban development occur contiguous to existing developed areas and to prevent premature urban development not adequately served by public facilities and/or services.

B. PRINCIPAL PERMITTED USES

Only the use of structure or land listed in this section shall be permitted in the UA District.

1. Agriculture and the usual agricultural buildings and structures, including a farm dwelling.
2. Cemeteries, including mausoleums.
3. Nurseries and greenhouses; provided that any heating plant shall be a distance of at least two hundred (200) feet from any dwelling and from any adjoining lot lines and further that no retail sales are conducted from a store erected or maintained on the premises.
4. Public and private schools and other educational institutions.
5. Public parks and golf courses.
6. Specialty farming, including tree farms, orchards and aquiculture.

C. SPECIAL USES

Special uses as authorized by the Board of Adjustment after public hearing.

1. Commercial outdoor recreation.
2. Communication towers.
3. Kennels provided that at least a separation distance of 200 feet from any dwelling and from all property lines be provided.
4. Manufacture, storage and/or sales of agriculture products.
5. One mobile home on a farm if used by the owner or any employee thereof.

6. Stables, private and public and riding academies and clubs, and other structures must be located at least two hundred (200) feet from all boundary lines of the property on which located.
7. Utility and public service uses including transit and public transportation facilities to include shelters, terminals, parking areas and service buildings.
8. Wind generators.

D. PERMITTED ACCESSORY USES

1. Uses of land and structure customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.
2. Seasonal roadside stand for display and sale of agricultural products produced on the property.

E. BULK REGULATIONS

The following minimum requirements shall be observed, subject to modifications included in this Ordinance.

- | | | |
|----|---------------------------------|--|
| 1. | Lot Area: | Farm dwellings: 10 Acres.
No minimum required for other permitted uses. |
| 2. | Lot Width: | Farm dwellings: 600 feet.
All other uses - no minimum. |
| 3. | Front Yard: | 50 feet. |
| 4. | Rear Yard: | 50 feet. |
| 5. | Side Yards: | 50 feet minimum on each side. |
| 6. | Maximum Height: | Principal structure - 35 feet.
Farm buildings other than farm dwelling - no height limitations. |
| 7. | Maximum Number of Stories: | Principal structure - 3 stories.
Accessory structure - 2 stories. |
| 8. | Off-Street Parking and Loading: | Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section XXII. |
| 9. | Signs: | Signs shall be provided in accordance with provisions of Section XXIII. |

SECTION VIII

COS - CONSERVATION AND OPEN SPACE DISTRICT

A. STATEMENT OF INTENT

The Conservation and Open Space District is intended to preserve and protect the heavily wooded areas, the stream banks and floodplains of the City of Charles City planning area from adverse future development. It is also intended that development of the floodplains be restricted to minimize the danger to life and property which results from development undertaken without full realization of such danger.

B. PRINCIPAL PERMITTED USES

Only the use of structures or land listed in this section shall be permitted in the COS - Conservation and Open Space District.

1. Forests and forestry preserves.
2. Publicly owned parks, nature areas, playgrounds, golf courses and similar non-commercial recreational uses.
3. Any use erected or maintained by a public agency.

C. SPECIAL USES

Special uses as authorized by the Board of Adjustment after public hearing.

1. Public utility structures except those constructed by the City of Charles City.

D. PERMITTED ACCESSORY USES

1. Uses of land and structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.

E. BULK REGULATIONS

The following minimum requirements shall be observed, subject to modifications included in this Ordinance.

1. Front Yard: 50 feet.
2. Side Yards: 50 feet.
3. Rear Yard: 50 feet.
4. Maximum Height: Principal structure - 35 feet.
Accessory structure - 25 feet.
5. Maximum Number of Stories: Principal structure - 3 stories.
6. Off-Street Parking and Loading: Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section XXII.
7. Signs: Signs shall be provided in accordance with provisions of Section XXIII.

SECTION IX

R-1 SINGLE-FAMILY RESIDENCE DISTRICT

A. STATEMENT OF INTENT

The R -1 District is intended and designed to provide for certain low-density residential areas now developed with single-family dwellings and areas where similar residential development is designated in the Comprehensive Plan to occur.

B. PRINCIPAL PERMITTED USES

Only the uses of structures or land listed in this section shall be permitted in the R-1 Single-Family Residence District.

1. Churches, chapels, temples, and similar places of worship, provided that all principal buildings be set back a minimum of thirty feet from all property lines.
2. Elder family homes as permitted by and as limited by Section 414.29 and Chapter 135K, Code of Iowa.
3. Family homes as permitted by and as limited by Section 414.22, Code of Iowa.
4. Homes for persons with physical disabilities as permitted by and as limited by Section 414.30, Code of Iowa.
5. Private noncommercial recreational areas, including country clubs, swimming pools, tennis clubs, and golf courses but not including commercially-operated driving ranges or miniature golf courses.
6. Public and parochial schools, elementary and secondary, and other educational institutions having an established current curriculum the same as ordinarily given in the public schools, provided that all principal buildings be set back a minimum of thirty feet from all property lines.
7. Publicly owned parks, playgrounds, golf courses, and recreation areas.
8. Single-family detached dwellings.

C. SPECIAL USES

Special uses as authorized by the Board of Adjustment after Public Hearing.

1. Armories.
2. Art galleries and museums.
3. Assisted living residential facility.
4. Cemeteries.
5. Colleges and universities and uses accessory and incidental thereto - but not colleges or trade schools operated for profit.
6. Convents, monasteries and seminaries.
7. Day nurseries and nursery schools.
8. Dwelling attached of not more than two dwelling units.
9. Hospitals and nursing homes.
10. Libraries.
11. Nurseries and truck gardens, provided that no livestock, poultry or pigeons are kept and that no offensive odors or dusts are created; and further that no retail sales are conducted from a store erected or maintained on the premises.
12. Utility and public service uses, including:
 - (a) Bus turnarounds - off-street.
 - (b) Electric substations.
 - (c) Fire stations.
 - (d) Police stations.
 - (e) Telephone exchanges and substations.
 - (f) Transit and public transportation facilities - including shelters, terminals, parking areas and service buildings.
 - (g) Water filtration plants, pumping stations and reservoirs.

D. PERMITTED ACCESSORY USES

1. Home occupations as permitted in and as limited by Section IV.
2. One board or sign not to exceed fifty square feet in area per street frontage, not to exceed two frontages referring to the construction, lease, hire, or sale of a building, premises, or subdivision lots, which sign shall refer to property on which the sign is located, and shall be removed as soon as the premises are sold or leased or construction is completed.
3. Parabolic or dish-type antennas in accordance with the requirements of Section XXI.
4. Private garage or carport, swimming pools, and tennis courts.
5. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
6. Temporary use of a dwelling structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall terminate upon completion or abandonment of the project.
7. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.

E. BULK REGULATIONS

The following minimum requirements shall be observed subject to the modifications contained in this Ordinance.

1. Lot Area: 9,000 square feet.
5,000 square feet for semi-detached dwelling.
10,000 square feet for two family dwelling.
7,500 square feet in Redevelopment Area.
2. Lot Width: 75 feet.
80 feet for two family dwelling.
60 feet in Redevelopment Area.
40 feet for semi-detached dwelling.
3. Front Yard: 30 feet.
25 feet in Redevelopment Area.
4. Rear Yard: 40 feet.
30 feet in Redevelopment Area.

5. Side Yards: Minimum on each side - 10 feet.
Churches and schools - 40 feet on each side.
Redevelopment Area - 6 feet on one side.
- 16 feet combined width.
6. Maximum Height: Principal building - 35 feet.
Accessory building - 25 feet.
7. Maximum Number of Stories: Principal building - 3 stories.
Accessory building - 2 stories.
8. Total Floor Area Ratio: 0.4.
9. Minimum Floor Area: 1,400 square feet (footprint of main floor).
10. Minimum Building Width: The minimum dimension of the main body of the principal building shall not be less than 24 feet.
11. Off-Street Parking and Loading: Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section XXII.
12. Signs: Signs shall be provided in accordance with provisions of Section XXIII.

SECTION X

R-2 GENERAL RESIDENCE DISTRICT

A. STATEMENT OF INTENT

The R-2 General Residence District is intended to provide for certain medium-density residential areas now developed or being redeveloped and areas where similar residential development is designated in the Comprehensive Plan.

B. PRINCIPAL PERMITTED USES

Only the uses of structures or land listed in this section shall be permitted in the R-2 District.

1. Any use permitted in the R-1 District.

C. SPECIAL USES

Special uses as authorized by Board of Adjustment after public hearing.

1. Any special use listed in the R-1 District.
2. Bed and breakfast home.
3. Bed and breakfast inn.
4. Campgrounds.
5. Clubs and lodges - religious and fraternal.
6. Conversion of single family dwellings into not more than four dwelling units in accordance with the bulk regulations of this section.
7. Funeral homes.
8. Multi-family dwellings not to exceed four units.
9. Sheltered workshops.
10. Fitness centers.

D. PERMITTED ACCESSORY USES

1. Accessory uses permitted in and as limited in the R-1 District.

E. BULK REGULATIONS

The following minimum requirements shall be observed subject to the modifications contained in this Ordinance.

1. Lot Area: Single family dwelling - 7,500 square feet.
Single family semi-detached dwelling - 4,000 square feet.
Two family dwelling - 8,000 square feet.
Row housing units, multiple dwellings of up to 3 units or other permitted use - 10,000 square feet.
2. Lot Area per Dwelling Unit: Row housing and multiple dwellings - 2,000 square feet for each unit above 3.
3. Lot Width: 60 feet.
50 feet in Redevelopment Area.
40 feet for semi-detached dwelling.
100 feet for multi-family dwelling.
4. Front Yard: 25 feet.
5. Rear Yard: 30 feet.
6. Side Yard: Minimum on one side - 6 feet, and combined width - 16 feet.
7. Maximum Height: Principal building - 35 feet.
Accessory building - 25 feet.
8. Maximum Number of Stories: Principal building - 3 stories.
Accessory building - 2 stories.
9. Total Floor Area Ratio: 0.4 single family dwelling.
0.5 two family and multi-family dwelling.
10. Minimum Floor Area: 1,000 square feet (footprint of main floor).
11. Minimum Building Width: The minimum dimension of the main body of the principal building shall not be less than twenty-four feet.
12. Off-Street Parking and Loading: Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section XXII.
13. Signs: Signs shall be provided in accordance with provisions of Section XXIII.

SECTION XI

R-3 MULTI-FAMILY RESIDENCE DISTRICT

A. STATEMENT OF INTENT

The R-3 Multi-Family Residence District is intended to provide for certain high-density residential areas now developed with multi-family dwellings and areas where similar residential development is designated in the Comprehensive Plan to occur.

B. PRINCIPAL PERMITTED USES

Only the use of structures or land listed in this section shall be permitted in the R-3 District.

1. Any use permitted in the R-2 District.
2. Boarding and lodging houses.
3. College dormitories, fraternity and sorority houses.
4. Family homes in excess of eight residents.
5. Multi-family dwellings, including row dwellings or townhouses, apartments and condominium dwellings.
6. Private clubs, lodges, or veterans organizations, excepting those holding a beer permit or liquor license.

C. SPECIAL USES

Special uses as authorized by the Board of Adjustment after a public hearing.

1. Law offices, dentist offices, doctor offices (including osteopath and chiropractor offices), real estate offices, insurance offices, small loan offices, and other business office activities compatible with an R-3 Multi-family Resident District.
2. Special uses allowed in R-2 District.

D. PERMITTED ACCESSORY USES

1. Accessory uses permitted in and as listed in the R-2 District.

E. BULK REGULATIONS

The following minimum requirements shall be observed subject to the modifications contained in this Ordinance.

1. Lot Area: Single family dwelling - 7,500 square feet.
Two family dwelling - 8,000 square feet.
Multi-family dwelling or other permitted use - 10,000 square feet for first three units.
2. Lot Area per Dwelling Unit: Row housing and multiple dwellings - 2,000 square feet for each unit above 3.
3. Lot Width: Single family dwelling - 50 feet.
Two family dwelling - 60 feet.
Multi-family dwelling and other permitted uses - 100 feet.
In Redevelopment Area - 50 feet.
4. Front Yard: 25 feet.
5. Rear Yard: 30 feet.
6. Side Yard: Minimum on one side - 6 feet, and combined width - 16 feet.
7. Maximum Height: Principal building - 35 feet.
Accessory building - 25 feet.
8. Maximum Number of Stories: Principal building - 3 stories.
Accessory building - 2 stories.
9. Total Floor Area Ratio: 0.5.
10. Minimum Floor Area: 1,000 square feet (footprint of main floor).
11. Minimum Building Width: The minimum dimension of the main body of the principal building shall not be less than twenty-four feet.
12. Off-Street Parking and Loading: Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section XXII.
13. Signs: Signs shall be provided in accordance with provisions of Section XXIII.

SECTION XII

R-4 MOBILE HOME PARK RESIDENCE DISTRICT

A. STATEMENT OF INTENT

The "R-4" District is intended and designed to provide for certain high density residential areas of the City, which by reason of their design and location, are suitable for mobile home development and which are compatible with surrounding residential areas.

B. PRINCIPAL PERMITTED USES AND STRUCTURES

Following are the principal uses and structures permitted in the R-4 Mobile Home Park Residential District:

Two types of mobile home parks are permitted: Type 1 - Mobile Home Park, which provides rental spaces for manufactured homes, and Type 2 - Mobile Home Subdivision Park, which permits lots to be individually owned.

1. Type 1 - Mobile Home Park - Mobile home parks, in accordance with regulations of the State of Iowa and minimum requirements contained herein, but not including mobile home sales and display areas. No part of any park shall be used for non-residential purposes except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park. This shall in no way prohibit the sale by a resident owner of a mobile home located on a mobile home space and connected to the pertinent utilities.
2. Type 2 - Modular and Manufactured Home Subdivision Park - Modular and manufactured home subdivision parks in accordance with Charles City subdivision ordinance and state statutes regarding platting provisions. Mobile homes and manufactured homes converted to real estate, and modular homes are permitted in modular and manufactured subdivision parks. The lots are individually owned, and streets, utilities and open space not part of individual lots are owned in common and subject to bylaws of a homeowner's association.

C. ACCESSORY USES

1. Accessory uses may include garages and storage buildings, common facility service buildings which provide laundry facilities, accessory supplies, vending machines, etc.; also park management buildings, maintenance buildings, community buildings, and other uses of a similar nature. Common facility service buildings shall be located within the central "park" area, and shall be restricted to the use of the park occupants and their guests.

2. One (1) permanent identification sign shall 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 include only the name of such mobile home park. Such sign shall not exceed one hundred (100) square feet in surface area.

D. LOT AREA, LOT FRONTAGE AND YARD REQUIREMENTS

1. The minimum area proposed for a mobile home park and mobile home subdivision park shall have at least ten (10) acres of gross development area. The maximum density allowed for the gross development area shall be seven (7) mobile home units per gross acre.
2. Each yard abutting on a public street shall be considered a front yard and shall be a minimum of fifty (50) feet. All other yards, whether side or rear, shall be a minimum of thirty (30) feet when adjacent to any other R District and fifty (50) feet when adjacent to a B or M District.
3. The individual mobile home lot shall contain not less than four thousand five hundred (4,500) square feet in area with a minimum depth of ninety (90) feet. Each lot shall have a front yard of not less than fifteen (15) feet in depth measured from the edge of the surfaced street to the closest point of the lower face of the mobile home. Side and rear yards shall be provided and maintained so as to provide a separation at the nearest point between mobile homes, and other buildings and structures on adjoining lots of at least twenty-five (25) feet but not less than ten (10) feet to any side and fifteen (15) feet to rear yard. The construction of entrance-ways, rooms, breezeways, or other integral parts to the existing mobile home shall meet all other regulations.
4. A minimum of two hundred fifty (250) square feet for each lot shall be provided for one (1) or more recreation areas which shall be easily accessible to all park residents. The required recreational area shall be computed in addition to the minimum lot area specified herein.
5. Storm shelter for residents shall be required within mobile home park.

E. PARKING

1. A minimum of two (2) off-street parking spaces for each mobile home shall be provided. All parking areas shall be constructed with a portland cement concrete or asphaltic concrete surface.

F. STREETS

1. The entrance road connecting the park streets with a public street shall have a minimum road pavement width of thirty-one (31) feet, measured back to back of curbs. All interior streets shall not be less than twenty-eight (28) feet in width, measured back to back of curbs. All streets shall be constructed with either hot mix asphalt or portland cement concrete with concrete curb and gutter to provide for drainage. Pavement shall be constructed to City subdivision regulations and standard specifications.

G. SKIRTING

1. Skirting of a permanent type material and construction shall be installed prior to occupancy to enclose the open space between the bottom of a mobile home floor and the grade level of the mobile home stand. The skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park.

H. TIE-DOWNS

1. Tie-downs or anchors shall be provided on every mobile home space as required by the Charles City building code and manufacturer's requirements. Each tie-down or anchor must be able to sustain a minimum tensile strength as required by the State Building Code.

I. FOUNDATION

1. Foundations shall be provided in accordance with manufacturer's requirements and State Building Code and Charles City building code.

J. UTILITIES

1. Sewer and water facilities shall be provided for each mobile home park space or lot in accordance with the requirements of the Charles City subdivision regulations and standard specifications.

K. PLAN REQUIRED

1. Each petition for a change to the R-4 zoning classification submitted to the City shall be accompanied by a mobile home park plan. Said plan shall show each mobile home space, the water, electrical and sewer lines serving each mobile home space, the location of garbage cans, water hydrants, service buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting and landscaping. Public water and sanitary sewer to the mobile home park site will be connected to the City utility systems, subject to approval of the City Council. Stormwater management of the park including storm sewer system and detention facilities will be provided based on City subdivision standards. The plan shall be considered by the Planning and Zoning Commission, and the City Council, who may approve or disapprove said plan or require such changes thereto, as are deemed necessary to effectuate the intent and purpose of the Zoning Ordinance. All changes to the R-4 classification shall be made in accordance with the provisions of Section XXIV of the Zoning Ordinance.

SECTION XIII

R-5 PLANNED UNIT DEVELOPMENT (PUD) RESIDENCE DISTRICT

A. STATEMENT OF INTENT

The "R-5" District is intended and designed to provide a means for the development of large tracts of ground on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method provided in other sections of this Ordinance. It is the intent of this section that the basic principles of good land use planning including an orderly and proper relationship between various types of uses be maintained and that the sound zoning standards as set forth in this Ordinance and statutes concerning population density, adequate light and air, recreation and open space, and building coverage be preserved.

B. PROCEDURE

1. The owner or owners of any tract of land comprising an area of not less than five (5) acres, may submit to the City Council a petition requesting a change to the "R-5" zoning district classification. The petition shall be accompanied by a plan for the use and development of the entire tract of land. The development plan shall be referred to the Planning and Zoning Commission for study and report. The Planning and Zoning Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principles of architectural design, land use planning and landscape architecture. The Commission may approve the plan as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the Commission deems necessary to the end that it preserves the intent and purpose of this Ordinance to promote public health, safety, morals and general welfare. The development plan as approved by the Commission shall then be reported to the City Council, whereupon the City Council may approve or disapprove said plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this Ordinance.

C. FINAL DEVELOPMENT PLAN

The final development plan shall be accompanied by the following required documents:

1. If the proposed development includes common land which will not be dedicated to the City, and the proposed development will not be held in single ownership, proposed by-laws of a homeowner's association fully defining the functions, responsibilities and operating procedures of the association. The proposed by-laws shall include but not be limited to provisions:

- (a) automatically extending membership in the association to all owners of dwelling units within the development;
 - (b) limiting the uses of the common property to those permitted by the final development;
 - (c) granting to each owner of a dwelling unit within the development the right to the use and enjoyment of the common property;
 - (d) placing the responsibility for operation and maintenance of the common property in the association;
 - (e) giving every owner of a dwelling unit voting rights in the association;
and
 - (f) if the development will combine rental and for sale dwelling units, stating the relationship between the renters and the homeowner's associations and the rights renters shall have to the use of the common land.
2. Performance bond which shall insure to the City that the dedicated public streets, utilities, and other common development facilities shall be completed by the developer within the time specified in the final development plan.
 3. Covenant to run with the land, in favor of the City and all persons having a proprietary interest in any portion of the development premises, that the owner of the land or successors in interest will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the City in compliance with the City ordinances.
 4. Any additional agreements required by the Council at the time of preliminary plat approval.
 5. A final plat shall be submitted with each stage of the final development plan. The plat shall show building lines, lots and/or blocks, common land, streets, easements, and other applicable items required by the subdivision ordinance. Following approval of the final plat by the Commission and Council, the plat shall be recorded with the County Auditor and Recorder.
 6. The final development plan and required documents shall be reviewed by the Commission, for compliance with the "R-5" standards and substantial compliance with the preliminary plan. The Commission's recommendations and report on the final development plan shall be referred to the Council for final approval. The final development plan and final plat shall be approved by the Council before any building permit is issued.

D. PERMITTED PRINCIPAL AND ACCESSORY USES

Permitted principal and accessory land uses, lot area, yard and height requirements shall be as set out below, which shall prevail over conflicting requirements of this Chapter or the subdivision ordinance.

1. Buildings shall be used only for residential purposes; occupant garages, occupant storage and similar accessory uses; non-commercial recreational facilities; and community activities including churches and schools.
2. The minimum lot and yard requirements of the "R" zoning districts in which the development is located shall not apply, except that minimum yards specified in this district shall be provided around the boundaries of the development. The Council may require open space or screenings be located along all or a portion of the development boundaries. The height requirements of the zoning district in which the development is located shall apply within one hundred twenty-five (125) feet of the development boundary.
3. All public streets, water mains, sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the City.
4. "Common land" as used in this section refers to land retained in private ownership for the use of the residents of the development, or to land dedicated to the general public.
5. Any land gained within the development because of the reduction in lot sizes, below minimum zoning ordinance requirements, shall be placed in common land to be dedicated to the City or retained in private ownership to be managed by a homeowner's association.
6. The requirements of this Ordinance relating to off-street parking and loading, shall apply to all "R-5" Districts.
7. The final development plan shall comply with the density requirements of the original "R" District.

8. The maximum number of dwelling units permitted in an "R-5" District shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district or districts in which the area is located, then multiplied by one hundred fifteen (115) percent. (In the R-2 District, the one-family dwelling requirement shall apply.) Net development area shall be determined by subtracting the area set aside for churches and schools, if any, and deducting the area actually proposed for streets from the gross development area. The area of land set aside for common land, open space, or recreation shall be included in determining the number of dwelling units permitted.

