

## CHAPTER 165

# ZONING REGULATIONS

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**165.01 TITLE.** This chapter establishes comprehensive zoning regulations for the City of Reinbeck, Iowa, and provides for the administration, enforcement and amendment thereof. This chapter shall be known and may be cited and referred to as the “Zoning Code” or “City Zoning Ordinance”.

**165.02 INTERPRETATION OF STANDARDS.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this chapter shall control.

**165.03 DEFINITIONS.** For the purpose of this chapter, the following terms or words are defined. The words “used or occupied” include the words intended, designed, or arranged to be used or occupied. The word “lot” includes the words property or parcel.

1. “Accessory building, structure, or use” means a subordinate use or structure on the same lot which the principal building is situated and which is reasonably necessary and of a nature subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to use of the principal building.
2. “Adult entertainment business” means and includes any of the following:
  - A. “Adult amusement or entertainment” means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to “sex act” or “specified anatomical areas,” as defined herein, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
  - B. “Adult bookstore” means an establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by an emphasis on matter depicting or describing “sex act” or “specified anatomical areas.”
  - C. “Adult hotel” means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment

wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing “sex act” or “specified anatomical areas” for observation by the individuals therein.

D. “Adult motion picture arcade” means 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 “sex act” or “specified anatomical areas.”

E. “Adult motion picture theater” means an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing “sex act” or “specified anatomical areas.”

F. “Adult photo studio” means an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing “specified anatomical areas” or “sex acts” as defined herein.

G. “Massage parlor” means any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on “sex act” or “specified anatomical areas” by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse or practical nurse operating under a physician’s direction, physical therapist, registered speech pathologist and physical or occupational therapist who treat only patients recommended by a licensed physician and operate only under such physician’s direction, whether with or without the use of mechanical, therapeutic or bathing devices. The term does not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

H. “Sexual encounter center” means any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons may congregate, assemble or associate for the purpose of engaging in “sex act” or exposing “specified anatomical areas.”

I. “Sex act,” as used in the definition of “adult entertainment business,” means 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 the mouth or tongue and genitalia or anus, or by contact between a finger or one person and the genitalia of another, or by use of artificial sexual organs or substitute therefor in contact with the genitalia or anus.

J. “Specified anatomical areas” means and includes the following: human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.

3. “Alley” means a public way, other than a street, twenty (20) feet or less in width, affording secondary means of access to abutting property.

4. “Attic” means a space under a gable, hip or gambrel, or other roof, the finished floor of which is, or would be, at or entirely above the level of the wall plates of at least

two (2) exterior walls, and the height of which, from the floor level to the highest point of the roof, does not exceed ten (10) feet.

5. “Basement” means a story having part but no more than one-half of its height below grade. A basement shall be counted as a story for the purpose of height regulation. When a story has more than one-half of its height below grade, the story constitutes a cellar and shall not be counted as a story for the purpose of height regulation.

6. “Bed and Breakfast” or “B&B” means a facility providing temporary lodging other than a hotel or boarding house and which are classified as follows:

A. A “Residential B&B” is owner occupied and has up to and including three (3) rental units.

B. A “B&B Inn” may be owner occupied and has up to and including twelve (12) rental units. More than twelve (12) rental units shall be considered a hotel.

7. “Beekeeping” means the keeping of one or more hives of honeybees where honey bee shall mean any stage of the common domestic honeybee.

8. “Block” means that property abutting on one side of a street and lying within the two nearest intercepting or intersecting streets, or lying within the nearest intercepting or intersecting streets and unsubdivided acreage, railroad right-of-way or water.

9. “Boarding house” means a building other than a hotel where, for compensation, meals and lodging are provided for up to two (2) persons and only as an accessory use to the principal single-family.

10. “Building” means any structure having a roof supported by walls or by columns designed or intended for enclosure, shelter or housing of persons, animals or property.

11. “Building, height of” means the vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level (between eaves and ridge) for gable, hip, and gambrel roofs.

12. “Carport” means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purposes of this chapter, a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements herein. Detached carports shall be considered as an accessory structure.

13. “Cellar” means that portion of a building having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

14. “Convenience store” means an establishment for retail sale of petroleum products and other supplies for motor vehicles, as well as for the retail sale of a variety of other items typically sold in grocery stores.

15. “Day care centers” means 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.

16. “Dwelling” means any stationary, permanent building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, RV, or trailer.
17. “Dwelling, apartment” means a room or suite of rooms in a multiple dwelling intended or designed for use as a residency by a single family and containing bathroom and kitchen facilities.
18. “Dwelling, single-family, detached” means a residence designed for or occupied by one family only, entirely surrounded by yard on the same lot, erected on a permanent foundation. Does not include mobile homes.
19. “Dwelling, duplex” or “two-family” means a building one lot with a common wall, designed for or converted for occupancy by two (2) families only, with separate housekeeping and cooking facilities for each dwelling. Such dwellings must be erected on a permanent foundation. Does not include mobile homes.
20. “Dwelling, multiple” or “multi-family” means a residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each. Such dwellings must be erected on a permanent foundation. Does not include mobile homes.
21. “Dwelling, condominium” means a multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others and where the general common elements of the structure, as defined under the Code of Iowa, is shared by one or more persons, corporations or other legal entities capable of holding or owning an interest in real property.
22. “Dwelling, row” means any one of three or more residences designed for or occupied only by one family which are attached and in a continuous row. Each dwelling is designed and erected as a unit on a separate lot with an individual entrance. All dwelling units must be separated horizontally from each other dwelling by a dividing wall, but may not be separated vertically from each other by a dividing floor or ceiling. No more than six units shall be permitted in a single structure.
23. “Dwelling, patio home” means a building containing only one dwelling unit on a separate lot and designed for and occupied exclusively for residence purposes by only one family within a townhome regime.
24. “Dwelling, townhome” means a row dwelling or a patio home as defined herein which is characterized by common elements which are specified in or determined under the rules and regulations set forth by recorded covenants. Said covenants shall establish the guidelines for maintenance of common elements and permit free movement through common areas by members of the homeowners association to assure access to the structure exterior of each townhome unit by the individual unit owner.
25. “Dwelling, tiny house” means a small building designed for residential use, generally 400 square feet or less. Tiny houses on wheels shall be considered an RV for purposes of this ordinance, unless properly tied-down and skirted in which case it may be considered as a mobile home. Tiny houses on permanent foundations shall be considered to be a single-family detached dwelling and shall be subject to all applicable building codes.
26. “Dwelling, group home” means a dwelling shared by four (4) or more persons with disabilities, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which the staff provide care,

education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible.

27. “Dwelling unit” means a room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.

28. “Family” means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, adoption, legal guardianship or as foster parent-children; no such family shall contain over four persons.

29. “Farm” means an area of ten (10) acres or more which is used for the growing of the usual farm products, such as vegetables, fruits, trees and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term “farming” includes the operating of such an area for one or more of the above uses, including the necessary accessory uses for treating or storing the produce; provided, however the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further that “farming” does not include the feeding of garbage or offal to swine or other animals.

30. “Feed lot” means any parcel of land or premises on which the principal uses is the concentrated feeding within a confined area of cattle, hogs, or sheep. A commercial feed lot is as defined according to the Department of Environmental Quality (DEQ) specifications or in which the livestock on feed are owned by someone other than the owner of the feed lot.

31. “Flood plain” means the channel of a stream or body of water and land adjacent to said channel or a body of water that has been or may be hereafter covered by flood water, including but not limited to the 100-year flood.

32. “Garage” means a private garage enclosed structure intended for and used for the housing of motor-driven vehicles of the residents of the premises. Pole buildings are permitted for garages.

33. “Gas station” or “Service Station” or “Lube Shop” means any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such product as oil, lubricants, tires, batteries, antifreeze, motor vehicle accessories and other items customarily associated with the sale of such products; for the rendering of minor services and making of adjustments and replacements to motor vehicles such as oil changes and filter replacements, and the washing, waxing and polishing of motor vehicles as incidental to other services provided; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are: 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 re-treading of tires. No service operations are permitted outside a fully enclosed building. No outdoor storage of parts and/or vehicles in the process of being repaired is permitted.

34. “Home occupation” means a use conducted entirely within the residence and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes where there is no evidence of such occupation being conducted on the premises by virtue of displays or excessive noise, odors, electrical disturbances, or traffic generation, with no more than one non-resident

assistant and where not more than one-half (½) of the floor area of any one floor is devoted to such use.

35. “Hotel” means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests in contradistinction to a boarding house or lodging house. Includes motels and motor lodges having parking in a convenient location to each unit.

36. “Inoperable motor vehicle” means any motor vehicle which lacks (1) current registration, or (2) two or more wheels or other component parts, the absence of which renders the vehicle totally unfit for legal use of highways.

37. “Junk” means all old or scrap metal; old rope, rags, batteries, paper trash, rubber debris, waste; dismantled or inoperable vehicles, machinery and appliances, or parts of such vehicles, machinery or appliances; old discarded glass, plastic, or old discarded household goods or hardware.

38. “Junk yard” means any place not fully enclosed in a building, used in whole or in part for the storage, salvage or deposit of junk, lumber, salvaged wood, whether in connection with a business or not, which encompasses an area of one hundred square feet or more, or any place where more than two inoperable motor vehicles or used parts and materials thereof, when taken together equal the bulk of two motor vehicles, are stored or deposited. For the purpose of this chapter, “junk yard” includes salvage yard, wrecking yard, used lumber yard and places for storage of salvage wood.

39. “Kennel, dog” means any premises on which four (4) or more dogs, six months old or older, are kept.

40. “Lot” means, for the purposes of this chapter, a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public or private street and may consist of (i) a single lot of record; (ii) a portion of a lot of record; (iii) a combination of complete lots of record and/or portions of lots of record; and (iv) a parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

41. “Lot line” means the property line bounding a lot.

42. “Lot measurements” means:

A. “Depth” means the mean horizontal distance between the front and rear lot lines.

B. “Width” means the width of a lot measured at the minimum building setback line and generally at right angles to its depth.

43. “Lot of record” means a lot which is part of a subdivision or a lot or parcel described by metes and bounds, the description of which is recorded in the office of the County Recorder of Grundy County.

44. “Lot types” means any of the following lots:

A. “Corner lot” means a lot located at the intersection of two or more streets.

B. “Interior lot” means a lot other than a corner lot with only one frontage on a street, other than an alley.

- C. “Double frontage lot” means a lot other than a corner lot with frontage on more than one street, other than an alley. Lots with frontage on two non-intersecting streets may be referred to as “through” lots.
- D. “Reverse corner lot” means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.
45. “Manufactured home,” as used in this chapter, means a factory-built structure, which is manufactured or constructed under the authority of 42 USC §5403 and which is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A “mobile home” is not considered to be a manufactured home, unless it has been converted to real property as provided in the Code of Iowa, and shall be taxed as a site-built dwelling.
46. “Mini warehouse” means a building or group of buildings containing varying sizes of individualized, compartmentalized and controlled access stalls or lockers for the dead storage of customers’ goods or wares, excluding junk explosives or flammable materials, and other noxious or dangerous materials, may include caretaker quarters as an accessory use. No business activities other than rental or storage units shall be conducted on the premises.
47. “Mobile home” means any vehicle which at any time was used or maintained for use as a conveyance upon highways, public streets or waterways; so designed and so constructed as to permit residential occupancy thereof whether attached or unattached to a permanent foundation. Mobile homes to be used for residential purposes shall be placed only in an approved mobile home park.
48. “Mobile home park” means any site, lot, parcel, or portion thereof having an area of at least one acre upon which two (2) or more mobile homes occupied for residential purposes are located, regardless of whether or not a charge is made for such accommodations; and includes any accessory buildings and uses in accordance with an approved Site Plan.
49. “Nonconforming use” means any building or land lawfully occupied by a use at the time of passage of the applicable Zoning Code (or any amendment thereto) which does not conform after the passage of the Zoning Code (or amendment thereto) with the use regulations of the district in which it is situated.
50. “Nursing or convalescent home” means a building or structure having accommodations where care is provided for invalid, infirm, aged, convalescent or physically disabled persons, including insane and other mental cases, and inebriate, but not including contagious cases.
51. “Occupant frontage” means that side or wall of a building in which the main public entrance to the premises is located.
52. “Parking space” means an area of not less than 9’ wide by 19’ long plus the maneuvering space required for the parking of a motor vehicle. Space for maneuvering, incidental to parking, shall not encroach upon any public right-of-way. Parking spaces for other than residential use shall be paved, with the surface material and thickness designated on an approved Site Plan.
53. “Principal use” means the main use of land or structures as distinguished from an accessory use.