The maximum number of multiple dwelling units permitted in the R-5 development shall be determined by the zoning district in which the development is located as follows:

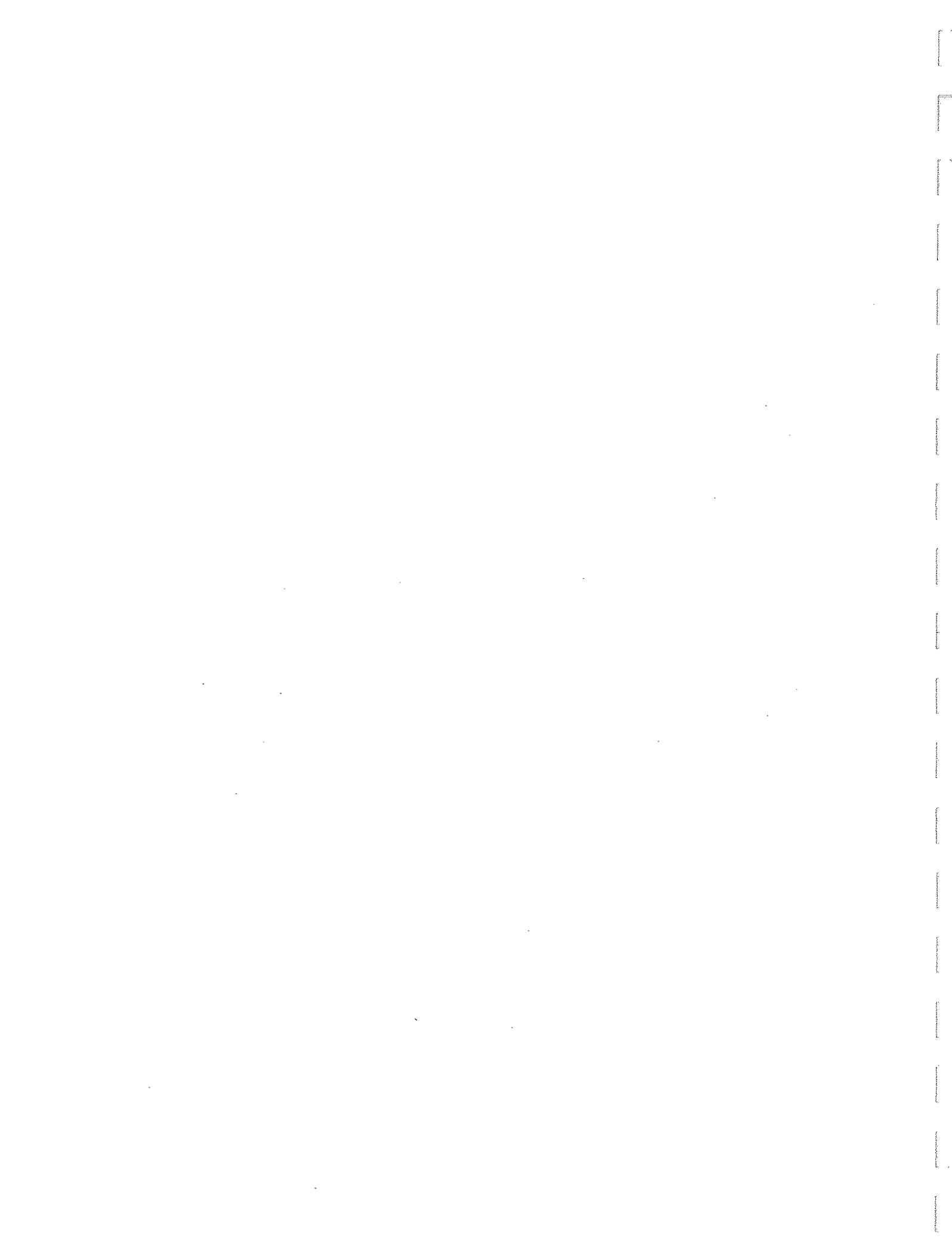
<u>Zoning District</u>	<u>Percentage of Total Dwelling Units Permitted as Multiples</u>
R-1	25
R-2	50
R-3	100

If the development area contains two (2) or more different "R" zoning classifications, the number of dwelling units permitted shall be determined in the direct proportion to the area of each zoning classification contained in the entire tract.

E. DEVELOPMENT PLAN APPROVAL

1. The Council may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, that in the determination of such period, the Council shall consider the scope and magnitude of the development project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the Council to rezone the unimproved property to the classification effective at the time of original submission of the development plan, unless an extension as recommended by the Commission and approved by the Council for due cause shown. Any proposed change in the development plan after approval by the Council shall be resubmitted and considered in the same manner as the original proposal. The term "unimproved" property shall mean all property situated within a stage or stages of the final development plan upon which the installation of improvements has not been commenced.

2. In no event shall the installation of any improvements be commenced in the second or subsequent stages of the final development plan until such time as ninety (90) percent of all construction and improvements have been completed in any prior stage of such plan.



SECTION XIV

B-1 LOCAL BUSINESS DISTRICTS

A. STATEMENT OF INTENT

The B-1 Local Business District is intended to augment the B-2 General Business District by accommodating neighborhood convenience service centers providing limited commercial, personal, and professional services.

B. PRINCIPAL PERMITTED USES

Only the uses of structures and land listed in this section shall be permitted in the B-1 District. The permitted uses are retail and service business allowed on ground floor only.

1. Barber shops.
2. Beauty parlors.
3. Bed and Breakfast Homes.
4. Bed and Breakfast Inns.
5. Bicycle stores - sales, rental and repair.
6. Clothes pressing establishments.
7. Colleges and Universities.
8. Drug stores.
9. Dry cleaning and laundry-receiving stations - processing to be done elsewhere.
10. Dwelling units are not permitted below the second floor and business uses are not permitted on any floor except the ground floor.
11. Eating and drinking establishments where no entertainment or dancing is provided.
12. Food stores, grocery stores, meat markets, bakeries and delicatessens.
13. Hardware stores.

14. Laundromats - automatic self-service type of hand, employing not more than two (2) persons in addition to one (1) owner or manager, provided that laundry machines shall not exceed ten (10) pounds capacity each.
15. Libraries - branch.
16. Private and public parking lots.
17. Shoe and hat repair stores.
18. Variety stores.

C. SPECIAL USES

Special uses as authorized by the Board of Adjustment after a public hearing.

1. Assisted living homes.
2. Automobile car washes.
3. Automobile service stations.
4. Condominiums.
5. Electric and telephone substations.
6. Nursery schools and day care centers.
7. Other similar business uses.
8. School transportation facilities, including shelters, terminals, parking areas and service buildings.

D. PERMITTED ACCESSORY USES

1. Accessory uses and structures customarily incidental to any principal permitted use.
2. Awnings and marquees having headroom of eight feet or more.
3. Storage of merchandise incidental to the principal use.

E. BULK REGULATIONS

The following minimum requirements shall be observed, subject to modifications contained in this Ordinance.

1. Lot Area: No minimum requirement except for dwelling units in which case same as R-3 District.
2. Lot Area per Dwelling Unit: Same as in R-3 District.
3. Lot Width: No minimum requirement, except for dwelling units in which case same as in R-3 District.
4. Front Yard: 25 feet.
5. Rear Yard: 25 feet, except when adjoining any R District in which case same requirement as the adjoining R District.
6. Side Yard: None required except when adjoining any R District in which case same requirement as the adjoining R District.
7. Maximum Height: 40 feet.
8. Maximum Number of Stories: 3 stories.
9. Floor Area: Maximum 5,000 square feet.
Total Floor Area Ratio: 0.8.
10. Off-Street Parking and Loading: Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section XXII.
11. Signs: Signs shall be provided in accordance with provisions of Section XXIII.
12. Screening: Where a local Business District adjoins a Residential District screening shall be provided along the lot lines of the business property. Evergreen planting is preferable, but decorative concrete block or brick screen walls or solid fences (but not chain link fences) no more than 8 feet in height are also acceptable.



SECTION XV

B-2 GENERAL BUSINESS DISTRICT

A. STATEMENT OF INTENT

The B-2 General Business District is intended to accommodate general retail, service, and office uses and promote compact development of the central business district, the area to which the use of this district is generally limited.

B. PRINCIPAL PERMITTED USES

Only the use of structures and land listed in this section shall be permitted in the B-2 District.

1. Uses permitted in the B-1 District except dwelling units.
2. Antique shops.
3. Art and school supply stores.
4. Automotive accessory stores.
5. Banks and financial institutions.
6. Bingo parlors.
7. Building supplies - excluding lumber yard.
8. Camera and photographic supply stores.
9. Candy and ice cream stores.
10. Carpet and rug stores.
11. China and glassware stores.
12. Clubs and lodges - fraternal or religious.
13. Coin and philatelic stores.
14. Department stores.
15. Dry cleaning establishments.
16. Dry goods stores.

17. Electrical and household appliance stores including radio and television sales.
18. Flower shops and conservatories.
19. Frozen food stores - including locker rental in conjunction therewith.
20. Furniture and furniture exchange, stores - including upholstery when conducted as part of the retail operation and secondary to the principal use.
21. Furrier shops - including the incidental storage and conditioning of furs.
22. Garages, public - servicing automotive vehicles, but not including body repair nor painting.
23. Garden supply and seed stores.
24. Gift shops.
25. Haberdashery.
26. Hobby shops - retailing of items to be assembled or used away from premises.
27. Hotels - including dining and meeting rooms; provided that business uses other than those which are commonly incidental to a hotel business shall not occupy street frontage, but may, if of a nature permitted in these districts, occupy space fronting on a hotel hall or lobby.
28. Interior decorating shops - including upholstery and making of draperies, slipcovers and other similar articles when conducted as part of the retail operations and secondary to the principal use.
29. Jewelry stores - including watch repair.
30. Laboratories - medical and dental, also research and testing.
31. Leather goods and luggage stores.
32. Locksmith shops.
33. Mail order houses with displays.
34. Medical and dental clinics.
35. Meeting halls.

36. Millinery shops.
37. Motor vehicles and farm equipment sales and services.
38. Musical instrument sales and repair.
39. Newspaper offices and print shops.
40. Nursery Schools and Day Care Centers.
41. Office supply and equipment, stores.
42. Offices - business, professional and public administration.
43. Optometrists.
44. Paint and wallpaper stores.
45. Photography studios, including developing and printing of photographs when conducted on the premises as a part of the retail, jobbing and wholesale business.
46. Physical culture and health services, gymnasiums, reducing salons, masseurs and public baths.
47. Picture framing - when conducted on the premises for retail trade.
48. Post offices.
49. Plumbing and heating establishments.
50. Radio and television broadcasting stations and radio and TV repair shops.
51. Restricted production and repair limited to the following: art needle work; clothing; custom tailor manufacturing; and alterations for retail only, of jewelry from precious metals, watches, dentures, and optical lenses.
52. Schools - music, dance, business or linotype.
53. Sewing machine sales and services - household machines only.
54. Shoe stores.
55. Sporting goods stores.

56. Telegraph offices.
57. Theatres.
58. Tobacco shops.
59. Toy Shops.
60. Wearing Apparel Shops.
61. Wholesale establishments with storage of merchandise - limited to samples only.

C. SPECIAL USES

Special uses as authorized by the Board of Adjustment after Public Hearing.

1. Special uses as allowed in B-1 District.
2. Art galleries and museums.
3. Churches.
4. Eating and drinking establishments where dancing and entertainment is provided.
5. Funeral homes.
6. Health centers.
7. Hospitals and sanitariums.
8. Libraries.
9. Liquor store.
10. Open sales lot - set back for equipment not less than two feet.
11. Storage garages for motor vehicles.
12. Public utility and public service uses, including:
 - (a) Fire stations.
 - (b) Police stations.

- (c) Railroad rights-of-way.
 - (d) Transit and public transportation facilities, including shelters, terminals, parking areas and service buildings.
 - (e) Water filtration plants, pumping stations, and reservoirs.
 - (f) Other similar uses.
13. Radio and television towers.
 14. Recreation buildings, community centers, pool halls, dance halls, swimming pools and skating rinks.
 15. Schools - commercial or trade - including those teaching commercial or technical subjects, when not thereby involving increased danger of fire and/or explosion; nor of noise, vibration, smoke, dust, odor, glare, heat and other objectionable influences.
 16. Wholesale establishments - with storage of merchandise.

D. PERMITTED ACCESSORY USES

1. Accessory uses and structures customarily incidental to any principal permitted use.
2. Storage of merchandise incidental to the principal use.
3. Awnings and marquees having headroom of eight feet or more.

E. BULK REGULATIONS

The following minimum requirements shall be observed subject to the modifications contained in this Ordinance.

- | | | |
|----|-----------------|--|
| 1. | Lot Area: | No minimum requirement. |
| 2. | Lot Width: | No minimum requirement. |
| 3. | Front Yard: | No minimum requirement. |
| 4. | Rear Yard: | No minimum requirement, except when adjoining any R District in which case same requirement as the adjoining R District. |
| 5. | Side Yard: | None required except when adjoining any R District in which case same requirement as the adjoining R District. |
| 6. | Maximum Height: | 40 feet. |

7. Maximum Number of Stories: 3 stories.
8. Total Floor Area Ratio: 0.8.
9. Off-Street Parking and Loading: Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section XXII.
10. Signs: Signs shall be provided in accordance with provisions of Section XXIII.
11. Screening: Where a local Business District adjoins a Residential District screening shall be provided along the lot lines of the business property. Evergreen planting is preferable, but decorative concrete block or brick screen walls or solid fences (but not chain link fences) no more than 8 feet in height are also acceptable.

SECTION XVI

B-3 SERVICE BUSINESS DISTRICT

A. STATEMENT OF INTENT

The B-3 Service Business District is intended to accommodate certain general and service and office uses in locations that serve the automobile traveling public and local consumer.

B. PRINCIPAL PERMITTED USES

Only the uses and structures or land listed in this section shall be permitted in the B-3 District.

1. Uses permitted in the B-2 District.
2. Amusement establishments - bowling alleys, pool halls, swimming pools and skating rinks.
3. Animal Hospitals.
4. Auction rooms.
5. Automobile service stations.
6. Blueprinting and photo-copying establishments.
7. Building material sales - including lumber yards.
8. Cartage and express facilities, providing storage of goods, motor trucks and other equipment is in an enclosed structure.
9. Casket establishments.
10. Catering establishments.
11. Clothing and costume rental shops.
12. Contractors and construction offices.
13. Dog kennels provided any exercising yard be at least 200 feet from any R District and existing dwelling.
14. Employment agencies.
15. Exterminating shops.

16. Feed stores.
17. Fire stations.
18. Fuel and ice sales, retail only.
19. Greenhouses.
20. Laundries.
21. Libraries.
22. Machinery sales.
23. Meat markets - including the sale of meat and meat products, to restaurants, hotels, clubs, and other similar establishments, when conducted as part of the retail business on the premises
24. Monument sales.
25. Open-sales lots - setback for equipment not less than two (2) feet.
26. Orthopedic and medical-appliance stores, but not including the assembly or manufacture of such articles.
27. Parking lots and storage garages.
28. Pet shops.
29. Police stations.
30. Recording studios.
31. Recreation buildings and community centers.
32. Schools - commercial or trade, not involving any danger of fire, explosion, nor of offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influences.
33. Second-hand stores and rummage shops.
34. Taxidermists.
35. Telephone exchanges; microwave relay towers and telephone transmission equipment buildings.

36. Travel bureaus and transportation ticket offices.

37. Undertaking establishments and funeral parlors.

C. SPECIAL USES

Special uses as authorized by the Board of Adjustment after a public hearing.

1. Special uses allowed in the B-2 District.
2. Assembly and Storage of animal cages.
3. Automobile, truck and trailer body repair.
4. Bending and Fabrication of Tubing.
5. Car sales lots.
6. Collection and processing of recyclable materials.
7. Custom Wood Manufacturing.
8. Grain storage.
9. Other service business uses.
10. Outdoor amusement establishments - fairgrounds, permanent carnivals, kiddie parks and other similar amusement centers and places of assemble such as stadiums and arenas.
11. Packaging pharmaceuticals and rodenticides.
12. Recreational vehicle parking.

D. PERMITTED ACCESSORY USES

1. Accessory uses and structures customarily incidental to any principal permitted use.
2. Awnings and marquees having headroom of eight feet or more.
3. Storage of merchandise incidental to the principal use.

E. BULK REGULATIONS

The following minimum requirements shall be observed subject to the modifications contained in this Ordinance.

1. Lot Area: No minimum requirement.
2. Lot Width: No minimum requirement.
3. Front Yard: 30 feet.
4. Rear Yard: 30 feet.
5. Side Yard: No minimum requirement.
6. Maximum Height: 40 feet.
7. Maximum Number of Stories: 3 stories.
8. Floor Area: Maximum 5,000 square feet.
Total Floor Area Ratio: 0.7
9. Off-Street Parking and Loading: Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section XXII.
10. Signs: Signs shall be provided in accordance with provisions of Section XXIII.
11. Screening: Where a local Business District adjoins a Residential District screening shall be provided along the lot lines of the business property. Evergreen planting is preferable, but decorative concrete block or brick screen walls or solid fences (but not chain link fences) no more than 8 feet in height are also acceptable.

SECTION XVII

B-4 HIGHWAY SERVICE BUSINESS DISTRICT

A. STATEMENT OF INTENT

The B-3 Service Business District is intended to accommodate certain general and service and office uses in locations that serve primarily the automobile traveling public.

B. PRINCIPAL PERMITTED USES

Only the uses and structures or land listed in this section shall be permitted in the B-4 District.

1. Uses permitted in the B-3 District.

C. SPECIAL USES

Special uses as authorized by the Board of Adjustment after a public hearing.

1. Special uses allowed in the B-3 District.

D. PERMITTED ACCESSORY USES

1. Accessory uses and structures customarily incidental to any principal permitted use.
2. Awnings and marquees having headroom of eight feet or more.
3. Storage of merchandise incidental to the principal use.

E. BULK REGULATIONS

The following minimum requirements shall be observed subject to the modifications contained in this Ordinance.

- | | | |
|----|-------------------------------|-------------------------|
| 1. | Lot Area: | No minimum requirement. |
| 2. | Lot Width: | No minimum requirement. |
| 3. | Front Yard: | 30 feet. |
| 4. | Rear Yard: | 30 feet. |
| 5. | Side Yard: | No minimum requirement. |
| 6. | Maximum Height: | 40 feet. |
| 7. | Maximum Number
of Stories: | 3 stories. |

8. Floor Area: Minimum 5,000 square feet.
Total Floor Area Ratio: 0.7
9. Off-Street Parking and Loading: Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section XXII.
10. Signs: Signs shall be provided in accordance with provisions of Section XXIII.
11. Screening: Where a local Business District adjoins a Residential District screening shall be provided along the lot lines of the business property. Evergreen planting is preferable, but decorative concrete block or brick screen walls or solid fences (but not chain link fences) no more than 8 feet in height are also acceptable.

SECTION XVIII

M-1 LIGHT MANUFACTURING DISTRICT

A. STATEMENT OF INTENT

The M-1 Light Manufacturing District is intended and designed to provide flexibility in the location of certain manufacturing, industrial, and warehousing uses while maintaining protection for nearby non-industrial districts. The M-1 District is characterized by lots with landscaped grounds, provisions for off-street parking and loading spaces, structures generally one or two stories in height, and exterior storage enclosed by fence or landscape buffer.

B. PRINCIPAL PERMITTED USES

Only the uses of structure or land listed in this section shall be permitted in the M-1 District.

1. Manufacturing and processing uses that are wholly contained within a building and create no offensive noise, dust, odor, vibration, or electrical interference.
2. Automobile, truck and trailer body repair.
3. Banks.
4. Beverage (non-alcoholic) processing and bottling.
5. Boat building and repair.
6. Building and material sales including lumber yards.
7. Cameras and other photographic equipment, except film.
8. Cartage and express establishments.
9. Ceramic products - such as pottery and small glazed tile.
10. Clubs and lodges.
11. Contractors' offices.
12. Cosmetics and toiletries.
13. Dyeing and cleaning works.

14. Electrical appliances, equipment and supplies - small.
15. Frozen food lockers.
16. Fuel and ice sales.
17. Garages, public and automobile parking lots.
18. Greenhouses.
19. Leather products, fabricating only.
20. Medical laboratory supplies, equipment, furnishings and specialties.
21. Metal finishing.
22. Monument and ornamental stone works.
23. Motor vehicle and equipment sales and service.
24. Musical instruments manufacture.
25. Paper products, small - such as envelopes and stationery.
26. Pharmaceutical products - compounding only.
27. Plastic products, small.
28. Public utility and public service uses.
29. Publishing and printing.
30. Radio and television broadcasting stations.
31. Research laboratories.
32. Restaurants.
33. Seed processing.
34. Stone quarries.
35. Storage and warehouse establishments, except gasoline and other such flammable materials.
36. Manufacture of textiles.

37. Manufacture of toys.
38. Vehicles and equipment such as farm implements, equipment and machinery, bicycles, etc, but not including motor vehicles - assembly.
39. Wholesale, general except gasoline and other such flammable materials.
40. Wood products.
41. Manufacture and/or sales of agricultural products.

The following uses shall not be located within 200 feet of the R-1 District.

1. Automobile service stations.
2. Feed and grain processing.
3. Food products - processing and combining, except fish.
4. Fertilizer manufacture not to include organic materials, but chemicals processing permitted.
5. Ice - dry and natural - manufacturing and processing.
6. Laundries.
7. Milk bottling and distributing stations.
8. Motor freight terminals.
9. Theatres, automobile drive-in only.
10. Prefabrication, assembly and storage of prefabricated houses.

C. SPECIAL USES

Special uses as authorized by the Board of Adjustment after a public hearing.

1. Adult entertainment business.
2. Airports.
3. Amusement and recreation enterprise including bowling alleys, skating rinks, tennis and racquet ball facilities and other similar types or uses.

4. Other similar manufacturing, fabricating, repairing or storing establishments unless prohibited by this Ordinance.
5. Parks and playgrounds.
6. Wind generators.

The following uses shall not be located within 200 feet of the R-1 District.

1. Abattoirs.
2. Fuel oil, coal, gasoline and gas - sales and bulk storage.
3. Stadiums, auditoriums and armories.
4. Stockyards or slaughter of animals and fowls and processing.

D. PERMITTED ACCESSORY USES

1. Accessory uses of land or structures customarily incidental and subordinate to any of the above principal uses.
2. Dwelling for watchman or caretaker.
3. Employee cafeteria or other food concession in conjunction with permitted use.

E. BULK REGULATIONS

The following minimum requirements shall be observed subject to the modifications contained in this Ordinance.

- | | | |
|----|---------------------------------|--|
| 1. | Lot Area: | No minimum requirement. |
| 2. | Lot Width: | No minimum requirement. |
| 3. | Front Yard: | 30 feet. |
| 4. | Rear Yard: | 30 feet. |
| 5. | Side Yard: | 25 feet. |
| 6. | Maximum Height: | 40 feet. |
| 7. | Number of Stories: | 2 stories. |
| 8. | Total Floor Area Ratio: | 0.7. |
| 9. | Off-Street Parking and Loading: | Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section XXII. |

10. Signs: Signs shall be provided in accordance with provisions of Section XXIII.
11. Screening: Where a Manufacturing District adjoins a Residential District screening shall be provided along the lot lines of the business property. Evergreen planting is preferable, but decorative concrete block or brick screen walls or solid fences (but not chain link fences) no more than 8 feet in height are also acceptable.