54. "Porch, unenclosed" means 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.
55. "Recreational vehicle" means any camper, RV, boat, personal watercraft, All-Terrain vehicle (ATV), snowmobile, or golf cart; or the trailer for any such vehicle.
56. "Restaurant" means a business where the dispensing and the consumption at indoor tables of edible foodstuff and/or non-alcoholic beverages provides the principal revenue for the business.
57. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling of roof next above it.
58. "Story, half" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half story containing independent apartments or living quarters shall be counted as a full story.
59. "Street" means a public or private thoroughfare which affords the principal means of access to abutting property.
60. "Structure" means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground or any movable object weighing 200 pounds or more, which will be or has been in substantially the same location for ten days or more, except motor vehicles. Among other things, "structure" includes buildings, stadiums, platforms, radio towers, sheds, storage bins, decks and porches, chimneys, equipment, gazebos and arbors, private light poles, towers, windmills and small wind energy systems, antenna, satellite dishes over 3 feet in diameter, awnings, store fronts, walls and facades, signs and fences.
61. "Structural alterations" means any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.
62. "Substantial Improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the prior structure either: (a) before the improvement or repair is started, or (b) if the structure has been damaged, before the damage occurred. This term does not include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
63. "Yard" means an open space on the same lot with a building or structure, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.
64. "Yard, front" means a yard fronting on the public or private street and extending across the full width of the lot and measured, using the least distance, between the front lot line and the closest building or any projection thereof, other than permitted encroachments.
65. "Yard, rear" means a yard extending across the full width of the lot and measured, using the least distance, between the rear lot line and the principal building or any projection thereof, other than permitted encroachments. On interior lots, the rear



yard is the yard opposite the front yard. On corner lots, the rear yard is the yard opposite the front yard or street side yard, whichever is narrower.

66. “Yard, interior side” means a yard extending along an interior side of a lot, running from the front yard to the rear year and measured between the side lot lines and the nearest building or any projection thereof, other than permitted encroachments.

67. “Yard, street side” means a yard extending along the street side of a corner lot, running from the front yard to the rear year and measured between the right-of-way line and the nearest building or any projection thereof, other than permitted encroachments.

68. “Zero lot line” means 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.

**165.04 ESTABLISHMENT OF DISTRICTS.** In order to carry out the purpose and planning intent of the Zoning Ordinance, the City of Reinbeck is hereby divided into ten (10) based zoning district classifications and one (1) overlay district as follows:

1. Base Zoning Districts:

- A-1 Agricultural District
- R-1 Single Family Residential District
- R-2 One and Two-Family Residential District
- R-3 Multiple-Family Residential District
- R-4 Mobile Home Park Residential District
- C-1 Central Business District
- C-2 Commercial District
- C-3 Highway Commercial District
- M-1 Light Industrial District
- M-2 Heavy Industrial District

2. Overlay Zoning Districts:

- FP Floodplain Overlay

**165.05 OFFICIAL ZONING MAP.** The boundaries of the aforementioned base zoning districts and overlay district are hereby established as shown on the Official Zoning Map of the City of Reinbeck and said map and all notations, references and other information shown thereon shall be and are hereby adopted by reference and declared to be a part of this Code. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Administrator, under the following words: “This is to certify that this is the Official Zoning Map referred to in the Chapter 165 – Zoning Regulations of the Municipal Code of the City of Reinbeck, Iowa, adopted on the \_\_\_ day of \_\_\_\_\_, 20\_\_.”

The Official Zoning Map shall remain on file in the office of the City Administrator.

1. Documenting Map Amendments. If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on 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 Council. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made, the Official Zoning Map referred to herein shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the City.

2. Replacing Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of use, the Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Code or any subsequent amendment thereto. 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 this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, as part of the City's Zoning Code."
3. Interpretation of Official Zoning Map. Where there is uncertainty as to the boundaries of various districts as shown on the Official Zoning Map, the following rules shall apply.
  - A. Boundaries indicated as approximately following the centerlines of streets, alleys, or railroad lines shall be construed to follow such centerlines.
  - B. Boundaries indicated as approximately following platted lot lines or section lines shall be construed to follow such lot lines or section lines.
  - C. Boundaries indicated as approximately following corporate limits shall be construed to follow such corporate limits.
  - D. Boundaries indicated as approximately following shorelines, or the centerlines of streams, creeks, or rivers shall be construed to follow such shorelines or centerlines.
  - E. Boundaries indicated as parallel to or as extensions of features indicated above shall be so construed. The scale of the Map shall determine distances not specifically indicated on the Official Zoning Map.
  - F. Where physical features existing on the ground are at variance with those shown on the Official Zoning Map, or where no other indication of the district boundary is made and no dimensions are shown, the City Administrator shall interpret the district boundaries through the use of the scale appearing on the maps.

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

1. No building, structure or land shall hereafter be used or occupied - and no building, structure, or part thereof shall hereafter be erected, extended, converted, moved, rebuilt, or structurally altered - except in conformity with the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered: (i) to exceed the height limit herein established; (ii) to accommodate or house a greater number of families; (iii) to occupy a greater percentage of lot area; or (iv) to have narrower or smaller front yards, rear yards, side yards, or other open spaces than are specified herein for the district in which such building is located.
3. No yard or parts of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying

with this chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

### 165.07 GENERAL REGULATIONS.

#### 1. Vision Clearance.

A. On corner lots, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half (2½) and ten (10) feet above the centerline grades of the area described as follows: that area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines twenty-five (25) feet each way from the point of intersection of said right-of-way lines.

#### 2. Fences, Walls, and Hedges.

A. No fence, wall, or hedge shall be constructed without prior approval of a building permit in accordance with Section 165.21.

B. Fences, walls, and hedges shall be located so no part thereof is within five (5) feet of a street right-of-way line or alley or within two (2) feet of an adjoining property line. The setback can be waived if a common fence agreement is filed and recorded.

C. In any residential district, a fence, wall or hedge not exceeding four (4) feet in height which is at least 65% open is permitted within the limits of front yards or street side yards.

D. In any residential district, fences, walls, and hedges not exceeding six (6) feet in height are permitted within the limits of interior side and rear yards, with the exception of the rear yard of double frontage lots which is considered a front yard.

E. In any commercial or industrial district, fences, walls, and hedges not exceeding eight (8) feet in height are permitted within the limits of interior side and rear yards, with the exception of the rear yard of double frontage lots which is considered a front yard.

F. Acceptable materials for fences in all yards shall include wrought iron and similar decorative steel, wood, vinyl, polymer, or other material approved by the City Administrator. In rear and interior side yards only, chain link and vinyl-clad chain link are acceptable. Unacceptable materials shall include woven wire, barbed wire and electrical fencing.

G. No fences shall be placed in or across easements or in such a manner as to restrict drainage.

H. Temporary snow fences shall be permitted from November 1 through April 1 of each year without a permit.

K. Farm fences in the A-1 district are exempt from these requirements.

3. **Street Frontage Required.** Except as may be permitted herein, no lot shall contain any building used for single-family dwelling purposes unless the lot abuts for at least forty (40) feet on a public street, and no lot shall contain any building used for duplex or multiple-family dwelling purposes unless the lot abuts for at least forty (40) feet on a public street.

4. **Sidewalks required.** In any zoning district, public sidewalks shall be constructed in conjunction with construction of a new principal structure, a remodeling project in an amount equal to or greater than 25% of the original building valuation, a building addition larger than 100 square feet in size, a new attached or detached garage, or any other accessory structure larger than 400 square feet in size. Said public sidewalks shall be constructed along all the frontage of all public streets, excluding alleys, with the inner edge of the sidewalk located one foot outside of the lot line. Public sidewalks running along public street, including ramps at street crossings, shall be a minimum of four (4) feet wide and shall be constructed of Portland cement concrete with at least 3½ inches of depth. In any zoning district where there exists no connecting sidewalks, the City Council may defer the requirement for sidewalks in any commercial or industrial district provided the property owner signs an Agreement covering their responsibility to install such sidewalks upon written notification of the City Administrator and waiving their right to object to an assessment should they fail to fulfill their obligation to install sidewalks; such Agreement shall run with the land.

5. **Accessory Buildings and Structures.** No accessory building shall be erected in any required yard other than an interior side or rear yard. Accessory buildings shall be a minimum of five (5) feet from the principal building. Accessory buildings may be connected to the principal structure, or less than five (5) feet from the principal structure provided all yard requirements for a principal building are complied with for the accessory structure. No accessory building shall be constructed upon a lot until the construction of the principal building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.

6. **Paved Driveway Required.** In any zoning district, a paved driveway is required in conjunction with construction of a new principal structure, a remodeling project in an amount equal to or greater than 25% of the original building valuation, a building addition larger than 100 square feet in size, a new attached or detached garage, or any other accessory structure larger than 400 square feet in size. A paved driveway shall also be required if an existing gravel driveway or parking area is expanded by four (4) feet in any direction.

A. **Permit Required.** Before any person shall construct a new driveway, expand the dimensions of an existing gravel or non-gravel driveway by more than four (4) feet in any direction, or replace a gravel driveway with a paved driveway, a permit must first be obtained from City Hall and must meet all requirements herein.

B. For purposes of this subsection, a paved driveway consists of any kind of hard surfacing, including but not limited to Portland cement concrete, bituminous concrete, brick pavers, together with the necessary base. Paving does not include surfacing with oil, gravel, oil and gravel, sealcoat, or chloride.

C. Driveway shall be paved with acceptable materials having a depth of not less than four (4) inches and shall be at least ten (10) wide.

D. No driveway shall be within 15 feet of any street intersection, measured from the property corner. No driveway shall be located closer than one (1) foot from the property line. The driveway flare must remain within the limits of the property lines, extended to the curb, of the lot on which the driveway is constructed.

- E. The driveway approach, defined as that portion of the driveway located within the right-of-way of the public street, shall be paved with Portland cement concrete or bituminous concrete and shall be designed to accommodate the crossing of a public sidewalk. A 30-inch wide section of the curb and gutter shall be saw-cut and removed and replaced with full depth pavement matching the existing street pavement unless otherwise approved by the Public Works Director.
7. **Yards and Permitted Encroachments.** Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for the permitted projections described below:
- A. Encroachments permitted in all yards: ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting no more than twelve (12) inches into the required yard. Roofs of any principal structure may encroach twenty-four (24) inches; however roofs of any accessory structure may encroach only twelve (12) inches. Downspouts, roof drains, and splash pads may encroach into any yard, provided such appurtenances are setback a minimum of three (3) feet from the property line.
- B. Encroachments permitted in front yards and street side yards only: Steps and porches; all uncovered and unenclosed; provided such projections shall not extend more than ten (10) feet into said yard.
- C. Encroachments permitted in interior side yards only: steps, porches, stoops, and terraces; all uncovered and unenclosed; and fireplace doghouses provided any such projection shall not extend more than two (2) feet into said yard;
- D. Encroachments permitted in rear yards only: steps, porches, balconies, decks, stoops, and terraces; all uncovered and unenclosed; provided a minimum setback of 5 feet is maintained from all property lines. Fireplace doghouses are permitted to extend no more than two (2) feet into said yard.
8. **Double Frontage Lots.** Building on through lots extending through from street to street shall provide the required front yard on both streets.
9. **Mixed-Use Yard Requirements.** In instances where buildings are erected containing two or more uses housed vertically, the required side yards for the first floor use shall control.
10. **Home Occupations.**
- A. Purpose. The regulations of this chapter dealing with home occupations are designed to protect and maintain the residential character of the neighborhood, while permitting certain limited commercial activities which have traditionally been carried out in a residential dwelling. The use of the dwelling unit for a home occupation shall be clearly incidental to and subordinate to its use for residential purposes by its occupants.
- B. Definition of Home Occupation; Representative Activities. Permitted home occupations include, but are not limited to, the following lists of activities; provided, however, each permitted home occupation shall be subject to the limitations hereinafter set forth, and to all other regulations applicable to the district in which it is located:

- (1) Facilities used by a physician, surgeon, dentist, lawyer, clergyman, or other professional person, for emergency consultation or treatment, but not for general practice.
- (2) Providing instruction to no more than four (4) students at a time.
- (3) Daycare or babysitting of no more than five (5) nonresident children.
- (4) Home office for off-site retail sales such as Avon, Silpada, Longaberger, and similar merchandise.
- (5) Home office and storage for internet sales operations provided all materials are stored inside a building.
- (6) Studio of an artist, photographer, craftsman, writer or composer.
- (7) Boarding house as defined herein.
- (8) Millinery, dressmaking, tailoring, canning, laundering, and similar domestic service activities.

C. **Limitation on Home Occupation Activities.** Wherever home occupation activities are permitted, such activity may only be undertaken subject to the following limitations, unless otherwise specified:

- (1) No more than one person who is not residing on the premises shall be employed in the activity on the premises.
- (2) On-street parking for customers and employees of any home occupation shall be limited to the property owner(s) own street frontage.
- (3) The activity shall not involve any outside storage nor in any way create, outside the building, any external evidence of the operation.
- (4) No alteration of a building shall be made which changes the character and appearance thereof as a residential building.
- (5) No more than fifty percent (50%) of floor area of any floor the principal building shall be devoted to the home occupation.
- (6) No mechanical, electrical, or other equipment shall be used except of a type normally used on a residential premise.
- (7) No activity shall be permitted which is noxious, offensive, or hazardous by reason of pedestrian or vehicular traffic, or by creation of noise, odor, refuse, heat vibration, smoke, radiation, or any other objectionable emissions, or by interference with televisions, or radio reception.

11. **Building Lines on Approved Plats.** Whenever the plat of a land subdivision approved by the Zoning Commission and on record in the office of the County Recorder shows a building setback line along any frontage for the purpose of creating a front yard, rear yard or side yard, the setback line thus shown shall apply unless specific yard requirements in this chapter require a greater setback.

12. **Open Space.** The minimum total land area devoted to open space in the R-3, R-4, C-2, and C-3 zoning districts only shall not be less than fifteen percent (15%) of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped areas, plazas, walks and ornamental structures, when part of the landscaping theme. Open space shall not include structures or buildings, off-street parking areas, loading areas and access drive.

13. **Temporary Buildings.** Temporary buildings, camping trailers, tents, portable or potentially portable structures shall not be used for dwelling purposes in any district. Camping trailers and RV's shall not be used for human occupancy in any district for more than seventy-two (72) hours. Temporary buildings shall not be utilized for a period exceeding six (6) months.

14. **Lots of Record.** Any lot of record prior to June 6, 1977 which is located in any residence district and which does not comply in area and/or minimum dimensions with the requirements of the district in which it is located may be used for a single-family structure, provided that all setback and other requirements of this chapter are complied with, and that the owner of such lot did not directly or indirectly have legal title to or enjoy the beneficial interest in the lot or lots contiguous thereto on the effective date of this chapter. No building permit shall be issued for construction on any substandard lot, which lot was of record prior to June 6, 1977, if said lot is adjacent and contiguous to another lot which at the time of the adoption of this chapter was in the same ownership or whose ownership had beneficial interest in said lot, unless said lots are combined into one lot meeting the requirements of the zoning district which is applicable.

15. **Buildings on Partial Lots Prohibited.** Construction of new buildings in any platted area within the City shall not be permitted upon building lots of less area than was originally platted where the division of lots occurs after June 6, 1977.

16. **Manufactured or Modular Homes.** Notwithstanding any other provision in this chapter, the plans and specifications of a proposed residential structure shall not be denied solely because the proposed structure is a manufactured or modular home. However, the manufactured or modular home shall be located and installed according to the same standards which would apply to a site-built single-family dwelling on the same lot. This would include, but not be limited to, a foundation system, setback, and minimum square footage.

17. **Recreational Vehicles.** Recreational vehicles, including tiny houses on wheels, shall not be used for human occupancy in any district for more than seventy-two (72) hours. Recreational vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in completely enclosed buildings.

18. **Mechanical Units.** In any residential district, air conditioning compressor-condensers or other mechanical units may be located in any interior side yard and in any rear yard. If located in any street side yard, they shall not be placed more than five (5) feet from the principal structure and shall be screened from the street by a solid fence or plantings. In residential districts, a compressor-condenser with less than five (5) ton capacity shall not be located within five (5) feet of any lot line unless screened by a solid fence or plantings. In all districts, the compressor-condenser for any unit of five (5) ton capacity or more shall not be located within twenty-five (25) feet of any lot line.

**165.08 NONCONFORMING USES.**

1. Authority to Continue. Any building, structure or use lawfully established and existing on the effective date of this chapter which does not conform to all of the regulations of the district in which it is located may be continued, subject to the provisions of this chapter.
2. Repairs and Alterations. Repairs and alterations, other than additions or expansions, may be made in or to a nonconforming building, including aging buildings, provided that no substantial improvements as defined herein shall be made in or to such building.
3. Additions and Expansions. A nonconforming building which is nonconforming as to size, height or setbacks, or which is designed or intended for a use not permitted in the district in which it is located, shall not be added to, expanded or enlarged unless such addition, expansion or enlargement conforms to all the regulations of the district in which it is located and unless the entire building thereafter conforms to all of the regulations of the district as to size. A nonconforming use of land shall not be expanded or extended beyond the area it occupies which would make it more nonconforming at the date of the adoption of this chapter.
4. Abandonment/Discontinuation. A nonconforming building, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located which is or hereafter becomes vacant and remains unoccupied or is not used for a period of one year, shall not thereafter be occupied or used except in a manner which conforms to the use regulations of the district in which it is located. If a nonconforming use of land is discontinued for a period of two years, such use shall not thereafter be renewed and any subsequent use of the land shall conform to the regulations of the district in which it is located. Whenever a use is changed or replaced by a conforming use, such premises shall not thereafter be used or occupied by a nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.
5. Restoration of a Damaged Nonconforming Building. A building, designed or intended for a use which is not permitted in the district in which it is located, which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration shall exceed seventy-five percent (75%) of the cost of replacement of the entire building, shall not be restored unless such building and use thereof shall conform to all the regulations of the district in which it is located. If the cost of restoration of such damaged building does not exceed sixty percent (60%) of the cost of replacement of the entire building, repairs or reconstruction shall be commenced within one year from the date of the fire or other casualty or act of God and diligently pursued until completion.
6. Uses Under "Special Permit Uses." Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use but shall, without further action, be deemed a conforming use by special permit.



**165.09 AGRICULTURAL ZONING DISTRICT REGULATIONS. (A-1)**

Agricultural Districts are intended and designed to preserve agricultural areas, primarily located on the fringe of the developed areas, until such time as these areas are rezoned for development. Agricultural district shall not be used indiscriminately to permit uses that could potentially be detrimental to public health, welfare, and safety.

1. Agricultural Districts.
  - A. A-1 Agricultural District. The A-1 District is intended and designed to provide and preserve the agricultural and rural use of land until such time as these areas are rezoned based on careful consideration of the Planning & Zoning Commission and City Council.
  - B. Agricultural Exemption. Agricultural exemptions may be considered only for farms on tracts of land ten (10) acres or larger in size that are classified as agricultural uses by Grundy County.
2. Principal Permitted Uses. Principal permitted uses for agricultural districts are as follows:

<b>AGRICULTURAL ZONING DISTRICTS</b>	
<b>PRINCIPAL PERMITTED USE</b>	<b>A-1</b>
Agricultural - animal production of domesticated animals such as poultry and livestock, including small feed lots but excluding confinements.	PR
Agricultural - animal raising (personal), provided no building in which animals are quartered shall be closer than 200 feet to the property line.	P
Agricultural - crop production for growing of the usual farm products such as vegetables, fruits, trees and grain and their storage on site provided such storage is secondary to that of the normal farming operation.	P
Agricultural - roadside stands for sale of produce or other products produced on premises; livestock sales are not permitted.	PR
Agricultural – stables or kennels	P
Cemeteries and the necessary accessory structures	SUP
Civic - public parks, playgrounds, wildlife refuges, and similar uses.	P
Public Transportation Terminals, including railroad depots and stations, bus stations, airports and landing fields	SUP
Residential - single-family detached dwellings, no more than one per parcel.	P
Residential – mobile homes, no more than one per parcel.	P
Utility – public utility structures necessary for service of the area; railroad right-of-way and tracks excluding depots, stations and yards	P
Other uses equivalent to the permitted uses listed above as determined by P & Z and approved by Council. Criteria for equivalency include but are not limited to traffic, odors, noise, and lighting levels.	PR
<p><b>Key:</b>                      P = Permitted Use    PR = Permitted Use With Restrictions                      SUP = Special Use Permit (BOA approved)                        Blank = Use Not Permitted</p>	

3. Restrictions for Principal Permitted Uses in agricultural districts:
  - A. Animal Production:
    - (1) Animal feedlots are permitted for concentrated feeding of animals within a confined area on farms that are a minimum of ten (10) acres in size.

- (2) No more than 1 animal will be permitted for every three acres of property that is available for animal production, up to a maximum of 200 total head of animals.
- (3) No animals, animal feedlots or buildings quartering animals shall be shall be located closer than 200 feet from the property line.
- (5) No feeding of garbage or offal to swine or other animals shall be permitted.
- B. Roadside Stands:
  - (1) Roadside stands are seasonal structures that are temporary in nature and are less than 200 square feet in size. Nurseries and garden centers are not considered roadside stands.
  - (3) Roadside stands shall require a peddler’s permit, if applicable.
- 4. Accessory Uses and Structures. The following accessory uses are permitted in agricultural zoning districts:
  - A. Customary accessory uses and structures incidental to the permitted principal uses.
  - B. Agricultural accessory buildings and structures to house agricultural equipment or permitted livestock, excluding buildings and structures used for animal confinement, subject to the following:
    - (1) Minimum setback for any agricultural accessory building or structure shall be at least 25 feet from all property lines.
  - C. Private garage or carport.
  - D. Beekeeping on parcels that are at least 1-acre in size; provided hives are located in the rear yard only with no more than 1 hive per acre on any one parcel and provided each hive is located at least 25 feet from all property lines.
  - E. Home Occupations in conformance with Section 165.07-10.
  - F. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- 5. Accessory Structures. Accessory structures may be constructed in agricultural zoning districts as permitted in Section 165.07-4 of this chapter.
- 6. Site Development Regulations.

<b>Regulator</b>	<b>A-1</b>
Minimum Lot Area	10 acres
Minimum Lot Width	200 feet
Minimum Front Yard	75 feet
Minimum Rear Yard	75 feet
Minimum Street Side Yard & Interior Side Yard	50 feet
Building Height Limit – principal use	2-1/2 stories or 35 feet
Building Height Limit – agricultural accessory uses	No limitation
Building Height Limit – other accessory uses	1 story or 16 feet

7. Platting.
  - A. Plats of Subdivision shall not be permitted or approved in the A-1 zoning district.
  - B. Plats of Survey submitted in accordance with Chapter 170 may be approved provided there shall be no more than one split of land, whether said splits are simultaneous or consecutive. Further splitting of land shall require a Plat of Subdivision and are not permitted in the A-1 District.
8. Off-Street Parking. Off-Street parking shall be provided as required by Section 165.16. Loading zones, when required, shall be provided as required by Section 165.15.
9. Site Plans. Site plans shall be required for all non-exempt uses in agricultural districts except single family and two-family residential dwellings and agricultural uses. See Chapter 161 for Site Plan requirements.
10. Buffer Screening. Refer to Section 165.18 for requirements regarding buffer plantings, fences, and screening, including screening of outdoor storage areas.
11. Annexation. All territory which is annexed to the City shall be considered as lying within the A-1 Agricultural District until such classification has been changed by amendment in accordance with the provisions of this Zoning Ordinance.
12. Exceptions. See Section 165.14 for exceptions to the agricultural zoning district regulations.

**165.10 RESIDENTIAL ZONING DISTRICT REGULATIONS. (R-1, R-2, R-3, R-4)**

The residentially zoned districts are intended to provide for residential areas of various densities, to promote neighborhood quality of life, and to provide for those areas in a manner consistent with good planning policies and practice. It is intended that the district shall not be used indiscriminately to permit any use that could potentially be detrimental to the public health, welfare, and safety of the community.