F. SPECIAL REQUIREMENTS

1. Required front and side yards shall be maintained as open landscaped areas and shall not be used for parking, loading, storage or other uses.
2. Exterior storage other than the display of products for retail sale shall be enclosed by a fence or suitable landscape planing, the design or type of which shall be approved by the planning commission, and which will screen the stored materials from view from public streets or residential areas.
3. No raw material, finished product, or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any junk, debris, or waste material be permitted to accumulate on the site.
4. Adult Entertainment Businesses. It is the purpose of this Ordinance to regulate adult entertainment businesses to limit their inherent adverse impact in the community while at the same time permitting lawful businesses to conduct operations in the community. The City Council finds as evidenced in other cities that the number of adult entertainment businesses is increasing and that, because of their very nature, are recognized as having serious, objectionable operational characteristics, which are magnified when located in close proximity to dwellings, churches, schools, and parks. Special regulation of adult entertainment businesses is necessary to ensure that these adverse affects will not contribute to the blighting or downgrading of the surrounding neighborhood. The City Council further finds that these regulations are necessary to protect the youth of this community from the objectionable operational characteristics of such businesses by restricting their location. The City Council further finds that these regulations are necessary to protect the health, safety and general welfare of all residents of the community.
 - (a) Limitations on Adult Entertainment Businesses: Adult entertainment businesses shall be subject to the following restrictions and no person shall cause or permit the establishment of any adult entertainment business contrary to said restrictions:

- 1) No adult entertainment business shall be open for business between the hours of twelve (12) midnight and six (6) a.m.
- 2) An adult entertainment business shall not be allowed within five hundred (500) feet of another existing adult entertainment business.
- 3) An adult entertainment business shall not be located within five hundred (500) feet of any residentially zoned district.
- 4) An adult entertainment business shall not be located within one thousand (1,000) feet of a pre-existing school, public park, or church.
- 5) Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult entertainment business to the point on the property line of such other business, school, church, public park or areas zoned for residential use which is closest to the said main entrance of such adult entertainment business.

(b) Prohibited Activities of Adult Entertainment Businesses:

- 1) No adult entertainment business shall employ any person under eighteen (18) years of age.
- 2) No adult entertainment business shall furnish any merchandise or services to any person who is under eighteen (18) years of age.
- 3) No adult entertainment business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult entertainment business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct or permit any other person to engage in any activity of conduct in or about the premises which is prohibited by this Ordinance or any laws of the State.
- 4) No part of the interior of the adult entertainment business shall be visible from any pedestrian sidewalk, walkway, street, or other public or semi-public area.

- 5) An adult entertainment business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen (18) years is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
- 6) Except as hereinafter provided no person shall intentionally expose those parts of his or her body hereinafter listed to another in any public place, or in any place where such exposure is seen by another person or persons located in any public area.
 - a) A woman's nipple, the areola thereof, or any portion of the female breast at or below the nipple thereof, except as necessary in the breast feeding of a baby.
 - b) The pubic hair, pubes, perineum, or anus of a male or female, the penis of scrotum of a male, or the vagina of a female, excepting such body parts of prepubescent infants of either sex.
 - c) Establishment of adult entertainment businesses shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses described in Section 3 - Rules and Definitions.
 - (d) Special Use Permit: The adult entertainment businesses may be permitted subject to approval by the Board of Adjustment after public hearing. In its determination upon the particular use at the location requested, the Board shall consider all of the following provisions:
 - 1) That the proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;
 - 2) That such use shall not impair an adequate supply of light and air to surrounding property;
 - 3) That such use shall not unduly increase congestion in the streets or public danger of fire and safety;
 - 4) That such use shall not diminish or impair established property values in adjoining or surrounding property; and

- 5) That such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Plan of the City of Charles City.
- 6) Applications for an adult entertainment business under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed, for parking, the locations and driveways and the points of ingress and egress, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities.

SECTION XIX

M-2 GENERAL MANUFACTURING DISTRICT

A. STATEMENT OF INTENT

The M-2 General Manufacturing District is intended and designed to provide areas suitable for activities and uses of a medium and heavy industrial nature. It is intended that no residential development be permitted in the M-2 District.

B. PRINCIPAL PERMITTED USES

Only the uses and structures or land listed in this section shall be permitted in the M-2 District.

1. Uses permitted in the M-1 Districts.
2. Automobile, tractor, truck, trailer, motorcycle and other motor vehicles manufacture and assembly, including parts.
3. Building materials, such as prefabricated houses, composition wallboards, partitions, panels, stone and gravel processing plants and cement, concrete and asphaltic concrete mixing plants.
4. Chemicals - processing.
5. Equipment, miscellaneous, such as farm implements and machines, construction machines and equipment, such as power shovels, graders, excavators, manufacture and assembly, including parts.
6. Food products - manufacturing of basic products from raw state and refining, roasting, pasteurizing and extracting.
7. Fuel oil, coal, gasoline, and gas - sales and bulk storage.
8. Glass - manufacture and fabricating.
9. Machines, business - such as typewriters, accounting machines, calculators and card counting equipment.
10. Machines, miscellaneous - such as washing machines and dryers, firearms, refrigerators, air-conditioning and commercial motion-picture equipment.
11. Machine tools - such as metal lathes, metal presses, metal stamping and woodworking.

12. Meat and fish products - packing and processing of, but not including glue and size manufacturing.
13. Metal alloys and foil, miscellaneous - such as solder, brass, bronze, tin, lead and gold.
14. Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing and heat treatment.
15. Metal and metal products, treatment and processing - such as enameling, japanning, lacquering and galvanizing.
16. Metal products - such as fabrication and assembly of metal doors, cabinets and similar products.
17. Metal, structural - such as fabrication of bars, girders, wire and similar products.
18. Paint.
19. Paper products - such as shipping containers and pulp goods, pressed or molded (including paper mache), carbon paper and coated paper stencils.
20. Plastic products, large.
21. Tools and other hardware - such as bolts, nuts, screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, nonferrous metal castings and plumbing appliances.
22. Signs - as regulated in this subsection
23. Wholesale and storage establishments for gasoline and other such flammable materials
24. Wood and lumber and other wood products - including sawmills and planing mills, excelsior, plywood and veneers and wood-preserving treatment.

C. SPECIAL USES

Special uses as authorized by the Board of Adjustment after a public hearing.

1. Special uses of M-1 District, except Adult Entertainment Business.
2. Other manufacturing, fabricating, repairing or storing establishments unless prohibited in this Ordinance.

3. Automobile wrecking yards.
4. Junk yards.
5. Public sanitary land fill.
6. Forge plants, crushers, blast furnaces.

D. PERMITTED ACCESSORY USES

1. Accessory uses customarily incidental to a permitted principal use.
2. Accessory uses permitted in the M-1 District.

E. BULK REGULATIONS

The following minimum requirements shall be observed subject to the modifications contained in this Ordinance.

- | | | |
|-----|------------------------------------|--|
| 1. | Lot Area: | No minimum requirement. |
| 2. | Lot Width: | No minimum requirement. |
| 3. | Front Yard: | 40 feet. |
| 4. | Rear Yard: | 30 feet. |
| 5. | Side Yard: | 25 feet. |
| 6. | Maximum Height: | 40 feet. |
| 7. | Number of Stories: | 2 stories. |
| 8. | Total Floor Area
Ratio: | 0.6. |
| 9. | Off-Street Parking
and Loading: | Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section XXII. |
| 10. | Signs: | Signs shall be provided in accordance with provisions of Section XXIII. |
| 11. | Screening: | Where a local Manufacturing District adjoins a Residential District screening shall be provided along the lot lines of the business property. Evergreen planting is preferable, but decorative concrete block or brick screen walls or solid fences (but not chain link fences) no more than 8 feet in height are also acceptable. |

F. SPECIAL REQUIREMENTS

1. No certificate of compliance shall be issued for any use in conflict with any ordinance of the City of Charles City or law of the State of Iowa regulating nuisances.
2. No certificate of compliance shall be issued for any dwelling, school, hospital, clinic, or other institution for human care, except where accessory to a permitted principal use.
3. The special uses hereinbefore listed may be permitted, subject to approval by the Board of Adjustment after public hearing. In its determination upon the particular uses at the location requested, the Board shall consider all of the following provisions:
 - (a) That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property. To this end the Board may require that appropriate landscaping, walls, fences, or other artificial screens be provided as buffers to minimize the effects of these uses on adjoining or surrounding property.
 - (b) That such use shall not impair an adequate supply of light and air to surrounding property.
 - (c) That such use shall not unduly increase congestion in the streets, danger of fire, or other threats to public safety.
 - (d) That such use shall not diminish or impair established property values in adjoining or surrounding property.

SECTION XX

F-1 FLOOD PLAIN MANAGEMENT (OVERLAY) DISTRICT

A. STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

1. Statutory Authorization

The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, delegated the responsibility to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

2. Findings of Fact

- (a) The flood hazard areas of Charles City are subject to periodic inundation which can result in loss of life and property and health; and, safety hazards, disruption of commerce and governmental services, extra-ordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the health, safety and general welfare of the community.
- (b) These losses, hazards and related adverse effects are caused by (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flood and (ii) the cumulative effect of flood plain construction on flood flows, which causes increases in flood heights and flood water velocities.
- (c) This Ordinance relies upon engineering methodology consisting of a series of interrelated steps including:
 - 1) Determination of flood magnitudes and the corresponding flood frequencies by statistical and engineering calculations which permits a consideration of such flood factors as expected frequency of occurrence, area inundated and depth of inundation.
 - 2) Calculation of water surface profiles based upon a hydraulic engineering analysis of the capability of the stream channel and overbank areas to convey flood flows.
 - 3) Computation and delineation of a floodway, an area which must be reserved (no obstructions) for conveyance of flood flows so that flood heights and velocities will not be substantially increased by future encroachment on the flood plain.

3. Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety and general welfare by minimizing those flood losses described in Section A2 with provisions designed to:

- (a) Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- (b) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
- (c) Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction.
- (d) Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- (e) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

B. GENERAL PROVISIONS

1. Lands to which Ordinance Applies

This Ordinance shall apply to all lands within the jurisdiction of Charles City shown on the Flood Boundary and Flood Map to be within the 100 year flood boundaries.

2. Establishment of Official Flood Plain Zoning Map

The Flood Boundary and Floodway Maps prepared as part of the Flood Insurance Study for the City of Charles City, dated February 2, 1977, are hereby adopted by reference and declared to be the Official Flood Plain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study and the Flood Insurance Rate Maps are also declared to be a part of this Ordinance.

3. Rules for Interpretation of District Boundaries

The boundaries of the zoning district shall be determined by scaling distances on the Official Flood Plain Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map the Zoning Administrator shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case and submit technical evidence.

4. Compliance

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

5. Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

6. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to meet minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

7. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Charles City or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

8. Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

C. ESTABLISHMENT OF ZONING DISTRICTS

The flood plain areas within the jurisdiction of this Ordinance are hereby divided in the following districts:

1. Floodway District - The Floodway District shall be consistent with the boundaries of the floodway as shown on the Official Flood Plain Zoning Map.
2. Floodway Fringe District - The Floodway Fringe District shall be those areas shown as floodway fringe on the Official Flood Plain Zoning Map.

D. FLOODWAY DISTRICT

1. Permitted Uses

The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of materials or equipment, excavation, or alteration of a watercourse.

- (a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
- (b) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
- (c) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wild-life and nature reserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- (d) Residential uses such as lawns, gardens, parking areas and play areas.
- (e) Such-other open-space uses similar in nature to the above uses.

2. Special Uses

The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment may be permitted only upon issuance of a Special Use Permit by the Board of Adjustment as provided for in Section F 3. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.

- (a) Uses or structures accessory to open-space uses.
- (b) Circuses, carnivals and similar transient amusement enterprises.
- (c) Drive-in theaters, new and used car lots, roadside stands, signs and billboards.
- (d) Extraction of sands, gravel and other materials.
- (e) Marinas, boat rentals, docks, piers, wharves.
- (f) Utility transmission lines, underground pipelines.
- (g) Other uses similar in nature to uses described in Section D 1 or 2 which are consistent with the provisions of Section D 3 and the general spirit and purpose of this Ordinance.

3. Performance Standards

All Floodway District uses allowed as a Permitted or Special Use shall meet the following standards.

- (a) No use shall be permitted in the Floodway District that would result in any increase in the 100 year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- (b) All uses within the Floodway District shall:
 - 1) Be consistent with the need to minimize flood maps.
 - 2) Use construction methods and practices that will minimize flood damage.
 - 3) Use construction materials and utility equipment that are resistant to flood damage.

- (c) No use shall affect the capacity of conveyance of the channel or floodway or any tributary to the main stream, drainage ditch or any other drainage facility or system.
- (d) Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- (e) Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
- (f) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
- (g) Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (h) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- (i) Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

E. FLOODWAY FRINGE DISTRICT

1. Permitted Uses

All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

2. Performance Standards

All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards.

- (a) All structures shall (i) be adequately anchored to prevent flotation, collapse or lateral movement of the structure, (ii) be constructed with materials and utility equipment resistant to flood damage, and (iii) be constructed by methods and practices that minimize flood damage.
- (b) Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basements, elevated a minimum of one (1) foot above the 100 year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one (1) foot above the 100 year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Board of Adjustment and issuance of a Special Use Permit, where existing topography, street grades or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstanding the various forces and hazards associated with flooding.

All new residential buildings shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

- (c) Non-residential buildings - all new and substantially improved non-residential buildings shall have the first floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Zoning Administrator.
- (d) All new and substantially improved structures:
 - 1) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b) The bottom of all openings shall be no higher than one (1) foot above grade.
- c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - 2) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - 3) New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (e) Factory-built-homes:
 - 1) Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse or lateral movement.
 - 2) Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.
- (f) Utility and Sanitary Systems
 - 1) All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
 - 2) On-site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

- 3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.
 - 4) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- (g) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
 - (h) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
 - (i) No use shall affect the capacity or conveyance of the channel or flood-way of any tributary to the main stream, drainage ditch, or other drainage facility or system.
 - (j) Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of the 100-year flood.
 - (k) The exemption of detached garages, sheds and similar structures from the 100-year flood elevation requirements may result in increased premium rates for insurance coverage of the structure and contents, however, said detached garages, sheds and similar accessory type structures are exempt from the 100-year flood elevation requirements when:
 - 1) The structure shall not be used for human habitation.

- 2) The structure shall be designed to have low flood damage potential.
- 3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- 4) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
- 5) The structures' service facilities such as electrical and heating equipment shall be elevated or flood-proofed to at least one (1) foot above the 100-year flood level.

F. ADMINISTRATION

1. Appointment, Duties and Responsibilities of Zoning Administrator.
 - (a) A Zoning Administrator designated by the City Council shall administer and enforce this Ordinance and will herein be referred to as the Administrator.
 - (b) Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:
 - 1) Review all flood plain development permit applications to ensure that the provisions of this Ordinance will be satisfied.
 - 2) Review all flood plain development permit applications to ensure that all necessary permits have been obtained from federal, state or local governmental agencies.
 - 3) Record and maintain a record of (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor of all new or substantially improved buildings or (ii) the elevation to which new or substantially improved structures have been flood-proofed.
 - 4) Notify adjacent communities and/or counties and the Department of Natural Resources prior to any proposed alteration or relocation of a water course and submit evidence of such notifications to the Federal Insurance Administrator.
 - 5) Keep a record of all permits, appeals, variances and such other transactions and correspondence pertaining to the administration of this Ordinance.

- 6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation utilizing the annual report form supplied by the Federal Insurance Administrator.
- 7) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
- 8) Review subdivision proposal to ensure such proposals are consistent with the purpose of this Ordinance and advise the City Council of potential conflicts.

2. Flood Plain Development Permit

- (a) Permit Required - A Flood Plain Development Permit issued by the Administrator shall be secured prior to initiation of any flood plain development (any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.
- (b) Application for Permit - Application for a Flood Plain Development Permit shall be made on forms supplied by the Administrator and shall include the following information.
 - 1) Description of the work to be covered by the permit for which application is to be made.
 - 2) Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
 - 3) Identification of the use or occupancy for which the proposed work is intended.
 - 4) Elevation of the 100-year flood.
 - 5) Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
 - 6) For building being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - 7) Such other information as the Administrator deems reasonably necessary for the purpose of this Ordinance.

- (c) **Action for Permit Application** - The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable provisions and standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for Special Uses or Variances except as directed by the Board of Adjustment.
- (d) **Construction and Use to be as Provided in Application and Plans** - Flood Plain Development Permits issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and shall be punishable as provided in Section IX. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

3. Special Uses, Appeals and Variances

- (a) **Appointment and Duties of Board of Adjustment** - A Board of Adjustment is hereby established which shall hear and decide (i) applications for Special Uses upon which the Board is authorized to pass under this Ordinance; (ii) Appeals, and (iii) request for Variances to the provisions of this Ordinance; and shall take any other action which is required of the Board.
- (b) **Special Uses** - Requests for Special Uses shall be submitted to the Administrator, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

- (c) Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
- (d) Variances - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
- 1) No variance shall be granted for any development within the Floodway District which would result in any increase in the 100-year level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - 2) Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create nuisances, or cause fraud on or victimization of the public.
 - 3) Variance shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.
 - 4) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Zoning Administrator that (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

- 5) All variances granted shall have the concurrence or approval of the Department of Natural Resources.

(e) Hearings and Decisions of the Board of Adjustment

- 1) Hearings. Upon the filing with the Board of Adjustment of an appeal, an application for a Special Use or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
- 2) Decisions. The Board shall arrive at a decision on an Appeal, Special Use or Variance within a reasonable time. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Special Use or Variance, the Board shall consider such factors as contained in this section and all other relevant sections of this Ordinance and may prescribe such conditions as contained in Section F 3 e (2) (b).
 - a) Factors Upon Which the Decision of the Board Shall be Based. In passing upon applications for Special Uses or request for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
 1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 2. The danger that materials may be swept on to other lands or downstream to the injury of others.
 3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a flood plain location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
12. Such other factors which are relevant to the purpose of this Ordinance.

b) Conditions attached to Special Uses or Variances - Upon consideration of the factors listed above, the Board may attach such conditions to the granting of Special Uses or Variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.
2. Limitation on periods of use and operation.
3. Imposition of operational controls, sureties and deed restrictions.

4. Requirements for construction of channel modification, dikes, levees and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this Ordinance.
5. Floodproofing Measures. Such floodproofing measures may include but are not necessarily limited to the following:
 - (i) Anchorage to resist flotation and lateral movement.
 - (ii) Installation of watertight doors, bulk heads and shutters or similar methods of construction.
 - (iii) Reinforcement of walls to resist water pressures.
 - (iv) Use of paints, membranes or mortars to reduce seepage of water through walls.
 - (v) Addition of mass or weight structures to resist flotation.
 - (vi) Installation of pumps to lower water levels in structures.
 - (vii) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
 - (viii) Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures.
 - (ix) Construction to resist rupture or collapse caused by water pressure or floating debris.
 - (x) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures.

(xi) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding.

(f) Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

G. NONCONFORMING USES

A structure or the use of a structure on land which was lawful before the passage or amendment of the Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:

1. No structural alteration, addition or repair to any nonconforming structure over the life of the structure shall exceed 50 percent of its value at the time of its becoming a nonconforming use, unless the structure is permanently changed to a conforming use.
2. If such use is discontinued for twelve consecutive months, any future use of the building premises shall conform to this Ordinance. The assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses which have been discontinued for twelve months.
3. If any nonconforming use or structure is destroyed by any means, including floods, to an extent of 50 percent or more of its value prior to destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
4. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.
5. Except as provided in Section G 4 any use which has been permitted as a Special Use or Variance shall be considered a conforming use.

H. DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

BASEMENT - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor".

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FACTORY-BUILT HOME - Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

FACTORY-BUILT HOME PARK - A parcel or contiguous parcels of land divided into two or more factory-built home lots for rent or sale.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the over flow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

FLOOD ELEVATION - The elevation floodwater would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

FLOOD INSURANCE RATE MAP - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - A study initiated, funded and published by the Federal Insurance Administration for the purposes of evaluating in detail the existence and severity of flood hazards; providing the city with the necessary information for adopting a flood plain management program; and establishing actuarial flood insurance rates.

FLOOD PLAIN - Any land area susceptible to being inundated by water as a result of a flood.

FLOOD PLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood-proofing and flood plain management regulations.

FLOODPROOFING - Any combination of structural and nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

FLOODWAY - The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.

FLOODWAY FRINGE - Those portions of the flood plain, other than the floodway, which can be filled, leveed or otherwise obstructed without causing substantially higher flood levels or flow velocities.

LOWEST FLOOR - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

1. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section E 2d(1) and
2. The enclosed area is unfinished (not carpeted, dry walled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
3. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
4. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria 1, 2, 3 and 4 above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

NEW CONSTRUCTION (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

ONE HUNDRED (100) YEAR FLOOD - A flood, the magnitude of which has a one (1) percent chance of being equalled or exceeded in any given year or which, on the average, will be equalled or exceeded at least once every one hundred (100) years.

STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any improvement to a structure which satisfies either of the following criteria:

1. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions or (2) any alteration will not preclude the structure's continued designation as a "historic structure".
2. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after February 2, 1977 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

SECTION XXI

EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS

The regulations specified in this Ordinance shall be subject to the following additional requirements, exceptions, modifications and interpretations.

A. HEIGHT LIMITATIONS

Height limitations stipulated in this Ordinance shall not apply to the following.

1. To barns, silos, or other farm buildings or structures on farms, provided these are not less than fifty feet (50') from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than four feet (4') above the limiting height of the building. However, if, in the opinion of the Zoning Administrator, or his equivalent, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment.
2. To places of public assembly such as churches, schools, and other permitted public and semi-public buildings not to exceed six (6) stories seventy-five feet (75') where a permitted use requires greater heights than specified, such may be authorized by the Board of Adjustment.
3. To bulkheads, conveyors, derricks, elevator penthouses, water tanks, wind generator, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Adjustment.

B. COMMUNICATION TOWERS

The general intent of these minimum standards for installation, siting and regulation of communication towers are: a) to minimize adverse visual effects of towers through careful design, siting, and vegetative screening; b) to avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structure; c) to allow for reasonable location and use for communication towers and d) to address adverse effects on human health and safety.

1. Definitions

- (a) "Communication tower" means a structure that is used primarily as a communication antenna or as a communications antenna support structure.

- 1) "Broadcast/common carrier communications tower" means a tower used for communications services for commercial gain or public reception.
 - 2) "Private business/government communications tower" means a tower used for purposes to augment or facilitate the primary function of a business or governmental agency.
 - 3) "Non-commercial communications tower" means a tower used for purposes in which there is no commercial gain, i.e. amateur radio, Civil Air Patrol, Red Cross, etc.
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- (b) "Tower height" means the distance between the ground which the tower or tower base sits and the top of the highest appurtenance mounted on the tower.
 - (c) "ANSI C-95.1" means the most recently adopted standard of the American National Standards Institute which establishes guidelines for human exposure to non-ionizing electromagnetic radiation.
 - (d) "EIA-222" means Electronics Industries Association Standard 222, 'Structural Standards for Steel Antenna Towers and Antenna Support Structures'.
 - (e) "Freestanding tower" means a tower which has the tower base as the only or primary means of resisting the designed tower loads.
 - (f) "Guy supported tower" means a tower which requires the use of flexible guying cables or wires as the only or principle means of resisting the designed tower loads.
 - (g) "Effective tower height" means the distance from the highest point of rigid, non-guyed support to the top of the highest appurtenance mounted on the tower.
 - (h) "FCC" means the Federal Communications Commission.
 - (i) "FAA" means the Federal Aviation Administration.
 - (j) "Retractable tower" means a tower whose height can be changed by extension or retraction without structural modification. Tower height of a retractable tower shall be determined in the extended position.

- (k) "Camouflaged tower" means a communication tower or antenna which is designed to enhance compatibility with the surrounding environment including but not limited to, architecturally screened roof mounted antennas, antennas integrated into architectural elements, and towers to look such as light poles, power poles and trees. At a minimum, camouflaged towers not requiring FAA painting or markings, shall have exterior finish which is galvanized or painted dull blue, gray or black.

2. Application

- (a) A special use permit shall be obtained when authorized by the Board of Adjustment prior to construction of communications towers. Tower shall be registered at the time the permit is obtained. Each application for a permit shall include the following information, supplied by the tower owner, operator, or contractor installing the tower:
 - 1) A site plan, professionally prepared, drawn to a scale of one inch (1") equals fifty feet (50') unless a different scale is approved by the Zoning Administrator. The plan shall show the property boundaries, tower(s), guy wire anchors (if any), existing structures, proposed transmission buildings and/or other accessory uses, access, parking, fences, landscape plan (specifying i.e., spacing and plant materials proposed), and existing land uses adjoining the site.
 - 2) Plans and specifications from a registered professional engineer experienced in the design and/or analysis of communication towers. The plans and specifications shall include:
 - a) Tower height.
 - b) Type of structure.
 - c) Type of materials.
 - d) Specification for materials used for structural elements of the tower(s).
 - e) Name of tower manufacturer.
 - f) Soils investigation (where required for footing design)
 - g) List of the type and location of all antennas, cables and other appurtenances which will be installed at the time the tower is erected.
 - h) List of the type and location of all antennas, cables and other appurtenances which may or could be installed in the future.
 - 3) The plans and specifications shall include a statement that to the best of the engineer's knowledge, information, and belief, the proposed structure has been designed in accordance with all of the following:
 - a) Applicable ordinances as adopted by Charles City.

- b) The current version of EIA-222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures".
- 4) A written statement certifying that all FAA and FCC requirements will be met or addressed.
- 5) The tower owner shall supply a report stating that the tower has been constructed and installed according to the design submitted to obtain the zoning compliance permit. This report shall be accompanied by "as-built" drawings and test results and submitted to the Zoning Administrator.

3. Site and Structure Requirements

- (a) Guy anchor installations shall comply with the front and, where applicable, corner side yard setback requirements and shall not be placed closer than three feet (3') from any side or rear property line or closer than ten feet (10') from any principal structure.
- (b) Freestanding towers shall be located on the lot so that the distance from the base of the tower to any adjoining property line is a minimum of one hundred fifty percent (150%) of the proposed tower height.
- (c) Guy supported towers shall be located so that the distance from the base of the tower to any adjoining property line is a minimum of one hundred fifty percent (150%) of the effective tower height from its base.
- (d) No guy anchors or towers shall be located in an easement located on the property. No tower accessories or appurtenances shall defeat the purpose of any easement on the property.
- (e) Accessory structures or buildings shall be located on the property according to the setback and structure requirements of the zoning district in which they are located.
- (f) Part or all of the property required to meet the area requirements set forth in paragraphs (b) and (c) of this subsection can be provided by recorded lease and/or easement, however the following additional requirements shall apply:
 - 1) The lease and/or easement must be for the duration commensurate with the structural life and use expectancy of the tower.
 - 2) The tower owner has primary authority and responsibility for the property/tower for compliance to this Ordinance.

- 3) Dwelling units shall not be built within the area set forth in paragraphs (b) and (c) of this subsection.

4. Screening/Fencing/Signage

- (a) On-site vegetation shall be preserved to the maximum extent possible.
- (b) Where the tower site abuts residentially developed land, residential ("R") zoning districts, public land or streets, or is located in a primary residential development areas as designated on the Charles City Comprehensive Plan, the site perimeter shall be landscaped with at least one row of deciduous trees, not less than 1-1/2 inches (1-1/2") in diameter measured three feet (3') above the grade, spaced not more than twenty feet (20') apart and within twenty-five feet (25') of the site boundary, as well as at least one row of evergreen trees or shrubs, at least four feet (4') when planted and spaced not more than fifteen feet (15') apart and within forty feet (40') of the site boundary. Alternatives such as walls or fences may be permitted by the Charles City Board of Adjustment based on security or other reasons.
- (c) Eight feet (8') high security fencing, with barbed wire shall be required around the base and guy anchors of the tower.
- (d) Appropriate signage shall be posted indicating that trespassing and/or vandalism to the property may be punishable under local, state, or federal statutes.

5. Tower Inspection

- (a) Inspection records shall be kept by the tower owner and made available upon request to the Zoning Administrator during regular business hours.
 - 1) At least once every thirty-six (36) months the tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of communication towers. At a minimum, this inspection shall be conducted in accordance with the provisions of this Ordinance and in accordance with the tower inspection check list provided in the EIA-222 as applicable. This is considered a major inspection.

- 2) In addition to the regularly scheduled major inspection set forth in paragraph A above, a minor inspection, at a minimum, will be conducted if the tower or its appurtenances are noted at any time to be visibly damaged. Additionally a major inspection should be conducted if the visible damage to the tower is significant or when, after conducting a minor inspection, significant questions remain about the structural integrity of the tower.

6. Structurally Unsafe or Unused Towers

- (a) Any tower found, through inspection by the owner or by inspection of the Zoning Administrator, to be structurally unsafe and cannot be brought into compliance within 180 days must be removed at the owner's expense.
- (b) Any tower that is no longer used and maintained as a tower for a period of five (5) years shall be removed at the owner's expense.

7. Compliance with Standards

- (a) Current or former EIA standards shall apply to the addition of antennas or other appurtenances to communications towers under the following conditions:
 - 1) Additions to tower constructed prior to the effective date of this Ordinance regardless of whether the additions were accounted for in the original design, shall comply with the current EIA standards, and the wind loading specified therein. Additions to towers constructed subsequent to the effective date of this Ordinance shall comply with EIA standards. If the EIA standards have changed since the tower was designed, a structural analysis must be performed by Owner before any appurtenances or equipment are added.
 - 2) Existing towers which will not have any appurtenances added to them shall at a minimum comply with the EIA standards in existence at the time the tower was erected.
 - 3) Replacement of antennas or other appurtenances shall at a minimum comply with the EIA standard in existence at the time the tower was erected if the replacement does not add to the original design loading.

- 4) If a structural analysis shows a tower is not in compliance with the appropriate EIA standards, the owner shall notify the Zoning Administrator promptly, and provide the Zoning Administrator with a plan to bring the tower into compliance within six (6) months.
- 5) The Zoning Administrator shall be notified in writing when a required analysis is complete. A copy of the analysis report shall be made available to the County upon request. That report shall also give details of the net result of any changes made to the tower or its appurtenances since the last inspection.
- 6) Retractable towers shall conform to all provisions of this Ordinance, except that a retractable tower must either meet the EIA-222 standards for wind loading when extended and be sited a distance of at least 150% of the extended tower height from any adjoining property line. For either case, the retractable tower must meet EIA-222 standards when retracted.

8. Non-Ionizing Electromagnetic Radiation (NIER)

- (a) A source of non-ionizing electromagnetic radiation (NIER), when combined with existing sources of NIER, shall not expose the general public to ambient radiation exceeding standards established by ANSI C-95.1 or applicable Environmental Protection Agency regulations.
- (b) Lighting
 - 1) No permanent lighting is allowed on towers except as required by the FCC or the FAA.
- (c) Fees
 - 1) The City Council of Charles City shall, from time to time, establish by resolution fees for the registration, processing, and permitting of communication towers. No application shall be considered filed with the City unless and until said application is accompanied by the fee, as established by resolution.

C. SATELLITE DISH AND ANTENNA

Satellite antenna, satellite dish, TV antenna, and radio antenna shall, for the purpose of this Ordinance, be an accessory structure unless they are the primary structure. Satellite dish and antenna shall:

1. Be installed with a proper foundation meeting manufacturer's specifications.

2. Be screened from adjoining properties by the use of landscape plantings and/or screen fences or walls.
3. Satellite dishes larger than thirty-six inches (36") in diameter shall be permitted in rear yards only and are permitted a maximum height of twelve feet (12'). Such dishes must be set back at least five feet (5') from all rear and side property lines.
4. Communications towers, including television antennas and amateur radio antennas, not used for commercial purposes, maybe utilized in residential districts, provided they do not exceed ten feet (10') above the height limit determined for principal structures in the applicable district and are at least one-half (1/2) the total height of the tower from any lot lines. Total height shall be measured as the distance from the average grade at the base of the supporting structure to the top of the highest point of the tower, including beacons and antennae.

D. WIND GENERATORS

1. "Wind generators" shall mean a structure used primarily to harness wind energy including such devices as wind generators, windmills, wind turbines and similar devices.
2. Application
 - (a) A special use permit shall be obtained when authorized in accordance with the requirements of Article XXV prior to construction of wind generators. Wind generators shall be registered at the time the permit is obtained. Each application for a permit shall include the following information, supplied by the wind generator owner, operator, or contractor installing the wind generator:
 - 1) A site plan, professionally prepared, drawn to a scale of one inch (1") equals fifty feet (50') unless a different scale is approved by the Zoning Administrator. The plan shall show the property boundaries, wind generator(s), existing structures, proposed buildings and/or other accessory uses, access, parking, fences, landscape plan (specifying i.e., spacing and plant materials proposed), and existing land uses adjoining the site.
 - 2) Plans and specifications from a registered professional engineer experienced in the design and/or analysis of wind generators. The plans and specifications shall include:
 - a) Wind generator height.
 - b) Type of structure.
 - c) Type of materials.

- d) Specification for materials used for structural elements of the wind generator(s).
 - e) Name of manufacturer.
 - f) Soils investigation (where required for footing design)
 - g) List of the type and location of all other appurtenances which will be installed at the time the wind generator is erected.
 - h) List of the type and location of all wind generators and other appurtenances which may or could be installed in the future.
- 3) The plans and specifications shall include a statement that to the best of the engineer's knowledge, information, and belief, the proposed structure has been designed in accordance with all of the following:
- a) Applicable ordinances as adopted by Charles City.
 - b) The U.S. Department of Energy (DOE).
 - c) The Electric Power Research Institute (EPRI) Utility Wind Turbine Verification Program.
- 4) A written statement certifying that all FAA and FCC requirements will be met or addressed.
- 5) The wind generator owner shall supply a report stating that the wind generator has been constructed and installed according to the design submitted to obtain the zoning compliance permit. This report shall be accompanied by "as-built" drawings and test results of turbine safety and stability and submitted to the Zoning Administrator.

3. Site and Structure Requirements

- (a) No structure support shall be located in an easement located on the property. No structure accessories or appurtenances shall defeat the purpose of any easement on the property.
- (b) Accessory structures or buildings shall be located on the property according to the setback and structure requirements of the zoning district in which they are located.
- (c) Spacing of support structures of wind generators when more than one generator is located on-site shall be in accordance with the state and federal regulations.

4. Screening/Fencing/Signage

- (a) On-site vegetation shall be preserved to the maximum extent possible.
- (b) Where the wind generator site abuts residentially developed land, residential ("R") zoning districts, public land or streets, or is located in a primary residential development areas as designated on the Charles City Comprehensive Plan, the site perimeter shall be landscaped with at least one row of deciduous trees, not less than 1-1/2 inches (1-1/2") in diameter measured three feet (3') above the grade, spaced not more than twenty feet (20') apart and within twenty-five feet (25') of the site boundary, as well as at least one row of evergreen trees or shrubs, at least four feet (4') when planted and spaced not more than fifteen feet (15') apart and within forty feet (40') of the site boundary. Walls or fences shall be installed as required by the Charles City Board of Adjustment based on security or other reasons.
- (c) Eight feet (8') high security fencing, with barbed wire shall be required around the structure of the wind generator.
- (d) Appropriate signage shall be posted indicating that trespassing and/or vandalism to the property may be punishable under local, state, or federal statutes.

5. Wind Generator Inspection

- (a) Inspection records shall be kept by the wind generator owner and made available upon request to the Zoning Administrator during regular business hours.
 - 1) At least once every thirty-six (36) months the wind generator shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of wind generators. At a minimum, this inspection shall be conducted in accordance with the provisions of this Ordinance and in accordance with the applicable state and federal regulations. This is considered a major inspection.

- 2) In addition to the regularly scheduled major inspection set forth in paragraph A above, a minor inspection, at a minimum, will be conducted if the wind generator or its appurtenances are noted at any time to be visibly damaged. Additionally a major inspection should be conducted if the visible damage to the wind generator is significant or when, after conducting a minor inspection, significant questions remain about the structural integrity of the wind generator.

6. Structurally Unsafe or Unused Wind Generators

- (a) Any wind generator found, through inspection by the owner or by inspection of the Zoning Administrator, to be structurally unsafe and cannot be brought into compliance within 180 days must be removed at the owner's expense.
- (b) Any wind generator that is no longer used and maintained as a wind generator for a period of five (5) years shall be removed at the owner's expense.

7. Compliance with Standards

- (a) State and federal standards shall apply to the addition of appurtenances to wind generators.
 - 1) Replacement of turbines and rotors or other appurtenances shall at a minimum comply with the state and federal standards in existence at the time the wind generator was erected if the replacement does not add to the original design loading.
 - 2) If a structural analysis shows a wind generator is not in compliance with the appropriate state and federal standards, the owner shall notify the Zoning Administrator promptly, and provide the Zoning Administrator with a plan to bring the wind generator into compliance within six (6) months.
 - 3) The Zoning Administrator shall be notified in writing when a required analysis is complete. A copy of the analysis report shall be made available to the County upon request. That report shall also give details of the net result of any changes made to the wind generator or its appurtenances since the last inspection.

8. Lighting

- 1) No permanent lighting is allowed on wind generators except as required by the FCC or the FAA.

9. Fees

- (a) The City Council of Charles City shall, from time to time, establish by resolution fees for the registration, processing, and permitting of wind generators. No application shall be considered filed with the City unless and until said application is accompanied by the fee, as established by resolution.

E. WALLS AND FENCES – HEIGHT RESTRICTIONS

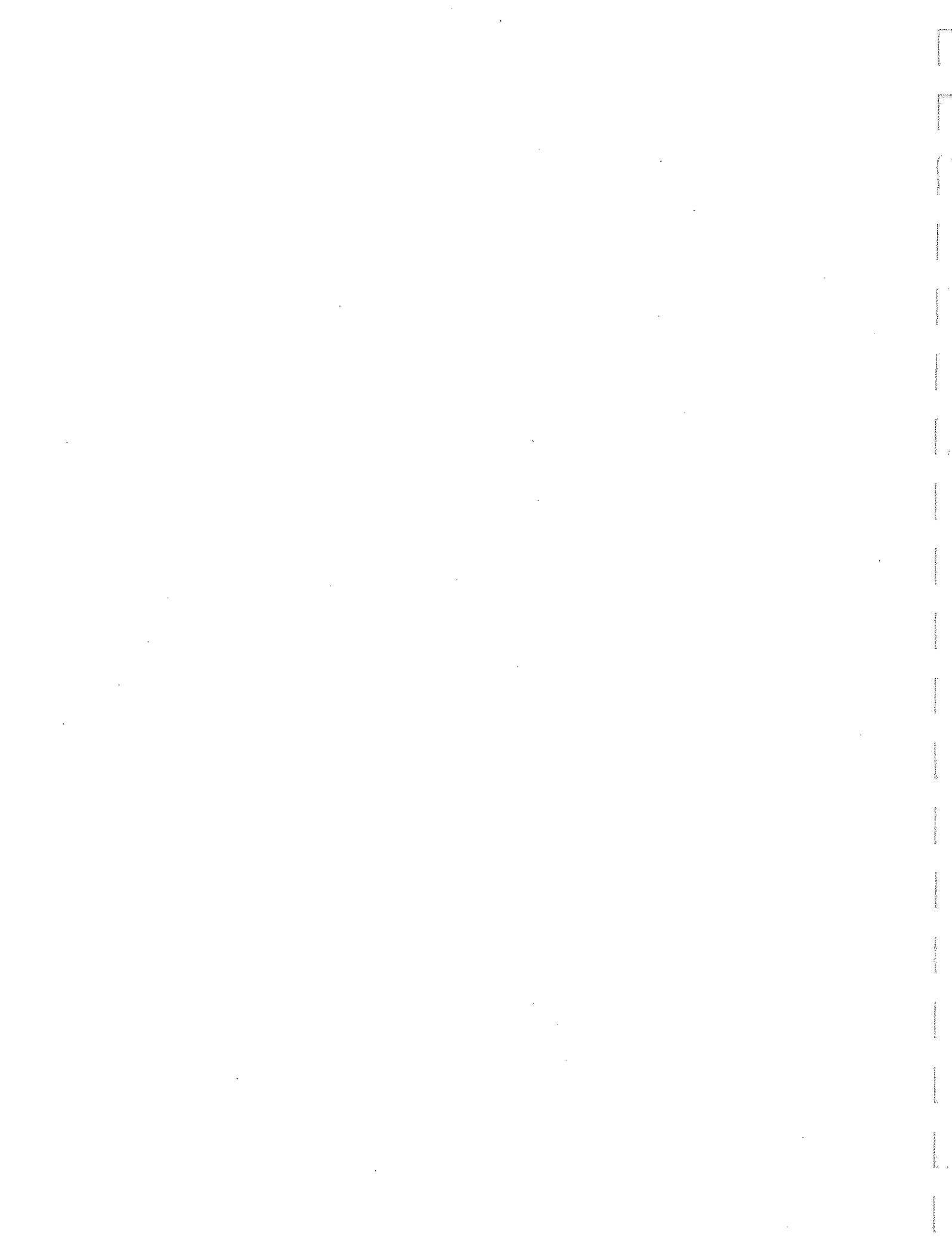
1. In any "R" Residential, "B" Commercial, or "M" Industrial District, the following shall apply:

- (a) Every fence hereafter erected within ten feet (10') of a property line shall be done in the following manner; posts, supporting rails and other such supporting elements shall face the property on which the fence is located.
- (b) Any fence or wall shall conform to the vision clearance requirements of Section IV.H.
- (c) No person shall place, construct or maintain, or cause to be placed, constructed or maintained any electric fence.
- (d) No fence shall be erected until a permit has been obtained from the Zoning Administrator except chain link and wire fences four feet (4') or less in height and all other fences three feet (3') or less in height.
- (e) The requirements in this section shall not apply to fences and walls located on airport, park, or school premises.

2. In any "B" Commercial or "M" Industrial Districts, the following shall apply:

- (a) No fence or wall in any required yard may exceed ten feet (10') in height; and no fence or wall in a required yard adjoining a street may exceed three feet (3') in height unless constructed of materials which provide openings of not less than seventy-five percent (75%) or more in area of the vertical surface of the fence or wall to permit transmission of light, air and vision. Fences or walls in any required yard adjoining a residential district shall conform to the requirements applicable to residential districts.

- (b) No person shall place, construct or maintain, or cause to be placed, constructed or maintained any wire or chain link type fence with the cut or selvage end of the fencing material exposed at the top, when such exposed top is less than six feet (6') above ground level. Barbed wire or similar material may be permitted on the top of a fence, provided, no strand is less than six and one half feet (6-1/2') above the ground level and does not extend beyond the property line.
3. In any "R" Residential Districts, the following shall apply:
- (a) No fence or wall in any required front yard may exceed three feet (3') in height, except the fence or wall may be erected to a height of four feet (4') if the fence or wall or that portion of the fence or wall in excess of three feet (3') is constructed of materials which provide openings of not less than seventy-five percent (75%) in area of the vertical surface of the fence or wall to permit transmission of light, air and vision through the vertical surface. On a corner lot, a fence not to exceed six feet (6') in height may be erected in the rear yard area extended to the street side lot line.
 - (b) Fences or walls along interior lot lines within the limits of the side yard on the adjoining lot shall not exceed four feet (4') in height, except in those cases where the adjoining dwelling has a side yard of five feet (5'), or more, then the fence or wall may be erected to a height of six feet (6'). The fence or wall may be erected to a height of eight feet (8') if the fence or wall or that portion of the fence or wall in excess of six feet (6') is constructed of materials which provide openings of not less than seventy-five percent (75%) in area of the vertical surface of the fence or wall to permit transmission of light, air and vision through the vertical surface at a right angle.
 - (c) No person shall place, construct or maintain, or cause to be placed, constructed or maintained any wire or chain link type fence with the cut or selvage end of the fencing material exposed at the top. Further, no person shall construct, use or maintain any barbed wire or similar type material fence on residential zoned property.



SECTION XXII

OFF-STREET LOADING AND PARKING

A. PURPOSE AND SCOPE

1. The purpose of this Section is to protect the health, safety, and general welfare of the citizens, prevent traffic congestion and hazards, provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian, bicycle, and vehicular traffic, provide for attractive, secure, properly lighted, and well screened off-street parking facilities, assure the mobility and access of emergency vehicles, provide for appropriately designed parking facilities in proportion to the needs generated by the varying types of land use, minimize the negative visual impacts of large expanses of parking by reducing glare and hot spots from parking lots through open space and landscaping around the parking areas, ensure that loading and delivery services are compatible with adjacent parcels and surrounding neighborhoods.

B. JURISDICTION

The lawful use of parking facilities existing at the time of the enactment of this Section may be continued although such use may not conform to the regulations herein. For those parking facilities permitted before the adoption of these regulations, such facilities shall be classified as "permitted non-conforming" facilities. No permit shall be issued for any lot, tenant, or development after the effective date of and not in substantial conformity with the provisions of these regulations. Nor shall any parking facility, except as herein specified, be substantially improved, converted, enlarged, or otherwise altered without conforming to the provisions of these regulations.

C. APPLICABILITY

In all districts, except the B-2 District, in connection with every industrial, commercial, business, recreational, or dwelling use, and all other uses, space for off-street parking and storage of vehicles shall be provided in accordance with all of the following regulations except as elsewhere provided herein.

D. OFF-STREET PARKING

1. General Provisions: All of the following standards shall apply to all off-street parking:
 - (a) No structure or use shall be permitted or constructed unless off-street parking spaces are provided in accordance with the provisions of this Section.