1. Residential Districts.
  - A. R-1 Single Family Residential District. The R-1 District is intended to provide for the development of low-density residential areas and new subdivisions of the city with one-family detached dwellings on individual platted lots.
  - C. R-2 One- and Two-family Residential District. The R-2 District is intended to provide for the redevelopment of existing low-density residential areas of the city with one and two-family dwellings on platted lots. It is also intended to provide for development of one- and two-family homes on smaller lots in new subdivisions.
  - E. R-3 Multiple-Family Residential District. The R-3 District is intended to provide for development or redevelopment of higher-density residential areas of the City with multiple-family dwellings, including row houses, townhomes, apartment buildings, and condominiums and for limited development of single-family and two-family homes. Multi-family uses should be developed on paved streets with good access to the highway to avoid congestion and should be located and designed to be compatible with surrounding residential areas.
  - F. R-4 Mobile Home Park Residential District. The R-4 District is intended to provide for the development of mobile home parks in medium density residential areas. Mobile home parks should be developed on paved streets with good access to the highway to avoid congestion. Parks should be designed and located to be compatible with neighboring uses.
2. Principal Permitted Uses. Principal permitted uses for residential districts are as follows:

<b>RESIDENTIAL ZONING DISTRICTS</b>				
<b>PRINCIPAL PERMITTED USE</b>	<b>R-1</b>	<b>R2</b>	<b>R-3</b>	<b>R-4</b>
Agricultural - crop production only for growing of farm products such as vegetables, fruits, trees and grain but excluding crop storage, animal production or raising or roadside stands or greenhouses over 2000 sf.	PR	PR	PR	PR
Cemeteries and the necessary accessory structures	PR	PR	PR	
Civic - private clubs, lodges or veterans organizations, excepting those holding a beer permit or liquor license.		P	P	
Civic - public museums, libraries, or community centers and similar uses.		P	P	
Civic - public or private parks and playgrounds; including golf courses	P	P	P	
Education - day care centers and preschools	PR	PR	PR	
Education - colleges and universities, including classrooms, administration buildings and athletic facilities			P	
Education - primary and secondary schools, public & private, excluding boarding schools.	PR	P	P	
Education - residential housing including dormitories, fraternities and sororities if recognized by the local college or university.			P	
Hotels – residential bed & breakfast (up to and including 3 units).		P	P	
Hotels - bed & breakfast inn (up to and including 12 units)				
Religious institutions.	PR	P	P	
Residential - boarding houses.		P	P	
Residential - mobile home parks.				PR
Residential - multiple-family dwellings including apartments, townhomes and condominiums.			P	
Residential - nursing homes, Assisted Care and Independent Care facilities			P	
Residential – duplexes and two-family, group homes.		P	P	
Residential - single-family, detached.	P	P	P	
Utility – public utility structures and facilities necessary for service of the area; railroad right-of-way and tracks excluding depots and yard	PR	PR	PR	PR
Other uses equivalent to the permitted uses listed above as determined by P & Z and approved by Council. Criteria for equivalency include but are not limited to traffic, odors, noise, and lighting levels.	PR	PR	PR	PR
<p><b>Key:</b>                      P = Permitted Use                      SUP = Special Use Permit (BOA approved)                      PR = Permitted Use With Restrictions                      Blank = Use Not Permitted</p>				

3. Restrictions for Principal Permitted Uses

A. Residential uses are subject to the following restrictions:

- (1) No greenhouses larger than 2000 square feet are permitted; no greenhouse heating plant shall be operated within 75 feet of any property line.
- (2) No storage of manure or odor- or dust-producing substance or use shall be permitted within 100 feet of any property line.
- (3) Roadside stands are not permitted in the R-1 or R-2 district.

(4) Outdoor storage of materials or equipment is not permitted for any use in the C-1 or C-2 Districts except and specifically approved by Council on a Site Plan. Said storage shall be limited to areas designated on the site plan and shall be maintained and screened in conformance to the site plan

B. Day cares centers and pre-schools, are subject to the following restrictions:

(1) Day cares and pre-schools shall be licensed as required by the State of Iowa.

(2) The building used for such purposes is located not less than twenty (20) feet from any other lot in any residential district.

(3) This use shall require usable outdoor play space, which space shall be confined to the rear yard of the property and be completely enclosed by a fence.

B. Mobile Home Parks shall be licensed in accordance with the provisions of the regulatory agencies of the State of Iowa and are subject to the following restrictions:

(1) A Site Plan shall be required for all mobile home parks in conformance with Chapter 161.

(2) A mobile home park shall provide 3,000 square feet per mobile home unit, and maintain yards and setbacks of at least 30 feet around the perimeter of said park.

(3) Each mobile home within said park shall maintain at least 20 feet of front, sides, and rear yards from all other adjacent mobile homes.

(4) At least one storm shelter shall be constructed in each mobile home park which is acceptable to the City Council as to size, location and construction materials and shall be constructed and maintained as shown on the approved Site Plan.

(5) Parking shall be provided on site and shall be permitted on only one side of any private street within said park.

(6) Every mobile home shall be supported and set, and tie-downs or anchors provided, as specified in the manufacturer's instructions or, in their absence, according to the minimum requirements as specified in Division VI, Part 2 of the Iowa State Building Code.

(7) Only independent mobile homes shall be used for residential purposes which (i) are designed for long-term occupancy and contains a flush toilet, a tub or shower, and kitchen facilities; (ii) require a connection to outside sewer and water systems because a waste holding tank and water storage tank are not integral parts of the mobile home; (iii) are not built on a self-propelled motor chassis; and (iv) are not identified as a recreational vehicle, such as a camping trailer or motor home, by the manufacturer.

(7) Skirting of permanent type material and construction sufficient to provide substantial resistance to high winds shall be installed within

ninety (90) days after the placement of the mobile home to enclose the open space between the bottom of the 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 the appearance of the mobile home park.

C. Schools, religious institutions, and cemeteries are subject to the following restrictions:

1. All new facilities shall be located on a paved road.
2. All new facilities, and expansions of existing facilities, shall provide for adequate on-site vehicular circulation and parking in accordance with an approved site plan.

D. Public utility structures and facilities including but not limited to telephone, cable television, and internet services, are subject to the following restrictions:

1. All new installations of the above services shall be constructed and routed below ground.
2. All wires shall be in compliance with the then applicable standards for said transmission utilities.
3. All replacement of existing above-ground and/or under-ground wires, cables, etc., shall be replaced only with below-ground apparatus.
4. When repair of above-ground wires, cables, etc. are necessary, and said repairs on existing lines are major repairs (where more than 50% of a particular segment of wires and/or cable are being replaced), the apparatus replacing the damaged wires, cables, etc. shall be below ground. The 50% determination shall be made by a designated City employee.
5. Repairs of the existing above-ground wires that are already in existence at the time of approval of the ordinance codified in this chapter shall be allowed only if said repairs are minor and do not constitute a major repair or replacement of existing service. An exception shall be made for natural disasters, including but not limited to ice storms and tornados.

4. Accessory Uses. Uses not permitted as a principal permitted use for that zoning district shall not be permitted as an accessory use except as specifically permitted in this subsection. The following accessory uses are permitted in residential zoning districts:

- A. Customary accessory uses and structures incidental to the permitted principal uses.
- B. Private garage or carport.
- C. Home occupations in conformance with Section 165.07-10.
- D. Satellite dishes, no more than 15 feet tall.
- E. Antenna towers, no more than 55 feet tall if setback at least 55 feet from the closest property line.

F. Roof mounted solar panels, no taller than 6 feet above the roof on which it is mounted.

E. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

F. Temporary use of a dwelling structure within a new subdivision for use as a job office and real estate office for the subject subdivision, which use shall terminate upon substantial completion (75% of the lots or units have been sold by the developer) or abandonment of the project (lots, units or homes are not available for sale by developer).

G. In the R-2 and R-3 district, zero lot line parcels are permitted for two-family residential buildings to provide for separate ownership of each dwelling unit, subject to compliance with the following requirements:

(1) The lot or parcel must meet all of the requirements for two-family residences; including lot size, width and setbacks; prior to the lot or parcel being divided into two parcels.

(2) Following said division, each tract must comply with all zoning requirements, with the exceptions of: (a) side yard setback on one side only which is defined as the common wall between dwelling units; (b) minimum area individually for the two new tracts; and (c) minimum lot width individually for the two new tracts.

(3) Each unit of a two-family dwelling must have or construct their own separate access and utility service. Joint access may be permitted provided an easement covering said access has been recorded in Grundy County.

(4) The division of two-family building must be split by a common horizontal boundary line that defines the common wall between the units. Said common wall must have an approved one-hour fire resistive wall between the units that extends from the footings to the roof, or must comply with the then current building code, whichever is more restrictive.

(5) Prior to said division, Restrictive and Protective Covenants shall be recorded in Grundy County that provides for the owners of both units together to be jointly and severally liable and responsible for the maintenance and repair of the common wall and all other common elements of the properties such as utilities, services, and driveways.

(6) A two-family dwelling that has been divided shall in all respects, other than the division thereof, be considered as a two-family dwelling and shall meet all requirements pertaining thereto with the express understanding that nothing herein shall be construed to permit the separate use of one or both of the resulting tracts of land in the event the one or both units are damaged, destroyed, or demolished.

H. In the R-3 district, developed as a Independent Living or Assisted Living Facility, an accessory management office, retail convenience or service shop may be permitted provided that such complex be under one management



or similar control and contains more than 30 permanent dwelling units and provided that:

- (1) Such shops are located on the first floor or lower and there is no entrance to such place of business except from the inside of the building or internal courtyard.
- (2) Display of any stock, goods or advertising is so arranged that it cannot be viewed from outside the building.
- (3) No advertising sign shall be permitted that exceeds one (1) square foot in area.

I. Club houses within a residential subdivision where ownership is maintained under a homeowners association or multi-family complex under one ownership. Clubhouses shall be constructed of materials similar to the principal structures within the development and shall meet all site development regulations specified herein.

J. In the R-4 district, management offices, service buildings, maintenance buildings, storm shelters, recreation buildings, vending and/or food services including groceries, coin operated laundry facilities and mini-storage units, may be permitted if approved by Council on a Site plan as subordinate use to the mobile home park.

5. Accessory Structures. Accessory structures may be constructed in residential districts as permitted in Section 165.07-4 of this chapter.
6. Site Development Regulations. Dimensional requirements for residential districts are as follows:

<b>SITE DEVELOPMENT REGULATIONS FOR RESIDENTIAL DISTRICTS</b>				
<b>Regulator</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Minimum Lot Area<sup>1</sup> (square feet)</b>				
Single Family	8,712	6,000	8,712	8,712
Two-Family	-	8,712	8,712	8,712
Multi-Family	-	-	10,000	10,000
Multi-Family, per dwelling unit	-	-	2,500	2,500
Townhome, per dwelling unit	-	-	2,500	2,500
Other Principal Structures	10,000			
<b>Minimum Lot Width<sup>1</sup> (Feet)</b>				
Single Family	70	50	70	70
Two-Family	-	70	70	70
Multi-Family	-	-	90	90
Townhome, per dwelling unit	-	-	25	25
Other Principal Structures	90	90	90	90
<b>Minimum Front Yard (Feet)</b>				
All uses	25	25	25	25
<b>Minimum Rear Yard (Feet)</b>				
Dwellings	30	30	30	30
Other Principal Structures	35	35	35	35
Accessory Buildings & Structures	5	5	5	5
<b>Minimum Street Side Yard (Feet)</b>				
All uses	25	15	25	25
<b>Minimum Interior Side Yard (Feet)</b>				
Dwellings: 1 Story	7	5	7	7
Dwellings: 1½ Stories	7	6	7	7
Dwellings: 2 and 2 ½ Stories	8	7	8	8
Dwellings: 3 Stories or more	10	10	10	10
Other Principal Structures	16	16	16	16
Accessory Buildings & Structures	5 <sup>4</sup>	5 <sup>4</sup>	5 <sup>4</sup>	5 <sup>4</sup>
<b>Maximum Structure Height (Feet)</b>				
Principal building	45 <sup>2</sup>	45 <sup>2</sup>	45 <sup>2</sup>	45 <sup>2</sup>
Accessory Structure	20 <sup>3</sup>	20 <sup>3</sup>	20 <sup>3</sup>	20 <sup>3</sup>
<b>Maximum Structure Height (Stories)</b>				
Principal building	3	3	3	3
Accessory building	1½	1½	1½	1½
<b>Notes:</b>				
<ol style="list-style-type: none"> <li>1. Use of existing Lots of Record that do not conform to the R-2 requirements for lot area or width; for single family and two family uses only; are specified in Section 165.</li> <li>2. For each one foot that the building sets back beyond the required front, side, and rear yards, one foot may be added to the height limit of such building or portion thereof; provided however that no building shall exceed a height of 75 feet.</li> <li>3. For the maximum height of specific accessory uses (satellite dishes, antenna towers, roof-mounted antennas, and roof-mounted solar panels), refer to 165.109-4.</li> <li>4. Accessory building setbacks on Lots of Record that do not conform to the R-2 requirements for lot area or width; for one- and two-family uses only; are specified in Section 165.14-1.</li> </ol>				

7. Off-Street Parking. Off-street parking shall be provided as required by Section 165.16. Loading zones, when required, shall be provided as required by Section 165.15.
8. Site Plans. Site plans shall be required for all uses except single family and duplex family residential dwellings. See Chapter 161 for Site Plan requirements.
9. Architectural Design Standards. Refer to Chapter 161 for architectural standards for uses other than one- and two-family dwellings.
10. Open Space Requirements. Open space requirements shall be required in conformance with Section 165.07-12.
11. Buffer Screening. Refer to Section 165.18 for requirements regarding buffer plantings, fences, and screening, including screening of outdoor storage areas.
12. Exceptions and Modifications. See Section 165.14 for exceptions to the residential zoning district regulations.