- (b) All parking areas shall be so arranged and marked so as to provide for orderly and safe loading or unloading, parking and storage of self-propelled vehicles.
- (c) Fractional space requirements shall be rounded up to the next whole space.
- (d) The number of required parking spaces for uses with differing business hours that share a parking lot may be reduced by twenty-five percent (25%) of the total required for each use if it is determined by the Zoning Administrator that such reduction will not have a negative impact on the congestion or safety of the development.
- (e) When any principal building is enlarged, increased in capacity, or when a change in use creates an increase in the amount of off-street parking space required, additional off-street parking spaces shall be required, in conformity with this Section.
- (f) For a building where a single tenant has multiple uses, parking spaces shall be provided in accordance with the parking requirements of each use. An example of a mixed-use building is one containing a combination of both office and manufacturing uses. The area dedicated to each use can be calculated at its individual requirement, at the discretion of the Zoning Administrator. The tenant may need to demonstrate that the parking can meet the more restrictive standard if the uses are changed.
- (g) Buildings developed as "flexible space" shall be designed to accommodate 5 spaces per thousand square feet of gross building area.
- (h) Outdoor patron use areas or areas used for assembly shall be included in the gross floor area (G.F.A.) for calculating parking requirements. Outdoor dining or drinking areas shall be included in the G.F.A. for bars, restaurants, and taverns when calculating parking requirements.
- (i) Any required parking spaces displaced by building expansion shall be provided elsewhere on the site. No required off-street parking facility shall be reduced in capacity below the minimum requirements of this Section.
- (j) Required parking spaces shall be used only for parking of vehicles for property owners, guests, renters, patrons or employees of the site. Required parking spaces shall not be used for sale, display, rental or repair of other motor vehicles.

- (k) All parking of vehicles, including automobiles, vans, campers, trucks, trailers, tractors, recreational vehicles, boats, construction equipment and any other mobile vehicle equipped for street and highway travel shall occur on paved areas and on private property only. City ROW between the property line and the roadway shall not be used for parking of vehicles.
- (l) **Parking and Storage.** No person shall park, place, keep or store, or permit the parking or storage of a stock car, racing car, inoperable vehicle, vehicular component parts, or miscellaneous junk and debris on any public or private property unless it shall be in a completely enclosed building. This regulation shall not apply to legitimate businesses operating in a lawful place and manner provided, however, that such outside areas are screened from public view.
- (m) No operable vehicle in "R" Districts shall be parked on lawn in front yard except on designated surfaced driveway as approved by the Zoning Administrator. In allowed areas, no more than forty (40) percent of the front yard shall be surfaced for parking, but in no case greater than thirty (30) feet wide.

E. HANDICAPPED PARKING REGULATIONS

- 1. With respect to handicapped parking, all of the following shall apply:
 - (a) The owner, contractor, and developer shall comply with all federal, state, and local laws regarding handicapped parking including, but not limited to, Iowa Code Chapter 321 L and the Americans with Disabilities Act.
 - (b) Handicapped parking spaces required by federal, state, and local laws shall count toward meeting the requirements of this Section.

F. DESIGN STANDARDS

- 1. Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained in accordance with the all of following requirements:
- 2. With respect to access, all of the following shall apply:
 - (a) There shall be provided an access drive not less than ten (10) feet in width in the case of a single family dwelling and not less than twenty-four (24) feet in width for all other uses.

- (b) Fire and emergency apparatus access roads, approved by the Fire Chief, shall have an unobstructed width of not less than twenty (20) feet and an unobstructed vertical clearance of not less than fourteen (14) feet. Upon approval by the Fire Chief, vertical clearance may be reduced, provided such reduction does not impair access by fire and/or emergency apparatus and approved signs are installed and maintained indicating the established clearance.
- 3. All the following rules shall apply with respect to driveways:
 - (a) Driveways for individual single family residences shall not be located closer than two (2) feet from an adjoining residential lot line, unless such driveway is jointly used by adjoining property owners and a joint easement has been recorded with the County Recorder.
 - (b) Except for single family residences, the minimum width of a one-way drive without parking stalls shall be sixteen (16) feet. The minimum width of a two-way drive without parking stalls shall be twenty-four (24) feet.
- 4. Off-street parking facilities shall accommodate the maneuvering and circulation of all vehicles on site, so as not to impair the movement of vehicles on public streets. Except for single family and attached single family dwellings, there shall be no backing of vehicles from an off-street parking facility into the public street.
- 5. All the following rules shall apply concerning parking lot setbacks:
 - (a) No part of any parking space in B-1, B-3, M-1, or M-2 shall be closer than ten (10) feet to any established public street right-of-way or public street easement. The minimum side and rear yard setback of parking facilities shall be five (5) feet. In case the parking lot is adjacent to an "R" district, it shall be set back at least fifteen (15) feet from the "R" district boundary and shall be effectively screened with plantings.
 - (b) The minimum side and rear yard setback of parking facilities shall be five (5) feet. In case the parking lot is adjacent to an "R" district, it shall be set back at least fifteen (15) feet from the "R" district boundary and shall be effectively screened with plantings.
 - (c) Off-street parking areas may be established in any "R" District that immediately adjoins a "B" or "M" District, or is directly across an alley from a "B" or "M" District provided that:

- 1) Such parking shall be accessory to and for use of one or more permitted uses in the adjoining "B" or "M" District and shall not include trucks.
 - 2) Such parking areas shall not extend more than one hundred (100) feet from the boundary of the less restricted district. In no case shall said areas extend closer than thirty (30) feet to the street right-of-way line. The yard between said parking areas and the adjoining streets shall be screen planted and landscaped as provided in subparagraph (c)3) below.
 - 3) A thirty (30) foot buffer shall be maintained between said parking areas and adjoining lots in residential districts. Said buffer shall be consistent with the requirements set forth herein this ordinance. A masonry wall or other suitable fence may be substituted for the wood fence.
 - 4) All entrances and exits for said parking areas shall be from said adjoining alley or "B" or "M" District.
6. A parking space reserved for the parking of vehicles shall have a dimension of not less than nine (9) feet in stall width and nineteen (19) feet in length for ninety (90) degrees parking without front-end overhang.
- (a) Any parking stalls proposed at any angle other than specified above shall have a length and depth sufficient to allow a nine (9) foot by nineteen (19) foot rectangle parking area.
 - (b) Any parking space located parallel to a wall or other solid barrier shall be widened by an additional two (2) feet.
 - (c) When the front of a parking stall abuts a sidewalk, the minimum width of the sidewalk shall be six (6) feet. When the front of a parking stall abuts open space within the perimeter of the parking lot, the minimum width of the open space shall be three feet.
 - (d) When the front of a parking stall provides space as defined above, the stall length may be decreased two (2) feet.
7. All off-street parking and loading areas shall conform to the Charles City Standard Specifications for Public Improvements as well as the following guidelines regarding surfacing:

- (a) All off-street parking, loading areas, access roadways, and outdoor storage and/or sales areas shall be paved with hot mix asphalt (HMA) or Portland cement concrete (PCC) pavement.
 - (b) The minimum thickness of pavement of the parking areas shall be as follows:
 - 1) Driveways:
 - a) Multiple family and commercial: 6" PCC or 7" HMA.
 - b) Truck routes: 7" PCC or 8" HMA.
 - 2) Parking areas: 5" PCC or 6" HMA.
 - (c) An alternate pavement or surfacing may be used in B-3, B-4, M-1 and M-2 Districts, provided a geotechnical report substantiates the alternate requirement, approved by the City.
 - (d) Material utilized in the subgrade shall be well drained and not susceptible to frost boils.
 - (e) Driveway approaches and any other area within the City right-of-way shall be constructed in accordance with Charles City Standard Specifications for public improvements.
8. All parking spaces, except parking spaces for single-family attached and detached residences, shall be striped in accordance with approved site plan. The striping shall be maintained in a clear and visible manner.
9. All off-street parking areas and associated driveways, access roadways and frontage roads, except driveways for single-family attached and detached residences, shall be constructed with permanent, PCC curb and gutter of at least six (6) inches high and twenty-four (24) inches wide or of alternate height and width approved by the City. Prefabricated portable curb or wheel stops shall not be considered an acceptable alternative, unless otherwise approved by the City Council during review of a development request.
10. With respect to lighting, all of the following shall apply:
- (a) Any lighting used to illuminate any off-street parking or loading area shall be designed for uniformity and be so arranged as to divert the light away from adjoining residential uses or premises in any residential district and away from public streets.
 - (b) Lighting fixtures shall possess hard cut-off qualities at property lines.

- (c) Lighting fixtures shall not be forward throwing. Lighting fixtures shall be shoebox style with a flat lens. Such lights may be decorative or ornamental subject to plan approval of the parking area.
- (d) Any project adjacent to residential or sensitive areas such as parks or open space shall be required to prepare an isometric foot-candle contour lighting plan for review and approval by the City. The Zoning Administrator may also require an isometric plan at his discretion for any other parking plan.
- (e) The illumination of the parking area shall be as follows:
 - 1) Adjacent to uses other than residential/ sensitive areas:
 - a) Four hundred (400) watt light fixtures shall be permitted at a maximum.
 - b) The overall height of the light fixture shall not be greater than thirty (30) feet from grade, including base.
 - 2) Adjacent to residential areas/sensitive areas:
 - a) Two hundred-fifty (250) watt light fixtures shall be permitted as a maximum.
 - b) The overall height of the light fixture shall not be greater than twenty-five (25) feet from grade, including base.
 - 3) Under convenience store canopies, lighting shall provide seventy (70) foot candle (fc) maximum with an average of fifty (50) fc or less. Light fixtures shall be recessed into the canopy in such a way that the lens is not visible.
- 11. All parking facilities shall be designed, constructed and maintained with security as a priority to protect the safety of the users. All required parking facilities shall be permanently maintained, free of litter and debris.
- 12. Notwithstanding anything else contained herein, the provisions of this Section shall not apply to the following uses:
 - (a) Temporary parking areas that have been approved by the City pursuant to a temporary site plan and;

- (b) Parking areas and access roadways located within a public park or recreational area.

G. PROVISIONS FOR COMMERCIAL, INDUSTRIAL USES

1. Off-street parking for commercial or industrial uses shall be located on the same lot, structure or use to be served.
 - (a) For auto repair, car wash, oil change shops or other similar uses, lift racks shall not be considered as a required parking space.
 - (b) Required parking spaces shall not be used or permitted to be used for the repair, servicing or storage of vehicles, or for storage of materials.
 - (c) No outdoor parking spaces or drives shall be used as long term storage. "Long term" in this case shall be defined as a period of time greater than ten (10) days.

H. NUMBER OF PARKING SPACES REQUIRED

1. In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use that is mentioned and to which said use is similar shall apply, as determined by the Zoning Administrator.

All following requirements listed are the minimum that must be met. Additional parking may be required at the discretion of the City Council:

Assisted Living Centers	1 space per 2 dwelling units plus 1 per staff
Automotive repair stations:	3 spaces per service bay. 1 space per service vehicle. 2.5 spaces per 1,000 s.f. of non-service area.
Automotive sales:	1/1,000 s.f. GFA plus 1/5,000 s.f. of developed area.
Animal boarding/ kennels	3.5 spaces per 1,000 s.f.
Banks	2.5 spaces per 1,000 s.f. of GFA. 3 queuing spaces per drive through station.
Barber, beauty shops:	2 spaces per chair or beautician station
Bed and Breakfast:	2 spaces. 2 additional spaces for visitors.
Bowling centers:	3 spaces per lane. 5 spaces per 1,000 s.f. of floor area for associated eating and drinking places.

Car wash, drive-thru oil change:	3 spaces per 1,000 s.f. Queing capacity equal to 2 per service capacity.
Car washes- self service:	.5 spaces per wash bay plus 2 queing spaces per bay. The car wash bay does not constitute one required space.
Child care center:	1 space; per 5 students, 5 spaces minimum. 1 space; per each van or bus, plus one queue space per 6 students.
Commercial entertainment:	5 spaces per 1,000 s.f. of outdoor area and building combined
Convenience stores:	5 spaces per 1,000 s.f. of GFA.
Dance and assembly halls, theaters, auditoriums and gymnasiums:	1 space per 4 fixed seats. In the case of no fixed seats, 10 spaces per 1000 s.f.
Delicatessen/ donut shop/ coffee bar:	10 spaces per 1,000 s.f. of GFA.
Drinking establishments/ lounge	15 spaces per 1,000 s.f. of GFA.
Driving ranges:	2 per tee area. Additional spaces as required for accessory uses.
Elementary and junior high schools:	1 space per 2 employees plus auditoriums
Furniture, carpet/appliance retail:	2.5 spaces per 1,000 s.f. of GFA.
Funeral homes/mortuary:	1 space per 4 fixed seats. In cases of no fixed seats, 10 spaces per 1,000 s.f. of assembly area.
Fitness Centers/Health clubs:	2.25 spaces per 1,000 s.f. of GFA.
Golf courses:	6 spaces per hole. Additional spaces as required for accessory uses.
Grocery stores:	5 spaces per 1,000 s.f. GFA.
Hospitals, nursing homes and similar care centers:	1 space for each 5 beds plus 1 for each dayshift employee for facilities 20 or more beds. For facilities 19 beds and under, 1 space for each 3 beds plus 1 for each dayshift employee.
Hotels and Motels:	1 space per guestroom. Additional spaces as required by accessory services.
Industrial or manufacturing facility:	1.5 spaces per 1,000 s.f. of GFA.
Libraries:	3 spaces per 1,000 s.f. of GFA.
Manufacturing plants, research or testing laboratories, bottling plants:	2 for each 3 employees on maximum working shift.
Medical office/clinic:	3 spaces per 1,000 s.f. of GFA.
Multi-family dwelling:	2 spaces per dwelling unit. 1 visitor space per 5 dwelling units.

Professional/Business Office:	2.5 spaces per 1,000 s.f. of GFA.
Outdoor recreation: swimming pools, tennis, basketball courts, baseball, soccer fields:	20 spaces per 1,000 s.f. pool area, 6 spaces per court, 18 spaces per field.
Religious organizations:	1 space per 4 fixed seats. In cases where an auditorium is not involved 10 per 1000.
Restaurant- fast food:	15 spaces per 1,000 s.f. of GFA. 5 queuing spaces per drive thru lane.
Restaurant - sit down, nonfast food:	15 spaces per 1,000 s.f. GFA.
Retail, general commercial	5 spaces per 1,000 s.f. of GFA.
Secondary schools, colleges and universities, and vocational schools:	1 space per classroom. 1 space per 4 student seats at capacity. Auditoriums and gymnasiums - 1 space per 4 seats.
Self-storage and mini-warehousing:	1 space per 20,000 s.f. GFA. 1 space per 50,000 s.f. vehicle or boat storage spaces. Office space equal to office space requirement.
Single family dwelling:	2 spaces per dwelling unit.
Theaters:	1 for each 4 seats.
Townhomes/Attached/Multi Family/ Apartment Dwellings:	2 spaces per dwelling unit. 1 visitor space per 5 dwelling units.
Warehousing:	1 space per 1,000 s.f. of GFA or one space per two employees, whichever is greater.

Note: s.f. = square feet, GFA = gross floor area

In case of any use which is not specifically mentioned in the above table, the provisions for a similar use which is mentioned shall apply.

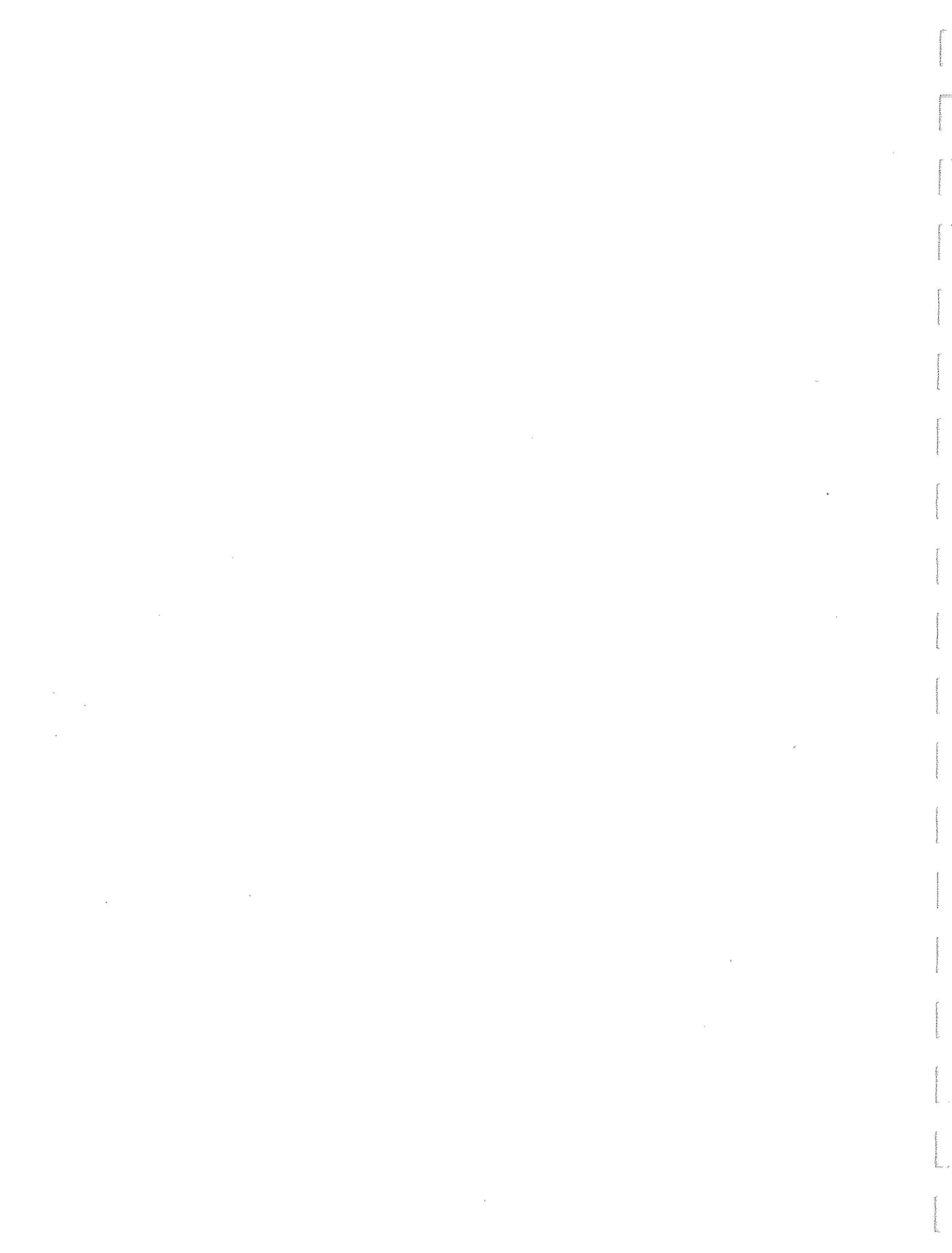
I. OFF-STREET LOADING REGULATIONS

1. In any "B" or "M" district, except B-2 District, in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, retail store, wholesale store, hospital, mortuary, laundry, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off street loading space plus one (1) such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of ten thousand (10,000) square feet, provided:

- (a) Each loading space shall be not less than ten (10) feet in width and thirty-five (35) feet in depth. Such space shall be designed in a manner acceptable to the City providing adequate space for loading access.
- (b) Loading yards and loading docks shall be screened and buffered from general public view and from all other adjoining properties of contrasting and conflicting uses.
- (c) All loading yards and accesses shall be paved in accordance with the design standards of this Section.
- (d) Loading areas shall be striped indicating the loading spaces. The striping shall be permanently maintained in a clear and visible manner.
- (e) Loading areas and docks shall be permitted only in rear or side lot areas unless otherwise approved by the City Council during the review of a development request.
- (f) Loading spaces shall be located and designed so that trucks shall not back into or from a public street.
- (g) No area may be utilized and counted as a required parking space and a loading dock.
- (h) No part of a street or alley shall be used for loading or unloading, except in a B-2 District.

J. WAIVER OF REQUIREMENTS

1. The City Council reserves the right to waive or modify to a lesser restriction any provision or requirement of off-street parking and loading areas contained in this Section in any redevelopment of property within the City, provided, a favorable report on such change is approved by the Planning and Zoning Commission, and further provided said waiver or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding property. Exceptions will only be considered for those uses where special circumstances warrant a change and whereby the modification or waiver is determined to be in the best interest of the general public.



SECTION XXIII

ADVERTISING AND SIGNS

A. STATEMENT OF INTENT

The purpose of this Section is to permit such signs as will not, by reason of their size, location, construction or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health and safety; and further, to regulate such permitted signs in a way to promote development that is not detrimental to the property values and aesthetics of the City. No sign shall be erected or maintained in the City's jurisdiction, except those specifically allowed by this Section. Signs allowed by this Section may be erected and maintained only as on-premise signs.

All signs as permitted by the applicable zoning district regulations in all zoning districts in the City of Charles City shall comply with the regulations of this Section.

B. GENERAL PROVISIONS

The following general provisions shall apply to display and outdoor advertising signs:

1. Nothing in this Article shall require the removal or discontinuance of a legally existing sign that is not altered, rebuilt, enlarged, extended, or relocated and the same shall be deemed a nonconforming use under the terms of this ordinance; provided however, the following signs shall be made to conform with the provisions of this Article or shall be removed by the owner and/or tenant upon written notice of the Zoning Administrator, forthwith in the case of the immediate danger and in any case within not more than thirty (30) days following said notice:
 - (a) Any sign which is in a state of serious disrepair or is no longer functional;
 - (b) An obsolete sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located, or any other sign which has been abandoned;
 - (c) Any sign which is in violation of the provisions of Subsections XXIII.B.2 and XXIII.B.3;
 - (d) Any portable sign that is not permanently anchored or secured to either a building or the ground;
 - (e) Any sign that becomes insecure, in danger of falling, or otherwise unsafe; or any sign unlawfully installed, erected or maintained.

If within thirty (30) days said order is not complied with, the Zoning Administrator may cause such sign to be removed at the expense of the owner and/or tenant.

2. No sign shall closely resemble or approximate the shape, form and color of any official traffic sign, signal or device. No sign shall be erected at any location where it may, by reason of its size, location, content, coloring or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of motorists, by detracting from the visibility of any traffic control device. No rotating beacon, beam or flashing illumination resembling an emergency light shall be used in connection with any sign or be visible for any adjacent street. Lights resembling an emergency light or such words as "Stop", "Look", "Danger" or any other words, phrases, symbols or characters, which in any manner interfere with, mislead, or confuse traffic shall not be used in connection with any sign.
3. No sign other than an official traffic, street, or related sign approved for placement by the Zoning Administrator or City Engineer or other public officer in the performance of his public duty, shall be placed on or over any street or public property unless approved by City Council or otherwise provided in this Ordinance.
4. Off-site signs are prohibited in all districts except as specifically permitted in this Section; provided however, such signs may be permitted by the Board of Adjustment when unusual or compelling circumstances may require.
5. Two (2) signs may be mounted on the same sign standard or structure provided that the combined surface areas of such signs shall not exceed the maximum area permitted for a single sign, except as specifically permitted in this Section.
6. Illuminated signs shall not be of an intermittent flashing type and shall not display any direct or focused illumination such as photo flood lamps, reflector lamps or lamps with an optical reflector located in the rear of same. An illumination from any lamp of over twenty-five (25) watts rating shall be through a diffusing lens or frosted envelope, excepting indirect illumination. In case of indirect illumination, all reflected or directed illumination must be focused on said sign so that same cannot be seen from any direction in adjacent areas.
7. Signs which are displayed inside or upon a window facing the outside and which are intended to be seen from the exterior shall be permitted subject to the same conditions and restrictions as wall signs.
8. These regulations shall not apply to any sign that is visible only from the premises upon which it is erected, such as on walls of courts or malls in shopping centers.

9. These regulations shall not apply to signs which are accessory to the use of any kind of operable vehicle, provided the sign is painted or attached directly to the body of the vehicle.

C. GENERAL REGULATIONS

1. **Conformance Required.** Except as may be hereinafter specified, no sign shall be erected, placed, maintained, converted, enlarged, reconstructed or structurally altered which does not comply with all of the regulations established by this Ordinance.
2. **Maintenance.** All signs shall be maintained in a good state of repair, including, but not limited to, the structural components, the lighting if any, the portion attaching the sign to the ground or structure, and the surface features.
3. **Non-Conforming Signs.** Where a sign exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, use, height, setback, or other characteristics of the sign or its location on the lot, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - (a) No such sign may be enlarged or altered in a way which increases its non-conformity; however, reasonable repairs and alterations may be permitted.
 - (b) Should such sign be destroyed by any means to an extent of fifty percent (50%) or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
4. **Permit Required.** A sign permit, signed by the owner and/or tenant, and approved by the Zoning Administrator, shall be required before the erection, construction, alteration, placing, or locating of all signs conforming with this ordinance.
5. **Permit Not Required.** A permit shall not be required for repainting without changing permanent wording, composition, or colors; or for nonstructural repairs.
6. **Plans.** A copy of plans and specifications shall be submitted to the Zoning Administrator for each sign regulated by this Ordinance. Such plans shall show sufficient details about size of the sign, location and materials to be used and such other data as may be required for the Zoning Administrator to determine compliance with this Ordinance.

7. Appeal. Any person or persons aggrieved by the decision of the Zoning Administrator to approve or disapprove a sign permit, as provided by this Ordinance, may appeal such decision to the Board of Adjustment.

D. DEFINITIONS

1. Sign Area. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area, except where such frames and structural members are used as an integral primary or subsidiary portion of the graphic, literal, or numerical display, such as forming a picture frame to facilitate continuity or providing contrasts to emphasize the intended purpose of the sign.
2. Sign, Exterior. A sign that directs attention to a business, profession, service, product or activity sold or offered upon the premises where such a sign is located. An exterior sign maybe a sign attached flat against a building or structure, or projecting out from a building or structure or erected upon the roof of a building or structure. An exterior sign may include any of the following:
 - (a) Fascia Sign: A single-faced building or wall sign that is directly attached to and parallel to its supporting wall.
 - (b) Projecting Sign: A double-faced building or wall sign projecting at right angles to its supporting wall.
 - (c) Marquee Sign: A sign attached to and contained within the perimeter of the face or valance of a marquee.
 - (d) Roof Sign: A sign attached upon or above a roof or parapet of a building.
3. Sign, Free Standing or Post. Any sign erected or affixed in a rigid manner to one or more poles, posts or the ground, and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs, or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof. A free standing or post sign may also include the following:
 - (a) Directory Sign: A sign containing the name of a building, complex or center and two or more identification signs or panels of the same size, color and general design, limited to one identification sign per occupant.

- (b) **Monument Sign:** A structure, built on grade that forms an integral part of the sign or its background.
4. **Sign, Billboard.** As used in this Ordinance, billboard shall include all structures, regardless of the materials used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs (whether the structure be placed on the wall or painted on the wall itself), and pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
 5. **Sign, Institutional Bulletin Board.** An on-premises sign containing a surface area upon which is displayed the name of a religious institution, school, library, public building, community center or similar institution and the announcement of its services or activities.
 6. **Sign, Temporary.** A temporary sign is any sign not permanently attached to the ground, wall or building, and intended to be displayed for a short and limited period of time.
 7. **Sign, Home Occupation.** An un-illuminated sign displaying only the occupant's name and occupation, that advertise the presence or conduct of the home occupation.
 8. **Sign, Development.** Sign identifying the name of a building, complex, or development included on a wall or within landscape feature including planter beds, fountains or decorative walls.

E. PROHIBITED SIGNS

Signs hereinafter designated shall be prohibited in all zoning districts:

1. **Banners, Balloons, Posters, etc.** Signs which contain or consist of banners, balloons, posters, pennants, ribbons, streamers, spinners, or other similarly moving devices, except as specifically provided in Section 23.F.(d) hereof. These devices when not part of any sign shall also be prohibited.
2. **Off-Premise Signs on Public Property.** Off-premise signs located on public property which is being used for public purposes.
3. **Flashing Signs.** No flashing, blinking, or rotation lights shall be permitted for either permanent or temporary signs, except time and temperature signs and brief public announcement signs.

4. **Moving Signs.** No sign shall be permitted any part of which moves by any mechanical or electronic means except as approved by the Board of Adjustment.
5. **Painted Wall Signs.** Off-premise signs painted on building walls for commercial purposes.
6. **Projecting Signs.** Signs that encroach more than eighteen (18) inches on or over a street right-of-way.
7. **Off-Premise Signs.** No off-premise sign advertising a commercial business shall be permitted, either as permanent or temporary sign, except as approved by the Board of Adjustment.

F. SIGNS PERMITTED IN ALL DISTRICTS

Signs hereinafter designated shall be permitted in all zoning districts. Semi-temporary and permanent signs are subject to a permit issued by the Zoning Administrator.

1. Temporary Signs:

- (a) **Real Estate Signs.** Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed. One (1) non-illuminated sign, not to exceed six (6) square feet, shall be permitted on each premises. Such signs shall not extend higher than four (4) feet above grade level or be closer than ten (10) feet to any property line unless located on the wall of a building. Such signs shall be removed within seven (7) days after the disposition of the premises. Two signs meeting these requirements are allowed on a corner lot.
- (b) **Political Campaign Signs.** Signs announcing candidates seeking public political office or pertinent political issues. Such signs shall be confined to private property and shall be removed within one (1) week following the election to which they pertain.
- (c) **Street Banners.** Signs advertising a public event providing that specific approval is granted under regulations established by the City Council. Such signs shall be removed within 30 days after approval by City Council.
- (d) **Seasonal Decorations.** Signs pertaining to recognized national holidays and national observances. Such signs shall be confined to private property and shall be removed within 15 days within a 60 day time frame.

- (e) Personal Announcement and Celebration Signs. Signs announcing births, anniversaries, weddings and similar celebrations. Such signs shall be confined to private property and shall be removed within 15 days within a 60 day time frame.
- (f) Banners, balloons and posters advertising an opening or closing of business and for special events providing that specific approval is granted by the Zoning Administrator. Such signs shall be confined to private property and shall be removed within 15 days within a 60 day time frame.

2. Semi-Temporary Signs

- (a) Construction Signs. Signs identifying the architect, engineer, contractor or other individuals involved in the construction of a building and such signs announcing the character of the building enterprise or the purpose for which the building is intended but not including produce advertising. One (1) non-illuminated sign not to exceed fifty (50) square feet, shall be permitted per street frontage. Such sign shall not extend higher than ten (10) feet above grade level or be closer than ten (10) feet to any property line unless located on the wall of a building on the premises or on a protective barricade surrounding the construction. Such signs shall be removed within one (1) week following completion of construction.
- (b) Portable Signs. Signs advertising a business or sales event providing that specific approval is granted by the Zoning Administrator. Such signs shall be removed within 15 days within a 60 day time frame.

3. Permanent Signs

- (a) Public Signs. Signs of a non-commercial nature and in the public interest, erected by or upon the order of a public officer in the performance of public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and other similar signs, including signs designating hospitals, libraries, schools and other institutions or places of public interest or concern.
- (b) Integral Signs. Signs for churches or temples, or names of buildings, dates of erection, monumental citations, commemorative tablets and other similar signs when carved into stone, concrete or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.

- (c) Window Signs. Such signs which are displayed inside of a window or within a building, provided however, that lighted window signs shall be permitted only in those districts where lighted signs are permitted.
4. Signs Permitted in the "COS" District
- (a) Signs not exceeding twenty (20) square feet in area pertaining to a permitted recreation use or areas of scenic beauty provided such signs shall be set back at least thirty (30) feet from any right-of-way and there shall be a distance of three hundred (300) feet between any such signs.
5. Signs Permitted in the "UA" District
- (a) Signs as permitted and regulated in "COS" District.
 - (b) Signs accessory to roadside stands shall be limited to two (2) signs per lot with no sign being larger than ten (10) square feet in area and set back at least ten (10) feet from the right-of-way of a street, highway or road.
 - (c) Real estate signs of a temporary nature, not exceeding two (2) in number per lot or larger than twelve (12) square feet, set back twenty (20) feet from any right-of-way of a highway, street or road.
 - (d) Signs not over eighteen (18) square feet in area, set back at least twenty (20) feet from any right-of-way of a highway, street or road, may be erected in connection with any of the permitted principal uses of a nonresidential nature.
 - (e) Institutional bulletin board signs.
6. Signs Permitted in the "R-1" District
- (a) Real estate signs of a temporary nature, not exceeding two (2) in number per lot or larger than six (6) square feet, set back five (5) feet from any right-of-way of a highway, street or road.
 - (b) A sign or signs flat against a building appertaining to a nonconforming use on the premises, not exceeding in the aggregate fifty (50) square feet in area.
 - (c) Signs not over eighteen (18) square feet in area, set back at least twenty (20) feet from any right-of-way of a highway, street or road, may be erected in connection with any of the permitted principal uses of nonresidential nature.
 - (d) One (1) nameplate not exceeding two (2) square feet for each dwelling.

- (e) Home occupation signs.
 - (f) Development sign, a monument sign not exceeding 60 square feet on one side, a height of 10 feet and setback of 15 feet.
7. Signs Permitted in the "R-2" District
- (a) Signs as permitted in "R-1" District.
8. Signs Permitted in the "R-3" District
- (a) Signs as permitted in "R-2" District.
9. Signs Permitted in the "R-4" District
- (a) Signs as permitted and regulated in "R-4" District, Section XII.C.2.
10. Signs Permitted in the "R-5" District
- (a) Signs as permitted in the "R-3" District.
11. Signs Permitted in the "B-1" District
- (a) Trade or business identification signs for firms located on the site provided that they:
 - 1) Do not exceed twenty-five (25) feet in height.
 - 2) Are not located in required yard, except that one (1) free standing sign not to exceed twenty-five (25) feet in height may be located in the required front yard, subject to other provisions contained herein and provided that the face or copy area of such signs shall not be located lower than ten (10) feet above grade.
 - 3) That such sign shall not have a surface area in excess of one hundred (100) square feet on any one (1) side and not more than two (2) sides of said sign shall be used for advertising purposes.
 - 4) That such sign will not be located closer than ten (10) feet to the right-of-way line.
 - 5) A directory sign or monument sign may be substituted in place of a free standing pole sign, subject to the requirements set forth above. A monument sign shall not be more than ten (10) feet in height and shall not be located closer than ten (10) feet to any property line.

- (b) Exterior signs located on the street frontages of principal buildings referring only to a use or uses located within such building, and attached or integral thereto, provided that:
 - 1) Such signs shall not have an aggregate surface area in excess of twenty percent (20%) of the total surface area of the building elevation to which they are attached.
 - 2) Signs which project out from the building more than eighteen (18) inches must be at least twelve (12) feet above grade and may project a maximum of six (6) feet but no closer than ten (10) feet to any property line.
 - 3) No sign shall project more than four (4) feet above the roof line or parapet where one exists.

12. Signs Permitted in the "B-2" District

- (a) Exterior fascia signs only, located on the street frontages of principal buildings referring only to a use or uses located within such building, and attached or integral thereto, provided that:
 - 1) Such signs shall not have an aggregate surface area in excess of twenty percent (20%) of the total surface area of the building elevation to which they are attached:
 - 2) Such signs may not project out from the building more than eighteen (18) inches.
 - 3) No sign shall project more than four (4) feet above the roof line or parapet where one exists.
- (b) One (1) free standing or post sign referring only to a use or uses conducted on the premises may be erected in any yard abutting a public street, provided however:
 - 1) That such sign shall not have a surface area in excess of one hundred (100) square feet on any one (1) side and not more than two (2) sides of said sign shall be used for advertising purposes.

13. Signs Permitted in the "B-3" District and the "B-4" District

- (a) Signs as permitted and regulated in "B-1" District except that signs shall not exceed thirty-five (35) feet in height.

- (b) In "B-4" District, freestanding signs shall not exceed forty (40) feet in height except in areas within five hundred (500) feet of the right-of-way of "Avenue of the Saints" highway where a sign not to exceed sixty (60) feet in height is permitted.
- (c) Billboards and signboards, through special use permit, are subject to the same location requirements as other structures in the "B-3" and "B-4" Districts and also subject to the following conditions and restrictions:
 - 1) No billboard, signboard or similar advertising signs shall be located at intersections so as to obstruct vision, hearing or interfere with pedestrian or vehicular safety.
 - 2) No billboard, signboard or similar advertising signs shall be located within fifty (50) feet of any lot in an "R" District.
 - 3) No billboard or signboard shall exceed three hundred (300) square feet in area.
 - 4) No billboard or signboard shall exceed thirty-five (35) feet in height.
 - 5) No billboard, signboard or similar advertising sign shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

14. Signs Permitted in the "M-1" District and the "M-2" District

- (a) Temporary sign advertising the sale or lease of the premises, not exceeding twelve (12) square feet in area.
- (b) Trade, business or industry identification signs for firms located on the site provided that:
 - 1) Free standing or pole signs shall not exceed one hundred fifty (150) square feet in area or twenty-five (25) feet in height. Such a sign shall not be located closer than ten (10) feet to the right-of-way line.
 - 2) A directory sign or monument sign may be substituted in place of a free standing sign, subject to the requirements set forth above. A monument sign shall not be more than ten (10) feet in height and shall not be located closer than ten (10) feet to any property line.

- 3) Signs mounted flush on the wall of a building shall not exceed ten percent (10%) of the area of the wall of the building on which they are located or two hundred (200) square feet, whichever is smaller.
- 4) Overhanging signs, attached to a building shall not project above the height of the building or more than four (4) feet from the wall of the building and shall not have more than one hundred (100) square feet of area.
- 5) Not more than one (1) sign of each category above may be provided for any single use, although each sign may be a double faced or back to back sign.

(c) Billboards as permitted in "B-4" Districts.

G. OUTDOOR ADVERTISING SIGNS AND BILLBOARDS

The following regulations shall govern the placement of outdoor advertising signs and billboards:

1. The regulations governing off-premise outdoor advertising signs and billboards shall comply with all State and Federal regulations.
2. All off-premise outdoor advertising signs and billboards shall be set back from any existing or proposed right-of-way line of any street or highway, at least as far as the required front yard setback for the district in which it is permitted. At any street intersection, the setback of any outdoor advertising sign or billboard shall not be less than one hundred fifty feet (150') from the established right-of-way line of each such street.
3. No off-premise outdoor advertising sign or billboard which faces the front or side lot line of any lot in any Class "R" District used for residential purposes shall be permitted within one hundred fifty feet (150') of such lot line.
4. No off-premise outdoor advertising sign or billboard which faces any public parkway, public square or entrance to any public park, public or parochial school, church or cemetery or similar institution shall be permitted within three hundred feet (300') thereof.

SECTION XXIV

ADMINISTRATION

A. ZONING ADMINISTRATOR

1. Enforcement. The Zoning Administrator appointed by the Mayor with the advice and consent of the Council and with aid of other municipal departments shall enforce this Ordinance.
2. Powers and Duties of Zoning Administrator. The Zoning Administrator shall enforce this Ordinance, and in addition thereto and in furtherance of said authority, shall:
 - (a) Issue all zoning certificates and make and maintain records thereof;
 - (b) Issue all occupancy permits and make and maintain records thereof;
 - (c) Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this Ordinance;
 - (d) Maintain permanent and current records of these regulations, including, but not limited to, all maps, amendments, uses on review, variances, appeals and applications therefor;
 - (e) Provide and maintain a public information service relative to all matters arising out of this Ordinance;
 - (f) Forward to the Council and/or the Planning and Zoning Commission all applications for amendment to this Ordinance;
 - (g) Transmit to the Board of Adjustment applications for appeals, variances, special uses on review or other matters on which the Board of Adjustment is required to pass under this Ordinance.
 - (h) Issue occupancy permit regulating the erection of buildings or structures and use of land for periods not to exceed ten (10) days for specific purposes such as temporary carnivals, churches, charities, and revival meetings which are not detrimental to the public health, safety, morals, comfort, convenience or general welfare; provided, however, that said use of operation and any incidental temporary structures or tents are in conformance with all other ordinances and codes of the City.
 - (i) Issue permits for construction within floodplain.

- (j) Initiate, direct and review from time to time a study of the provisions of this Ordinance and make recommendations to the Planning and Zoning Commission and Council.

3. Zoning Compliance Certificates and Occupancy Permits.

- (a) Zoning Compliance Certificates. Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the City unless the application for such permit has been examined by the Zoning Administrator, indicating that the proposed building or structure complies with all the provisions of this Ordinance. Any permit or certificate issued in conflict with the provisions of this Ordinance shall be null and void.
- (b) Occupancy Permits. No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until an occupancy permit has been issued by the Zoning Administrator. No change in a use, other than that of a permitted use to another similar permitted use, shall be made until an occupancy permit has been issued by the Zoning Administrator. Every occupancy permit shall state that the use or occupancy complies with the provisions of this Ordinance.
 - 1) Application for Occupancy Permit. Every application for a building permit shall be deemed to be an application for an occupancy permit. Every application for an occupancy permit for a new use of land where no building permit is required shall be made directly to the Zoning Administrator.
 - 2) Plans. Every application for a permit shall be accompanied by plans in duplicate and plot plan drawn to scale in ink or blueprint, or similar print, showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the building or structure to be erected or altered, the existing and intended use of each building or part, the proposed number of families or housekeeping units, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Ordinance. One (1) copy of such plans shall be signed and returned to the applicant when approved by the Zoning Administrator together with such permit as may be granted.

- 3) **Corner Pins.** Prior to building construction, lot corner pins based on actual survey need to be identified when Zoning Administrator or Building Official cannot determine property lines in field. If disturbed by construction or grading corner pins shall be reset in proper location based on actual survey.
 - 4) **Issuance of Occupancy Permit.** No occupancy permit for a building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator to be in conformity with the plans and specifications upon which the zoning certificate was based. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. Reasons in writing for refusal to issue an occupancy permit must be forwarded to the applicant no later than fourteen (14) days after the request for an occupancy permit.
 - 5) **Zoning Compliance Certificate in Non-Conforming Uses.** No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the administrative official. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of non-conforming uses or structures shall have one (1) year to apply for certificates of zoning compliance. Failure to make such application within one (1) year shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance.
4. **Penalties.** Any person who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Ordinance shall, upon conviction, be fined for each offense as provided in this Ordinance. Each day that a violation continues shall constitute a separate offense.
 5. **Remedies.** In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the provisions of this Ordinance, the City Attorney, in addition to other remedies under the Code of Iowa, is hereby authorized to institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.

B. BOARD OF ADJUSTMENT

1. **Creation, Membership and Procedure.** A Board of Adjustment, consisting of five (5) members, shall be appointed by the Council in accordance with provisions of Chapter 414 of the Code of Iowa. The appointment authority may remove any member of the Board for cause and after public hearing.
 - (a) The Board shall elect its own Chairperson and shall have the power to adopt rules and regulations for its own government, not inconsistent with law or with the provisions of this Ordinance or any other ordinance. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel attendance of witnesses.
 - (b) Meetings of the Board shall be open to the public, minutes shall be kept of proceedings, showing the action of the Board and the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and records shall be made of the Board's examination and other official actions, all of which shall be filed immediately in the office of the Board as a public record.
 - (c) Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of three (3) members of the Board is necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in the requirements of this Ordinance.
 - (d) The Board may call on municipal departments for assistance in the performance of its duties and shall be the duty of such departments to render such assistance to the Board as may reasonably be required.
2. **Applications and Appeals.**
 - (a) An application to the Board, in cases in which it has original jurisdiction under the provisions of this Ordinance, may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau. Such application shall be filed with the Zoning Administrator, together with a fee as established by the City Council, who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application, to the Board. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.

- (b) An appeal to the Board may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau affected by any ruling of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as prescribed by the rules of the Board, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed from was taken. A fee as established by the City Council shall also accompany the appeal. Should the appeal be withdrawn prior to publication of legal notice thereon, such fee will be forfeited.
 - (c) The Board shall fix a reasonable time for the hearing of an application or of an appeal in accordance with the Code of Iowa. It shall give notice of the time and place of such hearing by insertion in a newspaper having circulation in the community, and shall also give notice delivered by first class mail before the time fixed for such hearing to the applicant or appellant and to the Zoning Administrator, and to the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent or by attorney. The Board shall decide the application or appeal within a reasonable time.
 - (d) Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate, a stay would in the opinion of the Zoning Administrator cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, on due cause shown, be granted by the Board on application, after notice to the Zoning Administrator, or by a court of record.
3. Power to Make Special Exceptions and Interpretations of Map. The Board shall have the power to hear and decide, in accordance with the provisions of this Ordinance, requests or applications for special exceptions or for interpretation of the zoning map or for decisions upon other special questions upon which the Board is authorized to pass. In addition to permitting the special exceptions heretofore specified, the Board shall have authority to permit the following:
- (a) Nonconforming Uses. The substitution for a nonconforming use, another nonconforming use, if no structural alterations except those required by law are made; provided, however, any use so substituted shall be of the same or a more restricted classification.

(b) Temporary Uses and Permits.

- 1) The temporary use of a building or premises in any district for a purpose or use that does not conform to the standards prescribed by this Ordinance, provided that such use is of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
- 2) The temporary use of a building or premises in undeveloped sections for a purpose that does not conform to the standards prescribed by this Ordinance, provided that such structure or use is of a true temporary nature, is promotive of or incidental to the development of such undeveloped sections, and does not involve the erection of substantial buildings. Such permit shall be granted in the form specified under paragraph (1) above.

(c) Interpretation of Map. Where the street or lot layout actually on the ground or as recorded, differs from the street and lot lines indicated on the zoning map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of this Ordinance for the particular section or district in question.