**165.11 COMMERCIAL ZONING DISTRICT REGULATIONS.** (C-1, C-2, C-3) The commercially zoned districts are intended to provide for high quality area of various densities and intensities in an effort to promote quality of life, health and general welfare of citizens and visitors while providing a large variety of services and shopping, in a manner consistent with good planning policies and practice. It shall be generally recognized that the type of use is not so important as the manner in which the use is accomplished. It is intended that these districts shall not be used indiscriminately to permit any use that could potentially be detrimental to the intent of the Zoning Ordinance.

1. Commercial Districts.
  - A. C-1 Central Business District. The C-1 District is intended to provide appropriate development regulations in the Main Street area. A variety of commercial uses are permitted, with ground level retail and office uses and upper level office or residential uses. Off-street parking is not required. This grouping of uses is designed to strengthen the central business districts role as a center for trade, service and civic life.
  - B. C-2 General Commercial District. The C-2 District is intended and designed to provide for personal services for nearby residences and convenience shopping of the locally travelling public. Uses are intended to be low-intensity businesses that are wholly contained within the buildings. The design of buildings in the district which adjoin residential uses is encouraged to be residential in character, with pitched roofs and landscaping.
  - C. C-3 Highway Commercial District. The C-3 District is intended and designed to provide for general uses and activities of a retail business, service industry or professional office character that, by nature of their business, provide service and commodities that benefit the community at large. These uses may create land use conflicts with adjacent residential areas, requiring sensitivity in design. This district is most appropriately located along arterial streets or in areas that can be adequately buffered from residential districts.
2. Principal Permitted Uses. Principal permitted uses for commercial districts are as follows:

<b>COMMERCIAL ZONING DISTRICTS</b>			
<b>PRINCIPAL PERMITTED USE</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Animal boarding and kennels, domesticated only.			P
Animal hospitals and Veterinary Clinics.	P	P	P
Auditoriums, Movie Theaters.	P		P
Automotive - automobile, truck & equipment sales & service.	PR		PR
Automotive - service and repairs, including tire sales and small engine repair.		P	P
Automotive - Truck or trailer rental establishments.			P
Automotive - vehicle wash.		P	P
Automotive Supply (retail).	P		P
Banks and Financial Institutions, including ATM and drive-thru teller lanes.	P	P	P
Business and Professional Offices and Agencies serving general public	P	P	P
Business and Professional Offices not serving general public	--	P	P
Cemetery Services - Funeral Homes, Mortuaries.		P	P
Civic - Libraries, Museums and similar institutions.	P	P	P
Civic - Private Clubs, lodges, youth centers or veterans organizations, except those holding a beer permit or liquor license.	P	P	P
Civic - Public parks and playgrounds.		P	P
Civic - Farmer's Market.	P	P	
Commercial Entertainment - (indoors) including fitness centers and amusement centers except Adult Entertainment.	P	P	P
Commercial Recreation (primarily outdoors) including private playgrounds, parks and golf courses; and amusement enterprises.			P
Convenience Stores, Gas Stations.		SUP	SUP
Drinking Establishments, Billiard Halls.	P	P	P
Education - Colleges and Universities; including classrooms, administration buildings and athletic facilities.		P	P
Education - Child Care, including Day care centers and Pre-schools.		P	P
Education - Commercial Trade Schools and Business Colleges.	P	P	P
Education - Primary and Secondary schools, public & private.		P	P
Education - Residential Housing including dormitories, Fraternities and Sororities if recognized by the local college or university.			P
Hotels - hotels, B&Bs, Inns.	P		P
Laundry - dry cleaning operations occupying more than 1000 sf of gross area.			p
Laundry - laundrettes, coin-operated - pressing, repair, dry cleaning pickup and dry cleaning operations occupying less than 1000 sf of gross floor area.	P	P	P
Medical Hospitals.			P
Medical Offices, Health Clinics.	P	P	P
Post Office Substations.	P	P	P
Printing and publishing houses.			P
Religious Institutions.		P	
Residential - Apartments located only on second floor and above.	P		
Residential - Multiple-family apartments and condominiums; and townhomes, either attached or detached.		P	

<b>PRINCIPAL PERMITTED USE</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Residential - Nursing homes, Assisted Care Facilities, Independent Care Facilities, and group homes.		P	
Residential - Single-family and two-family dwellings.		P	
Restaurants – Full service sit-down; delicatessens, ice cream parlors, coffee shops, and fast food including carry-out; excluding drive-throughs	P	p	P
Restaurants - Fast Food with drive-throughs, including coffee shops			P
Retail shops (less than 6000 sf) including grocery stores, drugstores, bakeries, hardware stores.	P	P	P
Retail stores (6000 sf and larger) including supermarkets and home improvement stores; may include outdoor sales yards.			P
Retail stores with associated manufacturing such as pottery shops with kilns.	P		P
Retail stores with incidental repairs (appliance, bicycle, jewelry).	P	P	P
Retail - Nurseries and Greenhouses.			P
Salons - Hair, nail, tattoo, and similar personal services.	P	P	P
Studios - Music, Photographic, Dance, and Fitness Centers, less than 6000 sf.	p	P	P
Warehouse - Locker storage & retail sales only.			P
Utility – public utility structures necessary for service of the area; railroad right-of-way and tracks excluding depots and yard	PR	PR	PR
Other retail business or service establishments equivalent to the permitted uses listed above as determined by P & Z and approved by Council. Criteria for equivalency include but are not limited to traffic, odors, noise, and lighting levels.	PR	PR	PR
<p><b>Key:</b>                      P = Permitted Use                      SUP = Special Use Permit (BOA approved)                      PR = Permitted Use With Restrictions                      Blank = Use Not Permitted</p>			

3. Restrictions for Principal Permitted Uses.

- A. Outdoor storage of materials or equipment is not permitted for any use in the C-1 or C-2 Districts except and specifically approved by Council on a Site Plan. Said storage shall be limited to areas designated on the site plan and shall be maintained and screened in conformance to the site plan.
- B. Automobile, truck and equipment sales and service shall be permitted provided that all outside storage, display and parking areas shall be designated on and maintained in conformance with an approved site plan.
- C. No uses shall be permitted to be established or maintained in any District which by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter or water-carried waste.
- D. Public utility structures and facilities including but not limited to telephone, cable television, and internet services, are subject to restrictions defined in Section 165.10-3, paragraph D.
- E. Permitted uses with restrictions shall demonstrate said use will not have any detrimental impact on existing neighboring uses due to traffic congestion or parking needs before being considered a permitted use.

4. Accessory Uses. Uses not permitted as a Principal permitted use for that zoning district shall not be permitted as an accessory use except as specifically permitted in this subsection. The following accessory uses are permitted in commercial zoning districts:

- A. Customary accessory uses and structures incidental to the permitted principal uses.
- B. Private garage or carport in association with a permitted residential use.
- D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

5. Accessory Structures. Accessory structures may be constructed in commercial districts as permitted in Section 165.07-4.

6. Site Development Regulations. Dimensional requirements for commercial districts are as follows:

<b>SITE DEVELOPMENT REGULATIONS FOR COMMERCIAL DISTRICTS</b>			
<b>Regulator</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Minimum Lot Area (feet)	None	2500 <sup>4</sup>	2500 <sup>4</sup>
Minimum Lot Width (feet)	None	50	50
Minimum Front Yard Depth (feet)	0	20	20
Minimum Street Side Yard Depth (feet)	0	20	20
Minimum Interior Side Yard Depth (feet)	0	8	8
Minimum Rear Yard Depth (feet)	0	20	20
Building Height Limit	5 stories or 50 feet	5 stories or 50 feet	5 stories or 50 feet
<b>Notes:</b>			
1. Except where residential uses are permitted, lot area shall be 1000 square feet minimum per dwelling unit.			
2. Permitted one- and two-family dwellings in the C-1, C-2, and C-3 districts must meet the minimum lot area and lot width requirements of the R-2 district for said use.			

7. Off-Street Loading. Off-street loading, when required, shall be provided as required by Section 165.15 for all commercial districts with the exception of C-1 zoning district.

8. Off-Street Parking. Off-street parking shall be provided for all uses in all commercial districts with the exception of C-1 zoning district. See Section 165.16 for off-street parking requirements.

9. Site Plans. Site plans shall be required for all uses in all commercial districts except single family and two- family residential dwellings. See Chapter 161 for Site Plan requirements.

10. Architectural Design Standards. Architectural Standards shall be required for all uses in all commercial districts consistent with the provisions of Chapter 161 - Site Plans.

11. Open Space Requirements. Open space requirements shall be required for all commercial zoning districts, with the exception of the C-1 District, in conformance with Section 165.07-12.
12. Buffer Screening. Refer to Section 165.18 for requirements regarding buffer plantings, fences, and screening, including screening of outdoor storage areas.
13. Signs. All signage including, but not limited to, building and wall signs, monument and pole signs, shall be in conformance with Section 165.17.
14. Exceptions and Modifications. See Section 165.14 for exceptions to the commercial zoning district regulations.



**165.12 INDUSTRIAL ZONING DISTRICT REGULATIONS.** (M-1, M-2) The industrially zoned districts are intended to provide for manufacturing processes of various intensities needed on a local, State or national level while promoting the quality of life, health, and general welfare desired by the citizens of the City and in a manner consistent with good planning policies and practice. It is intended that these districts shall not be used indiscriminately to permit any use that could potentially be detrimental to the intent of the Zoning Ordinance.

1. Industrial Districts.
  - A. M-1 Light Industrial District. The M-1 district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development while assuring that facilities are served with adequate parking and loading facilities and buffered from less intensive uses.
  - B. M-2 Heavy Industrial District. The M-2 district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.
2. Principal Permitted Uses. Principal permitted uses for industrial districts are as follows:

<b>INDUSTRIAL ZONING DISTRICTS</b>		
<b>PRINCIPAL PERMITTED USE</b>	<b>M-1</b>	<b>M-2</b>
Animal boarding and kennels, domesticated only.	P	P
Animal hospitals and Veterinary Clinics.	P	P
Animal Livery stable or riding academy.		P
Automotive - automobile, truck & equipment sales & service; automotive supply	PR	P
Automotive - service and repairs, including tire sales & repair and small engine repair.	P	P
Automotive - assembly or major repairs, machine shops.	P	P
Automotive - body and fender repair shop, but not including automobile wrecking or used parts yards, or outside storage of automobile component parts.	P	P
Automotive - Tire vulcanizing, re-treading and recapping.		P
Automotive - Truck or trailer rental establishments.	P	P
Automotive - Truck stop, including repairs	P	P
Automotive - Vehicle wash.	P	P
Business – Technology business related to manufacturing, research and distribution.	P	P
Cemetery Services - Funeral Homes, Mortuaries.	P	P
Cemetery Services - Crematories, if not less than 200 feet from any "R" district.	P	P
Cemetery Services - Monument Sales and engraving.	P	P
Commercial Entertainment - (indoors) including fitness centers and amusement centers except Studios and Adult Entertainment.	PR	PR
Commercial Entertainment – Adult Entertainment Business	PR	PR
Commercial Recreation (primarily outdoors) including private playgrounds, parks and golf courses; and amusement enterprises.	PR	PR
Convenience Stores, Gas Stations.	P	P
Drinking Establishments, Billiard Halls.	P	P
Laboratories - film, testing, experimental.	P	P
Laundry - Bag, carpet and rug cleaning.	P	P
Laundry - dry cleaning operations occupying more than 6000 sf of gross floor area.	P	P
Laundry - laundrettes, coin-operated - pressing, repair, dry cleaning pickup and dry cleaning operations occupying less than 6000 square feet of gross floor area.	P	P
Manufacture and repair of electric signs, advertising structures, light sheet metal products, and heating & ventilating equipment.		P
Manufacture of musical instruments, novelties and molded rubber products.		P
Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or natural gas.		P
Manufacture or assembly of electrical appliances, instruments and devices.		P
Manufacturing creameries, bottle works, wholesale ice and ice cream plants, cold storage warehousing and distribution stations.		P
Manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fiber, leather, paper, plastics, metals or stones, tobacco, wax, yarns and wood.		P
Manufacturing, distribution, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals, and food products, except fish and meat products, cereals, sauerkraut, vinegar, yeast, stock feed, flour, and the rendering or refining of fats and oils.		P
Medical Hospitals.	P	P