4. Administrative Review. The Board has the power to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Administrator in the enforcement of the provisions of this Ordinance.
5. Variances. The Board may authorize on appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done, as follows:

- (a) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of these regulations, or by reason of exceptional topographic conditions, or other extraordinary and exceptional situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the provisions of this Ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, unnecessary to carry out the spirit and purpose of this Ordinance, the Board shall have the power to authorize, upon appeal, a variance from such strict application, so as to relieve such difficulties or hardships, and so that the spirit and purpose of this Ordinance shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the interest of the furtherance of the purposes of this Ordinance.
- (b) No such variance in the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds beyond reasonable doubt that all of the following conditions exist:
 - 1) There are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district.
 - 2) Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.
 - 3) The authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Ordinance or the public interest.
- (c) No grant or variance shall be authorized unless the Board specifically finds the condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment of this Ordinance, for such conditions or situations.
- (d) The Board shall have no power to authorize a variance for the establishment of a nonconforming use where none previously existed.

- (e) In considering a request for a variance from the regulations concerning signs, the Board shall give consideration and arrive at a finding on the following:
 - 1) Shape and area of lot in question.
 - 2) Bulk and floor area of the main building or structure.
 - 3) Setback of proposed sign from all property lines.
 - 4) Zoning and use of surrounding parcels.
 - 5) Unusual or exceptional topography.
 - 6) Compatibility with general intent of the zoning regulations to encourage development without detracting from the use and enjoyment of surrounding property.

- 6. Special Use Permit. The Board of Adjustment shall review, before issuing any special use permit, the conformity of the proposed building or use with the standards of the Comprehensive Plan and recognized principals of land use planning. The Board of Adjustment may approve the special use permit as submitted, or before approval, may require that the applicant modify, alter, adjust, or amend the proposal as the Board of Adjustment deems necessary to preserve the intent and purpose of this Ordinance in order to promote the health, safety, and general welfare of the community.
 - (a) In the event a Special Use Permit is granted under the terms of this Ordinance, any changes thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.
 - (b) A Special Use Permit shall not be granted by the Board unless and until:
 - 1) A written application, on forms provided by the Zoning Administrator, is submitted indicating the Section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
 - (c) The Board shall look specifically upon the following criteria in granting or denying a Special Use Permit, plus any additional criteria the Board finds necessary to protect the public health, safety, and general welfare in accordance with the intent of this Ordinance:

- 1) That the proposed location, design, construction and operation of the particular use adequately safeguards the health safety, and general welfare of persons residing or working in adjoining or surrounding property;
 - 2) That such use shall not impair an adequate supply of light and air to surrounding property;
 - 3) That such use shall not unduly increase congestion in the streets or public danger of fire and safety;
 - 4) That such use shall not diminish or impair established property values in adjoining or surrounding property, and
 - 5) That such use will not unduly burden public utilities.
- (d) In granting any Special Use Permit, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special use permit is granted, shall be deemed a violation of this Ordinance and punishable under provisions of this Ordinance.
7. **Action of Board.** In exercising its powers, the Board may, in conformity with the provisions of the Code of Iowa and of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as, in the Board's opinion, ought to be made, and to that end has all the powers of the officer from whom the appeal is taken.
 8. **Judicial Review.** All final administrative decisions of the Board of Adjustment shall be subject to judicial review pursuant to the provisions of Chapter 414, Code of Iowa, and all amendments and modifications thereof, and the rules adopted pursuant thereto.
 9. **City Council Remand.** The City Council, may, at its discretion, review any affirmative decision of the Board of Adjustment at any time before the effective date of the decision in accordance with the provisions of Chapter 414 Code of Iowa. After such review, but prior to the effective date of the variance, the City Council may remand any such decision to the Board of Adjustment for further review. Upon remand, the Board of Adjustment may reconsider its decision and issue its final decision on the request within thirty (30) days after the date of such remand.

10. **Expiration of Special Use Permit and Variance.** All special use permits and variances shall expire and terminate ninety (90) days after the date of the granting of such Special Use Permit or variance unless a building permit has been issued for the construction authorized by such Special Use Permit or variance, or if no construction is authorized, then unless a Certificate of Zoning Compliance has been issued for such authorized use. The Board of Adjustment may, upon written request of the affected person, extend the time for the issuance of a building permit or Certificate of Zoning Compliance for sixty (60) days. In the event the building permits for the construction so authorized is canceled, such Special Use Permit or variance shall thereupon expire and terminate.

SECTION XXV

AMENDMENTS

A. DISTRICT CHANGES AND ORDINANCE AMENDMENTS

1. In accordance with the provisions of Chapter 414, Code of Iowa, the Council may from time to time on its own action or on petition, after public notice and hearing as provided by law, and after report by the Planning and Zoning Commission amend or change by ordinance the number, shape, or area of districts established on the zoning map or the standards set forth in these regulations; but no such amendment or change shall become effective unless the proposed amendment or change shall first be submitted to the Planning and Zoning Commission for approval, disapproval or suggestions, and the Planning and Zoning Commission shall have been allowed a reasonable time, not less than thirty (30) days, for consideration and report. According to Section 414.5, Code of Iowa, the City Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change.

B. HEARING

1. Before submitting its recommendations and report to the Council, the Planning and Zoning Commission shall hold a public hearing on the proposed amendment, supplement or change. It shall give notice of public hearing as provided by law, and by mailing notices to all property owners directly involved, contiguous within two hundred (200) feet to, and directly across a street or alley from the area proposed to be altered. However, the regulation, restriction, or boundary shall not become effective until after a public hearing by City Council at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearing shall be published as provided in section 362.3, Code of Iowa, except that at least seven (7) days notice must be given and in no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice.

C. PETITION

1. Whenever any person, firm or corporation desires that any amendment or change be made in this Ordinance, including the text and/or map, as to any property in the City, and there shall be presented to the Council a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty percent (50%) of the area of all real estate included within the boundaries of said tract as described in said petition, and in addition, duly signed by the owners of fifty percent (50%) of the area of all real estate lying outside of said tract but within two hundred (200) feet of the boundaries thereof, (intervening streets and alleys not to be included in computing such two hundred (200) feet) it shall be the duty of the Council to vote upon such petition within a reasonable time after the filing of such petition with the City Clerk.

D. NOTICE

1. In accordance with the Code of Iowa prior to the public hearing, the text or copy of the text of such ordinance or petition, together with the maps or plans or copies thereof shall be on file, for public examination, in the office of the Zoning Administrator. No ordinance which differs from the recommendation made by the Planning and Zoning Commission shall become effective unless passed by not less than three-fourths (3/4) of all members of the Council.

E. WRITTEN PROTEST

1. In case a written protest against a proposed change in the boundaries of a district signed and acknowledged by the owners of twenty percent (20%) or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent (20%) or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, is filed with the Clerk, such change or repeal shall not be passed or become effective except by the favorable vote of at least three-fourths (3/4) of all members of the Council. The protest, if filed, must be filed before or at the public hearing.

F. NOTIFICATIONS

1. The failure to notify, as provided by this section, shall not invalidate an ordinance, provided such failure was not intentional, and the omission of the name of any owner or occupant of property who may, in the opinion of the Planning and Zoning Commission, be affected by such amendment, supplement or change, unless such omission is intentional, shall not invalidate any ordinance passed hereunder, it being the intention of this section to provide so far as may be for notice to the persons substantially interested in the proposed change that an ordinance is pending before the Council, proposing to make a change in zoning.

The Federal Insurance Administration and the Iowa Department of Natural Resources shall be notified of each amendment to the boundaries or regulations of the "F-1" District.

G. FEES

1. The City Council shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for amendment to this zoning ordinance. The schedule of fees shall be posted in the office of the City Clerk, and may be altered or amended only by resolution by the City Council.

H. DENIAL OF PETITION

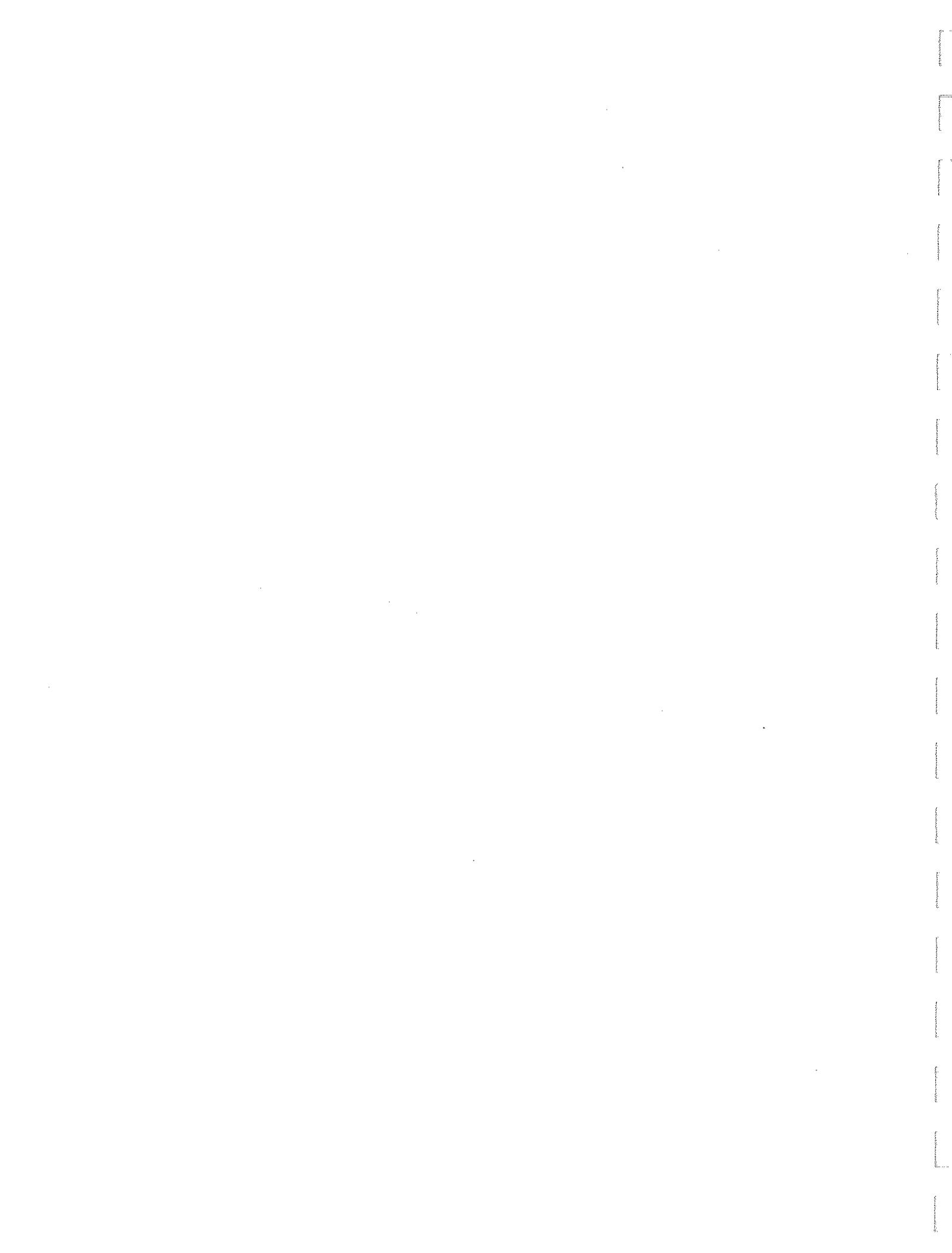
1. Denial of Petition. Whenever any petition for an amendment, supplement, or change of the zoning regulations herein contained or subsequently established shall have been denied by the City Council, then no new petition covering the same property, or the same property and additional property, shall be filed with or considered by the City Council until one (1) year shall have elapsed from the date of the filing of the first petition.

SECTION XXVI

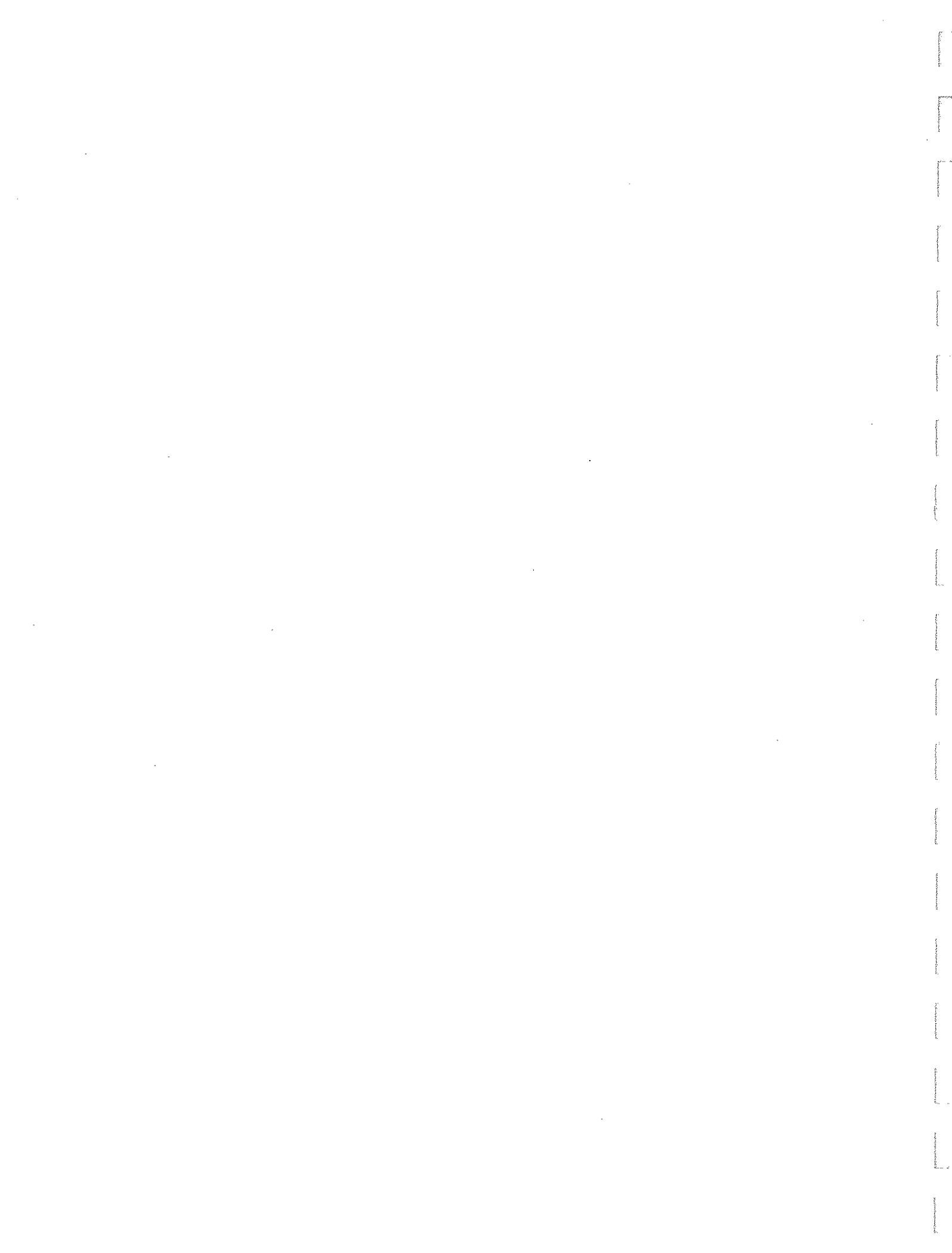
SCHEDULE OF FEES

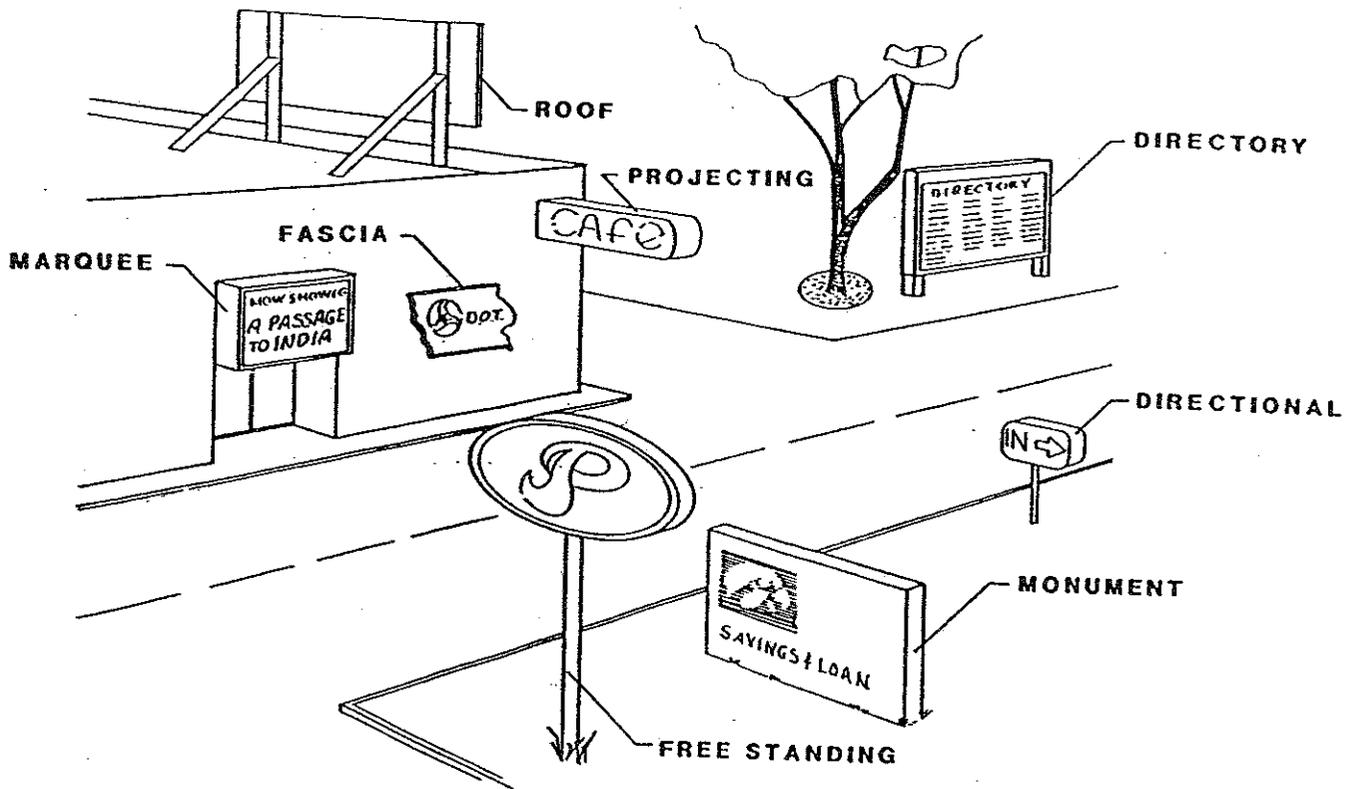
The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for certificates of zoning compliance, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the City Clerk and may be periodically altered or amended by Resolution of the City Council.

No certificate, special exception, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

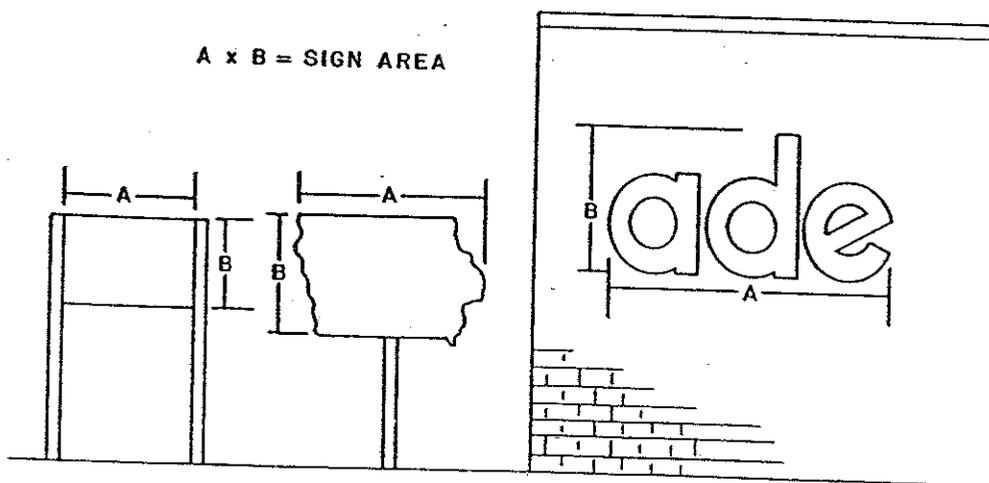


ATTACHMENTS - ILLUSTRATIONS



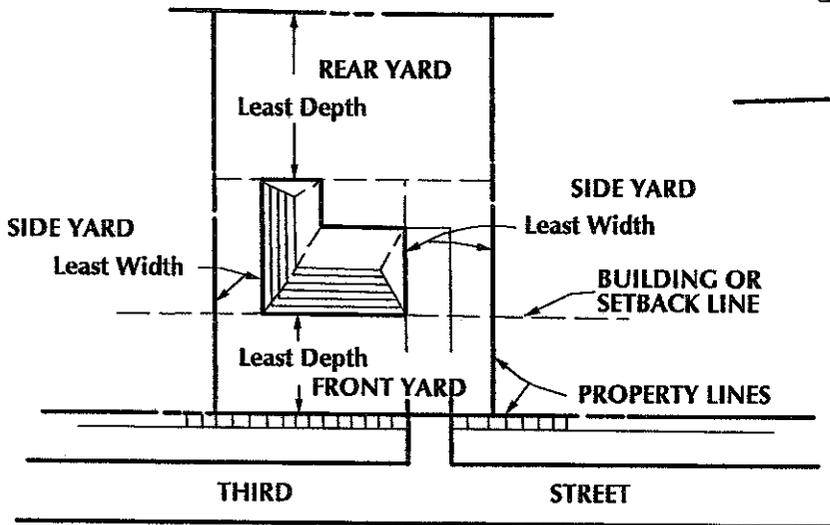
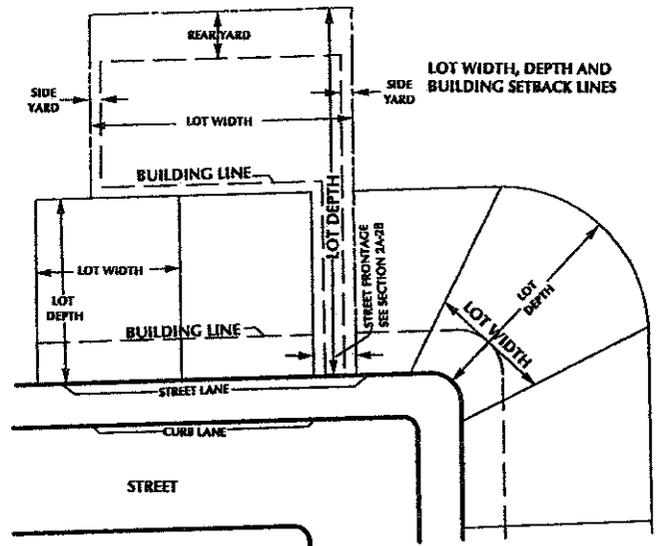
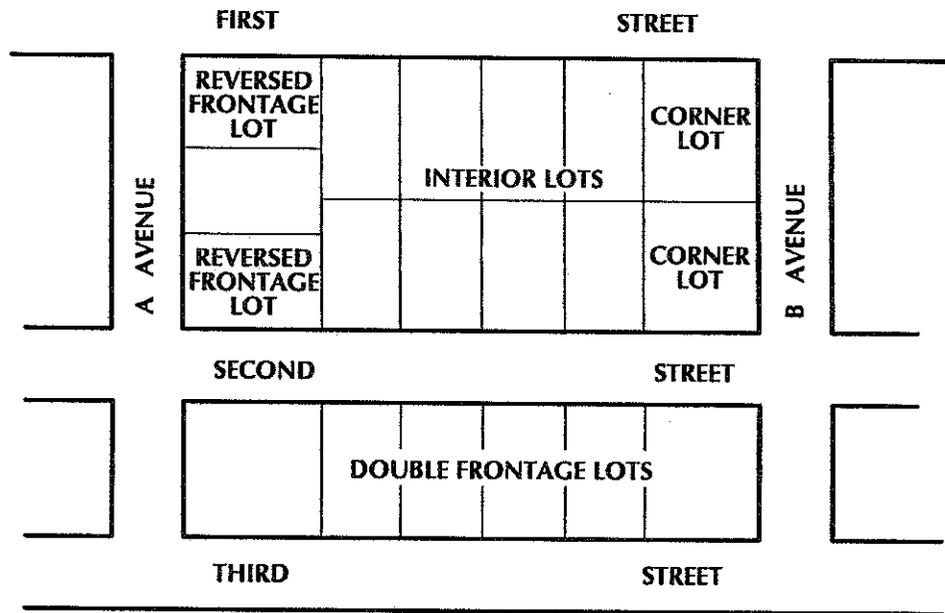


SIGN TYPES

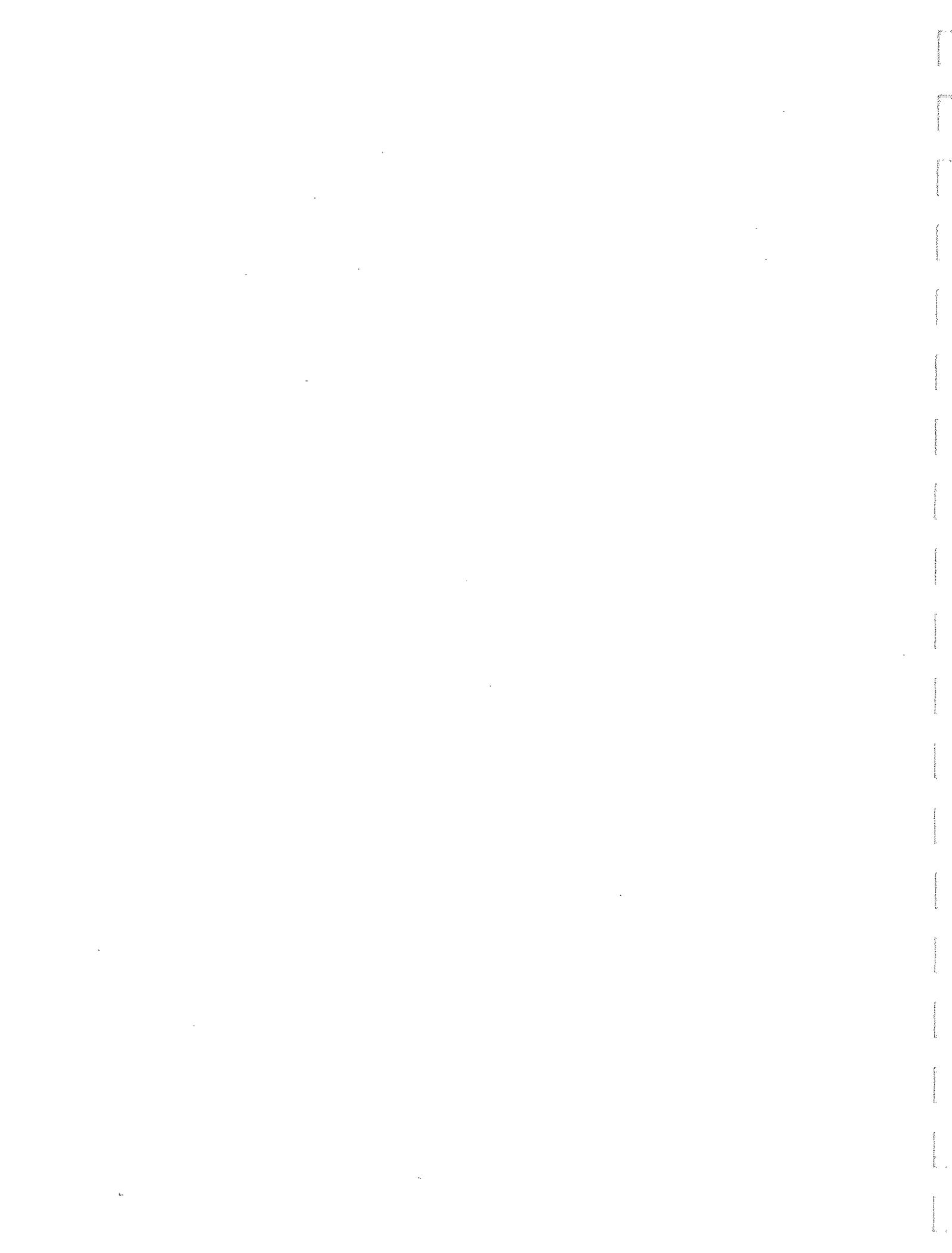


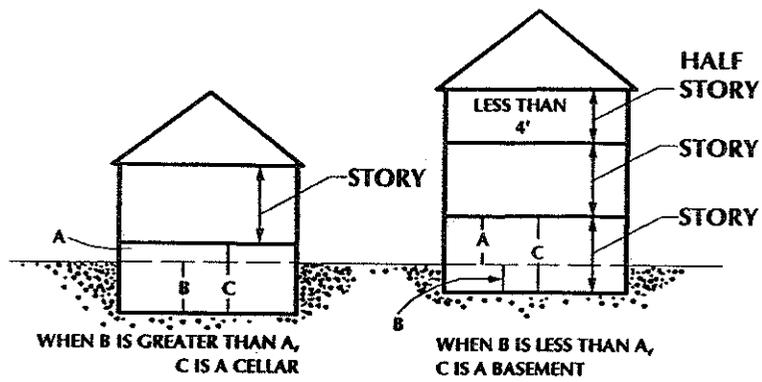
SIGN AREAS



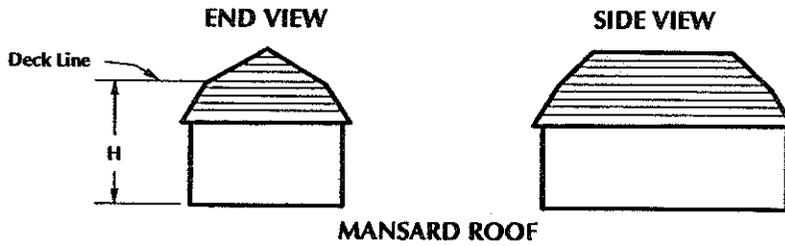


LOT & YARD DEFINITIONS

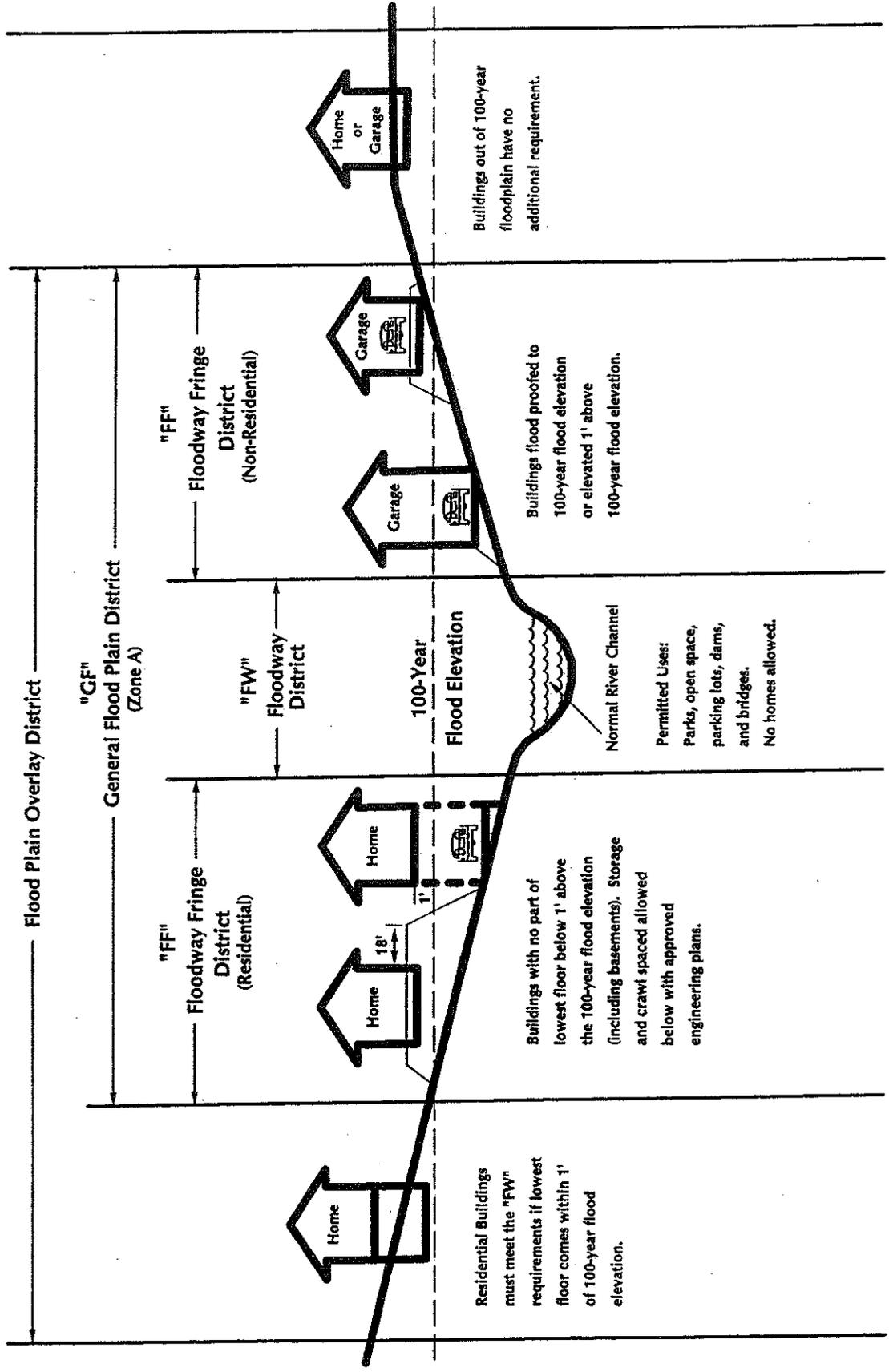




CELLAR, BASEMENT, HALF STORY, STORY







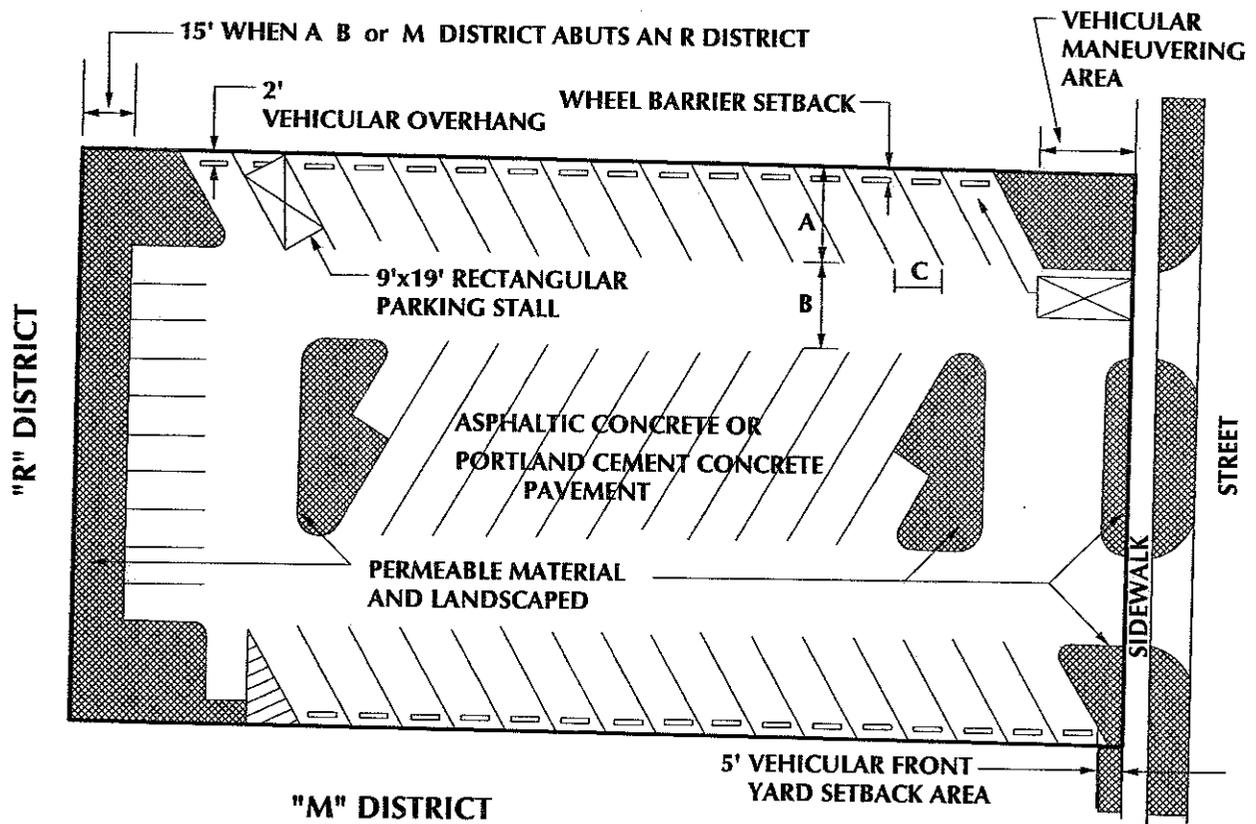
FLOOD PLAIN (OVERLAY) DISTRICT



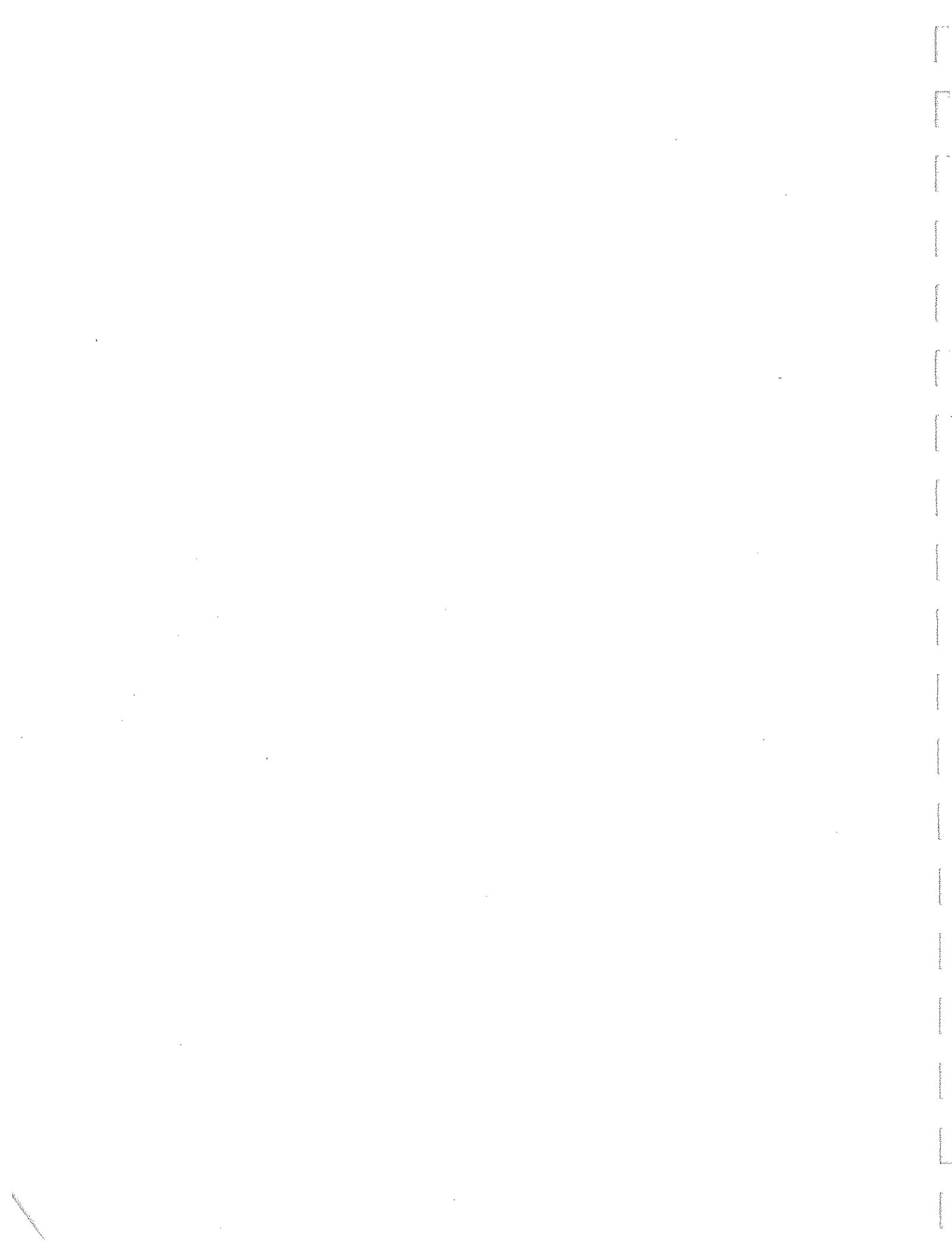
PARKING STALL REQUIREMENTS

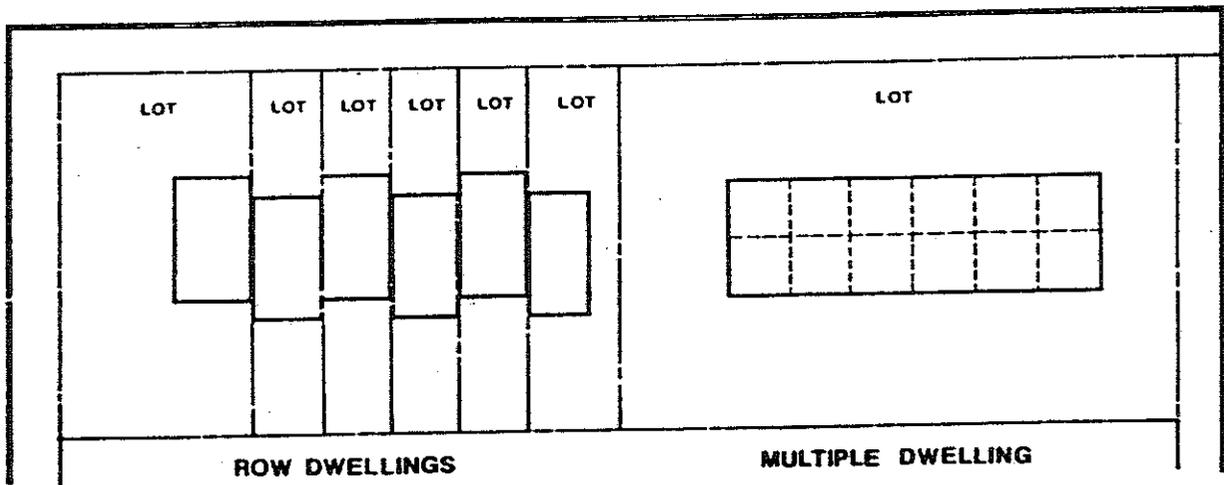
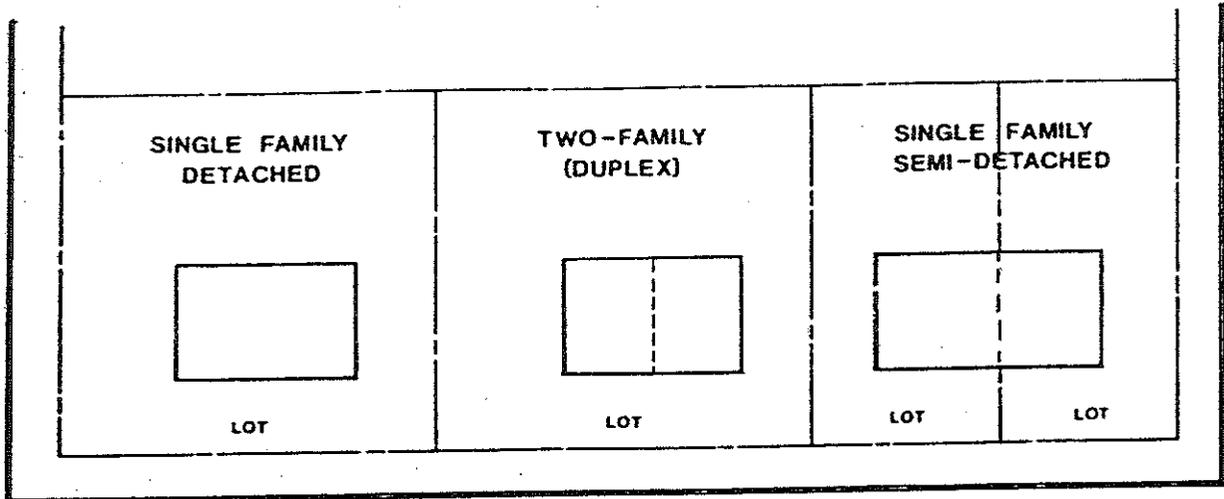
Degree of Angle	Stall to Curb (A)	Aisle Width (B)	Curb Length (C)
0	9.0'	12.0'	20.0'
45	20.5'	13.0'	13.1'
60	21.5'	18.0'	10.0'
90	20.0'	24.0'	9.0'

"B" DISTRICT



TYPICAL PARKING LOT LAYOUT





FLOOR AREA RATIO

0.5



1 Story
Covers ½ of lot



2 Story
Covers ½ of lot

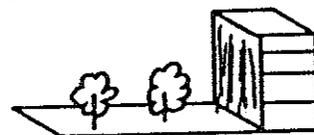
1.0



1 Story
Covers all of lot



2 Story
Covers ½ of Lot



4 Story
Covers ½ of lot

TYPES OF DWELLING UNITS