PRINCIPAL PERMITTED USE	M-1	M-2
Metals - Blacksmith, welding, cooperage works or other metal shop including enameling, lacquering or painting with controlled emissions not causing noxious fumes or odors.	PR	P
Metals - Foundry casting lightweight non-ferrous metals or electric foundry, not causing noxious fumes or odors.		P
Mineral Extraction, sand & gravel pits, and smelting of ores.		P
Nurseries and Greenhouses.	P	P
Post Office Substations.	P	P
Printing and publishing houses.	P	P
Public Transportation terminals, including railroad stations, bus stations, airports and landing fields.	SUP	SUP
Religious Institutions	P	p
Restaurants - Full service sit-down, delicatessens, ice cream parlors, and Fast Food including carry-out	P	P
Restaurants - Fast Food drive-through.	P	P
Retail Farm Machinery and Mobile/Modular Home sales and repair.	P	P
Retail Hardware & Lumber Yards, building material sales yards, millwork.	P	P
Retail Hardware stores; Home Improvement stores excluding outdoor sales yards.	P	P
Retail shops (less than 6000 sf)	P	P
Retail stores (6000 sf and larger).	P	P
Retail stores with associated manufacturing such as pottery shops with kilns.	P	P
Retail stores with incidental repairs (appliance, bicycle, jewelry).	P	P
Sawmill, planing mill, and manufacture of wood products,		PR
Tannery.		P
Warehouse - Locker storage & retail sales only.	P	P
Warehouse - Mini-storage, RV storage, Boat Storage.	P	P
Warehouse storage & distribution of explosives, liquid fertilizer or coal.		PR
Warehouse storage & distribution of non-flammable and non-explosive goods.	P	P
Wholesale - Bakeries.	P	P
Wholesale storage or refining of petroleum, ethanol or products thereof including asphalt plants.		SUP
Yards - Circus, carnival or similar transient enterprise		SUP
Yards - Concrete mixing, concrete product manufacture.		PR
Yards - Contractors' equipment storage yard or plant, including hauling services, or rental of equipment commonly used by contractors.	PR	P
Yards - junk, iron, rag, waste paper; including storage or bailing if completely obscured.		PR
Yards - livestock feed sales and storage provided dust is effectively controlled.	PR	PR
Yards - Sanitary Landfill or transfer station.		PR
Yards - truck terminal yards		PR
Utility - public utility structures necessary for service of the area; railroad right-of-way and tracks excluding depots and yard	PR	PR
Other manufacturing or service establishments equivalent to the permitted uses above.	PR	PR
<p><b>Key:</b>  P = Permitted Use  SUP = Special Use Permit (BOA approved)  PR = Permitted Use With Restrictions  Blank = Use Not Permitted</p>		

3. Restrictions for Principal Permitted Uses.
  - A. Outdoor storage of materials or equipment is not permitted for any use in the M-1 or M-2 Districts except and specifically approved by Council on a Site Plan. Said storage shall be limited to areas designated on the site plan and shall be maintained and screened in conformance to the site plan. All storage yards shall be designed to contain all materials, dust, odors, debris and the like on site.
  - B. Automobile, truck and equipment sales and service shall be permitted provided that all outside storage, display and parking areas shall be used and maintained in conformance with an approved site plan and the parking, display and storage of vehicles for hire, rental or sale shall be limited to the area designated for such use in the site plan. All storage shall be on paved surfaces.
  - C. No uses shall be permitted to be established or maintained in any District which by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke cinders, gas, fumes, noise, vibrations, refuse matter or water-carried waste.
  - D. Permitted uses with restrictions shall demonstrate said use will not have any detrimental impact on existing neighboring uses due to traffic congestion or parking needs before being considered a permitted use.
  - E. Adult Entertainment Business uses shall be subject to the following restrictions:
    - (1) These uses shall not be located within 1,500 feet of any other adult entertainment use; within 1, 500 feet of any public, parochial or private school, licensed daycare facility, regular school bus stop, church, public park, supermarket, convenience store or restaurant catering to family trade; or within 1,500 feet of any residential zoning district or residentially-used property. Said distances shall be measured from property line to property line.
    - (2) All building openings, entries, exits, windows and the like shall be covered or screened in such a manner as to prevent a view into the interior from any public or semi-public area. Whenever it is considered feasible by the Zoning Enforcement Officer, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
    - (3) Advertisement, displays, signs or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, trails, or other public or semi-public areas
  - F. Public utility structures and facilities including but not limited to telephone, cable television, and internet services, are subject to restrictions defined in Section 165.10-3, paragraph D.
4. Accessory Uses. Uses not permitted as a Principal permitted use for that zoning district shall not be permitted as an accessory use except as specifically permitted herein. The following accessory uses are permitted in industrial zoning districts:

- A. Customary accessory uses and structures incidental to permitted principal uses.
  - B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
5. Accessory Structures. Accessory structures may be constructed in industrial districts as permitted in Section 165.07-4.
6. Site Development Regulations. Dimensional requirements for industrial districts are as follows:

<b>SITE DEVELOPMENT REGULATIONS FOR INDUSTRIAL DISTRICTS</b>		
<b>Regulator</b>	<b>M-1</b>	<b>M-2</b>
Building Height Limit	4 Stories or 75 feet	4 Stories or 75 feet
Minimum Lot Area	None	1 acre
Minimum Lot Width	None	150 feet
Minimum Front Yard Depth	25 feet	25 feet
Minimum Street Side Yard Depth	25 feet <sup>1</sup>	25 feet <sup>1</sup>
Minimum Interior Side Yard Depth	10 <sup>1</sup>	10 <sup>1</sup>
Minimum Rear Yard Depth	None <sup>1</sup>	40 feet <sup>3</sup>
<b>Notes:</b>		
1. Except 200 feet where adjacent to “R” residential districts.		

7. Required Conditions. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious or offensive owing to the emission of odor, dust, smoke cinders, gas, fumes, noise, vibrations, refuse matter or water-carried waste.
8. Off-Street Loading. Off-street loading shall be provided as required by Section 165.15 for all industrial districts.
9. Off-Street Parking. Off-street parking shall be provided as required by Section 165.16 for all industrial districts.
10. Site Plans. Site plans shall be required for all uses in all industrial districts. See Chapter 157 for Site Plan requirements.
11. Open Space Requirements. Open space requirements shall be required for all industrial zoning districts in conformance with Section 165.07-12.
12. Buffer Screening. Refer to Section 165.18 for requirements regarding buffer plantings, fences, and screening, including screening of outdoor storage areas.
13. Exceptions and Modifications. See Section 165.14 for exceptions to the industrial zoning district regulations.

**165.13 FLOODPLAIN OVERLAY DISTRICT REGULATIONS.** (FP) The Floodplain Overlay District is intended to identify the general location of areas within the floodway, floodplain and/or having special flood hazards. The regulations set forth in this section, or elsewhere in this ordinance when applicable, shall apply in the Floodplain Overlay District.

1. Reinbeck has adopted the regulations and flood maps of the Federal Emergency Management Agency (FEMA) in accordance with the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. The floodplain regulations are stipulated in Chapter 160 - Floodplain Regulations of the City of Reinbeck's Code of Ordinances.
2. Additional regulations are imposed upon properties within the Floodplain Overlay district for the protection of life and property from losses and hazards caused the occupancy and use of the floodplain by buildings, structures or activities that may increase the effects of flooding.
3. No structure or land shall be used and no structure or wastewater treatment facility (including septic systems) shall be located, extended, converted or structurally altered in any designated Flood Plain Overlay District (FP) without full compliance with the terms of said Chapter 160 - Floodplain Regulations, including but not limited to the requirement for a Flood Plain Development Permit.
4. If there are any discrepancies between the flood plain as may be depicted on the Official Zoning Map and the flood hazard areas as depicted on the Flood Insurance Rate Map, the Flood Insurance Rate Map shall govern.
5. All parcels and uses of property shall be in accordance with the district regulations of the underlying zoning district, except as limited by said Chapter 160 - Floodplain Regulations.

**165.14 EXCEPTIONS AND MODIFICATIONS.**

1. **Use of Existing Lots for Residential Purposes.** In any R-1 or R-2 zoning district, a single-family or two-family dwelling may be constructed, remodeled, or reconstructed on any lot of official record as of June 6, 1977, irrespective of its area, provided that the following minimum requirements shall apply. All other applicable zoning regulations shall apply to such lots and buildings.
  - A. Lot Width: The lot of record has a width of not less than 50 feet.
  - B. Front Yard: The average setback of the nearest adjacent buildings, fronting on the same street, shall be used, but in no case shall it be less than 18 feet.
  - C. Street Side Yard: 15 feet, minimum.
  - D. Interior Side Yards: 5 feet, minimum.
  - E. Rear Yard: 25 feet, minimum
  - F. Accessory Buildings and structures: 3 feet, minimum, in interior side yard or rear yard only.
2. **Structures Permitted Above the Height Limit.** The building height limitations of this chapter shall be modified as follows:
  - A. Chimneys, steeples, cooling towers, cell towers, small wind energy conversion systems, elevator bulk-heads, fire towers, monuments, stacks, stage

towers, or scenery lofts, tanks, water towers, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height in accordance with a special use permit subject to the provisions contained herein and elsewhere within this City Code and further provided that a fall zone setback equal to 150% of the total system height has been met unless said fall zone setback requirement has been waived by City Council.

3. **Division of a Duplex lot into two lots for separate ownership.** Lots containing a duplex or two-family dwelling are permitted to be subdivided, subject to the following:

A. The lot or parcel being divided must originally conform to all R-2 requirements for two-family lots.

B. Following division, each new tract must conform to conform to all R-2 requirements for two-family lots, with the exception that there shall be no setbacks on the new zero lot line that follows the common wall of the units. However, setbacks for accessory structures on the new zero lot line shall conform to the setbacks required for internal side yards.

C. The common wall of the building must have an approved two-hour fire wall between the units that extends from the footing to the roof.

D. Prior to division into two separate parcels, Restrictive and Protective Covenants shall be recorded in the Grundy County recorder's office providing for the property owners to be jointly responsible and liable for the maintenance and repair of the common wall and all other common elements of the dwelling including, but not limited to, utilities, sidewalks, and fences.

**165.15 OFF-STREET LOADING SPACES.** In all districts except the C-1 Central Business 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, there shall be provided and maintained on the same lot with such building at least one (1) off-street 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.

1. Each loading space shall be not less than ten (10) feet in width and at least twenty-five (25) feet in length.

2. Where loading space(s) adjoin residential districts, they shall be set back five (5) feet and an opaque screen of six (6) feet in height shall be installed and maintained along the interior side yards and rear yards of the abutting residential lots.

**165.16 OFF-STREET PARKING AREA.**

1. In all zoning districts, except the "C-1" Central Business District, space for parking and storage of vehicles shall be provided in accordance with the following schedule, based on use of the property.

2. In determining the number of parking spaces required by the table of parking requirements, if a fractional space results, any fraction less than one-half may be disregarded while fractions in excess of one-half shall be counted as one parking space.

3. In calculating parking requirements, a single building may be divided into multiple uses, each with its own parking requirement which shall then added together.

4. In buildings with multiple tenants having different uses with varying times for peak occupancy, the City Administrator may consider allowing a portion of the parking spaces to fulfill the requirements for more than one use.
5. For uses not specifically designated, the City Administrator is authorized to determine the parking requirements using this table as a guide.
6. Table of Parking Requirements.

USE	PARKING REQUIREMENT
<b>RESIDENTIAL:</b>	
Single-family, Two family	2 spaces for each dwelling unit, exclusive of garage
Multi-family dwellings, senior living facilities	1.5 spaces per dwelling unit
Group homes	1 space per every two beds
Home occupations	Demand established by particular home occupation authorized
<b>ROOMS-FOR-RENT SITUATIONS:</b>	
Boarding houses	1 space for each bedroom
Hotels, motels, B&Bs, inns,	1.25 spaces for each bedroom plus additional space (as per table) for restaurant or other facilities
<b>SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT</b>	
Storage – miscellaneous	1 space per 200 square feet of gross floor area
Convenience store	1 space per 150 square feet of gross floor area
Low-volume traffic, determined by City Administrator	1 space per 400 square feet of gross floor area
High-volume traffic, determined by City Administrator	1 space per 200 square feet of gross floor area
Wholesale sales	1 space per 400 square feet of gross floor area
<b>OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED TO GOODS OR MERCHANDISE:</b>	
Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings, etc.	1 space per 200 square feet of gross floor area
Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use	1 space per 400 square feet of gross floor area
Office or clinics of physicians or dentists	1 space per 150 square feet of gross floor area
Banks with drive-up windows	1 space per 200 square feet of gross floor area plus reservoir lanes equal to 3 spaces per window
<b>MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLY OF GOODS, MERCHANDISE AND EQUIPMENT (All operations conducted entirely within a fully enclosed building.)</b>	
Majority of dollar volume of business done with walk-in trade	1 space per 400 square feet of gross floor area
Majority of dollar volume of business not done with walk-in trade	1 space for every two employees on the maximum shift in industrial zoning districts and 1 space per 200 square feet of gross flow area in commercial zoning districts
Operations conducted within or outside fully enclosed building	1 space for every two employees on the maximum shift except that if permissible in the commercial districts, such uses may provide 1 space per 200 square feet of gross floor area



USE	PARKING REQUIREMENT
<b>EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES:</b>	
Elementary and secondary (including associated grounds and other facilities)	1.75 spaces per classroom in elementary schools, 10 spaces per classroom in high schools
Trade or vocation schools	1 space per 100 square feet of gross floor area
College, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	1 space per 150 square feet of gross floor area
Churches, synagogues, temples	1 space for every 80 square feet of worship area plus one space for every two employees
Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)	1 space per 300 square feet of gross floor area
Social, fraternal clubs and lodges, union halls and similar uses	1 space per 300 square feet of gross floor area
<b>INDOOR RECREATION, AMUSEMENT, ENTERTAINMENT:</b>	
Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities and similar uses	1 space for every three persons the facilities are designed to accommodate when fully utilized plus 1 space per 200 square feet of gross floor area used in a manner not susceptible to such calculation
Movie theaters	1 space for every four seats
Stadiums and arenas designed to seat or accommodate more than 1,000 people	1 space for every four seats
<b>OUTDOOR RECREATION, AMUSEMENT, ENTERTAINMENT:</b>	
Recreational facilities such as golf and country clubs, swimming or tennis clubs; except those as an accessory use to a school	1 space per 200 square feet of area within enclosed buildings, plus 1 space for every 3 persons that outdoor facilities
Miniature golf course, skateboard park, water slide and similar	1 space per 300 square feet of area plus 1 space per 200 square feet of building gross floor area
Driving Range	1 space per tee plus 1 space per 200 square feet of building gross floor area
Horseback riding stables	1 space per horse when fully occupied
Automobile and motorcycle racing tracks	1 space for every three seats
Drive-in movie theaters	1 space per speaker outlet
<b>INSTITUTIONAL RESIDENCE OR CARE OR CONFINEMENT FACILITIES:</b>	
Hospitals, clinics, other medical (including mental health) treatment	2 spaces per bed or 1 space per 150 square feet of gross floor area, whichever is greater
Nursing care institutions, intermediate care institutions, institutions for infirm persons or persons with disabilities, child care institutions	3 spaces for every five beds. Multi-family units developed or sponsored by a public or nonprofit agency for limited income families or the elderly require only 1 space
Institutions (other than halfway houses where mentally ill persons are confined)	1 space for every two employees on maximum shift
Penal and correctional facilities	1 space for every two employees on maximum shift
<b>RESTAURANTS, DRINKING ESTABLISHMENTS:</b>	
No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure allowed	1 space per 100 square feet of gross floor area
No substantial carry-out or delivery service; no drive-in service, service or consumption outside fully enclosed structure allowed	1 space per 100 square feet of gross floor area plus 1 space for every four outside seats
Carry-out and delivery service, no drive-in service, consumption outside fully enclosed structure allowed	1 space per 100 square feet of gross floor area plus 1 space for every four outside seats
Carry-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed	1 space per 100 square feet of gross floor area plus 1 space for every four outside seats plus reservoir lane capacity equal to 5 spaces per drive-in window

USE	PARKING REQUIREMENT
<b>MOTOR VEHICLE RELATED SALES AND SERVICE OPERATIONS:</b>	
Motor vehicle sales or rental; mobile homes sales	1 space per 200 square feet of gross floor area
Sales with installation of motor vehicle parts or accessories (e.g., tires, mufflers, etc.) fully enclosed structure allowed	1 space per 200 square feet of gross floor area
Motor vehicle repair and maintenance, not including substantial body work	1 space per 200 square feet of gross floor area
Motor vehicle painting and body work	1 space per 200 square feet of gross floor area
Gas stations, convenience stores	1 space per 150 square feet of gross floor area of building, plus sufficient parking area to accommodate vehicles at pumps without interfering with other parking spaces
Car Wash conveyor type	1 space for every three employees on the maximum shift plus reservoir capacity equal to 5 times the capacity of the washing operation
Car Wash self-service type	1 space for drying and cleaning purposes per stall plus two reservoir spaces in front of each stall
<b>STORAGE AND PARKING:</b> (Storage of goods not related to sale or use of those goods on the same lot where they are stored)	
All storage within completely enclosed structures	1 space for every two employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside)
Storage inside or outside completely enclosed structures	1 space for every two employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside)
<b>OTHER:</b>	
Scrap materials, salvage yards, junk yard, automobile graveyards	1 space per 200 square feet of gross floor area
Service and enterprises related to animals	1 space per 200 square feet of gross floor area
Emergency services	1 space per 200 square feet of gross floor area
Agricultural, mining, quarry operations	1 space per 2 employees on maximum shift
Miscellaneous public and semi-public facilities:	
Airport	1 space per 200 square feet of gross floor area
Sanitary landfill	1 space for every two employees on maximum shift
Dry cleaner, Laundromat	1 space per 200 square feet of gross floor area
Open air markets and horticultural sales	1 space per 1,000 square feet of lot area used for storage, display or sales
Funeral Home	1 space per 100 square feet of gross floor area
Cemetery	No requirement
Day care centers	1 space per employee plus 1 space per 200 square feet of gross floor area
Bus station, train station	1 space per 200 square feet of gross floor area
Commercial greenhouse operations area	1 space per 200 square feet of gross floor area

7. Parking stalls shall be a minimum of 9’ wide by 19’ long. Aisles shall be a minimum of 24’ wide unless otherwise approved on a Site Plan.

8. Parking areas shall be developed and maintained in accordance with the following requirements:

A. A Building Permit shall be required prior to installing any new parking lot or paving an existing gravel parking lot. A Site Plan must be approved for any new parking lot having 5 or more parking stalls.

- B. No part of any parking space shall be closer than five (5) feet to any established street right-of-way or alley line or property line. Where in or adjoining an “R” District, an opaque screen of six (6) feet in height shall be installed and shall be maintained along all “R” District boundaries.
- C. In all zoning districts, all off-street parking areas and driveways shall be surfaced with an asphaltic or Portland cement binder pavement or such other surfaces as shall be approved by the City Council on an approved Site Plan.
- D. A Storm Water Management Plan, in conformance with the Statewide Urban Design Standards, shall be provided for approval by the City prior to construction or paving any parking lot.
- E. Any lighting used to illuminate any off-street parking area including any commercial parking lots shall be so arranged as to reflect the light away from adjoining premises in any “R” District. Such lighting shall be downcast lighting with a maximum of 1 foot-candle at the property line.
- F. Off-street parking areas shall be provided on the same lot with the principal use, unless otherwise approved by the City Council.

**165.17 SIGNS.**

1. Building Signs. Traffic and other municipal signs, traffic control devices including railroad crossing signs, and legal notices are specifically exempt from these regulations.

A. Building signs shall be permanently affixed to the structure; shall not have projections extending horizontally more than six (6) inches from the face of the sign; and shall not project more than 15 feet above the roof line. Building signs shall have a surface of one-half inch MDO plywood or better quality. Where the building lot abuts any “R” district, such sign shall not be located on any wall facing the residential district unless otherwise approved by Council. All building signs constructed or substantially improved after the adoption of the ordinance shall conform to these regulations.

B. Signs on the canopy of pump island at any gas station or convenience store are exempt from these regulations, provided the total area of all canopy signs is no more than one-half (1/2) square foot per linear foot of street frontage. Signs under such canopy, including those mounted on pumps, are exempt provided letters are no taller than 4 inches and the sign area is no greater 2 square feet.

C. Signs on window or door awnings shall not be considered a sign unless the awning is lit, in which case such signs are considered building signs.

D. Building signs shall not exceed the following dimensions:

<b>BUILDING SIGN REGULATIONS</b>		
District	Use	Maximum size (Square Feet)
A-1	All Uses	50
R-1, R-2, R-3, R-4	Single Family, Two Family	2
R-1, R-2, R-3, R-4	Multiple Family	50
R-1, R-2, R-3, R-4	Other Permitted Uses	100
C-1, C-2, C-3	All Uses	100
M-1, M-2	All Uses	200

2. Pole Signs and Monument Signs

A. Pole and Monument shall be no closer than ten (10) feet to any property line and shall not have projections that extend horizontally more than six (6) inches from the face of the sign. Posts, anchor, and bracing shall be constructed of materials treated to protect them from moisture. All signs shall be constructed to handle wind loads. Where the lot abuts any “R” district, signs shall not be located in any yard adjoining the residential district unless otherwise approved by Council. All pole and monument signs constructed or substantially improved after the adoption of the ordinance shall conform to these regulations.

B. Pole and monument signs shall not exceed the following dimensions:

<b>POLE AND MONUMENT SIGN REGULATIONS</b>			
District	Use	Max. Size (Sq Feet)	Maximum Height (Feet above ground)
R-1, R-2, R-3, R-4	One- and Two- Family	-	-
R-1, R-2, R-3, R-4	Multiple Family	50	10
R-1, R-2, R-3, R-4	Other Permitted Uses	100	15
C-1, C-2, C-3	All uses	100	30
M-1, M-2	All uses	100	35

3. Temporary Signs

- A. Temporary signs include signs such as real estate signs, open house signs, garage sale signs, bulletin boards, political signs, and similar.
- B. Temporary signs shall not be posted for more than thirty (30) days
- C. Temporary signs shall not exceed six (6) square feet in size and shall be setback a minimum of ten (10) feet from any property line or right-of-way.
- C. Temporary signs, such as those for special events, that are larger than six (6) square feet in size or temporary signs to be located within public right-of-way shall be approved in writing by the City Administrator.

4. Prohibited signs

- A. All nonconforming signs, billboards, and outdoor advertising structures shall be removed within one year after the principal use of the property has been discontinued or the premises vacated.

**165.18 BUFFER SCREENING.** The intent of the screening regulations is to lessen the transmission from one property to another of noise, dust and glare; to lessen visual pollution by creating the impression of separation of spaces or entirely shielding one land use from another; and/or establishing a sense of privacy from visual or physical intrusion.

- 1. General Screening Standard. Every development shall provide sufficient screening so that neighboring properties are shielded from any adverse external effects of that development; and the development is shielded from the negative impacts of adjacent uses including streets and railroads.
- 2. City Council may waive any and all buffer requirements at the time of site plan approval or prior to a building permit being issued with consideration given to the specific uses of the adjoining property or properties, orientation of the buildings and service areas, existing natural vegetation, and other issues that may affect the compatibility of the adjoining uses.
- 3. “Burdened Zoning District” means the zoning classification of the property on which screening must be installed. “Benefited Zoning District” means the zoning classification of the property which is benefited or protected by the required screening. Where screening is required under this Section, the owner of the property in the

burdened district is responsible for the installation of the required screening prior to issuance of an occupancy permit. The burdened zoning district shall be interpreted to mean the zoning district permitting more intensive uses unless otherwise determined by City Council at the time of Site Plan approval.

4. Table of Screening Requirements. Screening shall be in accordance with the following table. The letter designations in the table (A or B) refer to the type of screening required as defined in subsection 4. The designation “ – ” means there are no presumptively required screening requirements.

SCREENING REQUIREMENTS									
Burdened Zoning District	BENEFITED ZONING DISTRICT								
	A-1	R-1 R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
A-1	–	A	A	A	-	A	A	A	B
R-1 & R-2	A	–	A	A	-	A	A	A	B
R-3	A	A	–	–	-	A	A	A	B
R-4	A	A	–	–	-	A	A	A	B
C-1	-	-	-	-	-	-	-	-	A
C-2	A	A	A	A	-	–	A	A	A
C-3	A	A	A	A	-	A	–	A	A
M-1	A	A	A	A	-	A	A	-	A
M-2	B	B	B	B	A	A	A	A	–

5. Description of Screens. The following three types of screens are hereby established and are designated “A”, “B” and “C” (corresponding to above Table):

A. Type “A”, Semi-opaque screen. Type “A”, means a screen that is opaque from the ground to a height of three (3) feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty (20) feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 30 feet wide, but may contain deciduous plants. A type “A” screen should be located within a 20 feet wide buffer easement unless waived by Council on an approved Site Plan.

B. Type “B”, Opaque screen, means a screen that is opaque from the ground to a height of a least six (6) feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty (20) feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide and may contain deciduous plants. A type “B” screen should be located within a 50 feet wide buffer unless waived by Council on an approved Site Plan.

6. Storage Areas. The outdoor storage of materials, equipment or supplies, when permitted in any commercial or industrial district, shall be located or screened, fenced

or landscaped so as to effectively prevent visibility of such storage from all abutting residential zoning districts or abutting existing residential uses. Such screening shall be sufficient if it prevents visibility of such storage area by persons traveling on public right of ways or standing at level on the side or rear lot lines of such property. Such screening shall comply with the standard for an opaque screen Type B.

**165.19 BOARD OF ADJUSTMENT.**

1. Board Established. There is hereby created a Board of Adjustment, composed of five (5) members who shall be appointed by City Council. Such members shall be qualified by knowledge and experience to act in matters pertaining to City Zoning. None of said members shall hold any elective position in the City of Reinbeck. The Board of Adjustment shall not act as the Planning and Zoning Commission, nor shall a majority of the members be involved in the business of purchasing or selling real estate.
2. Term of Office and Compensation. Members shall hold office for staggered terms of five (5) years. Any vacancy occurring on the commission cause by resignation or otherwise shall be filed by the City Council for the unexpired term. Members of the Board may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by City Council for the unexpired term of the member affected. All members of the Board shall serve without compensation except their actual expenses, which shall be subject to approval of the City Council.
3. Meetings and Rules. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this section. 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 Chairperson's absence, the acting chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each agenda item requiring action, or if absent, abstaining, or otherwise failing to vote, indicating such fact. The Board shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Zoning Administrator and City Administrator. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.
4. Finality of Decisions of the Board of Adjustment. All decisions and findings of the Board of Adjustment on appeals, or applications for a variance, special use permit, or special exception; after a hearing, shall in all instances be final administrative decisions and shall be subject to judicial review as is stated in the *Code of Iowa*.
5. Appeals. Any person or persons, or any board, taxpayer, department, board, or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of said decisions, in the manner provided by the laws of the State and particularly by the *Code of Iowa*.

**165.20 DUTIES OF BOARD OF ADJUSTMENT.**

1. Duties. The Board of Adjustment shall have the following powers and duties:
  - A. To hear and decide all applications for variances in the manner prescribed in this chapter.
  - B. To hear and decide all applications for special use permits in the manner prescribed in this chapter.
  - C. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Enforcement Officer in enforcement of this chapter.
2. Variances. The Board of Adjustment, after a public hearing, may determine and vary the regulations of this chapter in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter set forth, where the standards hereinafter prescribed and further, finds that there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this chapter.
  - A. Application for Variance. An application for a variance shall be filed in writing with the Zoning Administrator by the owner of the subject property. Said application shall contain such information as the Board of Adjustment may, by rules, require. If property lines cannot be determined through existing surveys or property markers, the request must be accompanied by a certified survey.
  - B. Hearing on Application. Upon receipt in proper form of the aforementioned application, the Board of Adjustment shall hold at least one public hearing on the proposed variance. Notice of the time and place of such hearing shall be published not less than 4 days nor more than 20 days in advance of the public hearing in a newspaper of general circulation in the City. Property owners within 300 feet of the property for which the variance is being requested will be notified. Before an application is filed with the Board of Adjustment, the appellant shall pay the City to cover the publishing and administration costs of said application, per the fee schedule adopted from time to time by Resolution of the City Council.
  - C. Standards for Variance. The Board of Adjustment shall not vary the regulations of this chapter, as authorized in this section; unless there is evidence presented to it in each specific case that:
    - (1) Special conditions and circumstances exist which are unique to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
    - (2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this chapter. In other words, an unnecessary hardship would result from the literal enforcement of this chapter.
    - (3) Special conditions and circumstances do not result from the actions of the applicant.



(4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

D. Further Requirements.

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

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

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

E. Limitations.

(1) Under no circumstances shall the Board of Adjustment grant a variance to allow for a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in the district.

(2) In no instance may the Board of Adjustment grant a variance to any provisions of the adopted Building Codes.

3. Special Use Permits. 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 planning intent of the zoning district regulations and the Comprehensive Plan, and recognized principals of land use planning and civic design.

A. Application for Special Use Permits. An application for a special exception shall be filed in writing with the Zoning Administrator by the owner of the subject property on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by such plans and/or data prescribed by the Board of Adjustment and shall include a statement indicating the section of this chapter under which the special use permit is sought and stating the grounds on which it is requested.

B. Hearing on application. Upon receipt in proper form of the aforementioned application and statement, the Board of Adjustment shall hold at least one public hearing on the proposed special use permit. Notice of the time and place of such hearing shall be published not less than 7 days nor more than 20 days in advance of the public hearing in a newspaper of general circulation in the City. Property owners within 300 feet of the property for which the special use permit is being requested will be notified. Before an application is filed with the Board of Adjustment, the appellant shall pay the City to cover the publishing and administration costs of said application, per the fee schedule adopted from time to time by Resolution of the City Council.

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

D. Standards. No special use permit shall be granted by the Board of Adjustment unless such Board shall find:

(1) The establishment, maintenance, or operation of the special use permit will not be detrimental to or endanger the public health, safety, comfort, or general welfare.

(2) The special use permit will not be injurious to the use and enjoyment of other property already permitted or substantially diminish and impair property values within the neighborhood.

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

(4) Adequate utilities, access roads, drainage storm water detention basins, and/or necessary facilities have been or are being provided.

(5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on public streets.

(6) The special use permit shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified in writing by the Board of Adjustment.

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

F. Denial and Revocation of Special Use Permits.

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

(2) Revocation. In any case where the special use has not been established within one year after the date of granting thereof, the Board of Adjustment may nullify the special use permit. However, before the Board revokes the special use, it shall provide a written notice to the applicant and the applicant shall have the right to request a hearing before the Board.

4. Appeals to the Board of Adjustment.
  - A. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Enforcement Officer or Building Inspector. Such appeal shall be taken within ten (10) days by filing with the City Clerk a Notice of Appeal specifying the grounds thereof. The City Clerk shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Enforcement Officer Inspector certifies to the Board, after Notice of Appeal has been filed with the City Clerk, that by reason of the facts stated in the certificate, a stay would in the opinion of the Zoning Enforcement Officer or Building Inspector, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the City Clerk and the Zoning Enforcement Officer or Building Inspector and on due cause shown.
  - B. The Board shall fix a reasonable time for the hearing on the appeal, shall give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee in an amount established from time to time by Resolution of the City Council.
5. Other Powers of the Board of Adjustment. The Board of Adjustment is hereby vested with the following additional authority and jurisdiction.
  - A. Interpretation of District Map. Where the application of the rules for interpretation of district boundaries leaves a reasonable doubt to the boundary between two Zoning Districts, the Board of Adjustment, after notice to the owners of the properties and after public hearing, shall interpret the Map in such a way as to carry out the intent and purposes of this chapter.
  - B. Temporary Uses and Permits. The Board of Adjustment may issue a permit for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this chapter, provided that such use is of a true temporary nature and does not involve the erection of substantial or permanent buildings. Issues such as parking areas, traffic routing, tents, temporary electrical services, portable restroom facilities, shall be addressed on a site plan if required by the Board. 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. Before an application for a Temporary Use Permit is filed with the Board, the

applicant shall pay a fee in an amount established from time to time by Resolution of the City Council.

**165.21 BUILDING PERMITS.** No Building or structure shall hereafter be erected, altered, or extended until a Building Permit shall have been issued by the Building Inspector in accordance with the provisions of this chapter. Section 165.21 of this chapter shall be enforced by the Building Inspector.

1. Application. All Building Permits shall be applied for in writing, accompanied by plans and specifications sufficient to determine compliance with applicable ordinances of the City of Reinbeck. Permit application shall be filed with the City Administrator and shall be accompanied by a check payable to the City or a cash payment in accordance with the fee schedule adopted from time to time by Resolution of City Council. The City Clerk shall promptly refer all applications to the Building Inspector.
2. Issuance. Upon approval by the Building Inspector, the city shall issue permits, as set forth in this chapter, to persons authorized by the City to perform the work specified in said permit. No Building Permit shall be approved by the Building Inspector unless the permit application is in compliance with all applicable City Codes.
3. In the cases of construction, reconstruction, alteration, or placement involving the pouring of concrete, the permit holder may proceed only with excavation and placement of forms, upon completion of which the Building Inspector shall promptly be notified by the applicant or contractor. The Building Inspector shall then conduct a second inspection to again determine conformity with the plans and compliance with applicable city codes. Additional inspections may be required by the Building Code of the City of Reinbeck.
4. Stop Work Order. If at any time the Building Inspector determines that a project does not comply with the approved Building Permit or applicable City Codes, said official shall revoke the permit and require that the work be stopped. If the Building Inspector denies or revokes a permit, said official shall notify the owner or the contractor as soon as practicable by written notice of the action, stating the reasons therefor.
5. Expiration. Every permit issued under the provisions of this chapter shall expire by limitation and become null and void if substantial construction work authorized by such permit is not commenced within 180 days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. The determination regarding the constitution of substantial construction work and suspended or abandoned work shall be at the discretion of the Building Inspector. If a Building Permit expires, no refund of fees shall be made to the applicant.
6. Failure to Obtain a Permit. Except in emergency situations, as determined by the Building Inspector, where a permit is required by this chapter and work is commenced by any person prior to obtaining the required permit, a fine may be imposed in an amount established by Resolution of City Council. The payment of such fine shall not relieve any person from fully complying with the requirements in the execution of the work or from being subject to any other penalties prescribed herein. However, no fine shall be imposed upon any person who starts work without a permit if said work is started on a Saturday, Sunday or holiday provided such person secures the proper permit on the next working day.

7. Exceptions to Building Permit requirements. No building permit or certificate of occupancy and compliance shall be required for any of the following:

- A. Re-roofing an existing roof.
- B. Siding.
- C. Sidewalks or other walkways.
- D. Ordinary steps leading to a door.
- E. Patio floors flush to the ground.
- F. Window and door awnings on residential buildings.
- G. Television antennae, mounted directly to a building, extending not more than 12 feet above the top of the roof.
- H. Lawn ornaments under 6 feet high.
- I. Trees, hedges, bushes, and other plants.
- J. Fences on or immediately adjacent to agricultural land.
- K. Garden fences.
- L. Public utility poles, cables, and pipelines.
- M. Swing sets.
- N. Any construction, reconstruction, alteration, or placement which does not change the exterior dimensions of the building or structure and which takes place within the present existing outer walls of the building or structure, in any district other than commercial zoning districts or industrial zoning districts.

**165.22 CERTIFICATE OF OCCUPANCY AND COMPLIANCE.** Section 165.22 of this chapter shall be enforced by the Building Inspector.

1. Issuance of Certificates of Occupancy and Compliance by the Building Inspector shall authorize the applicant to use and occupy the land, building, or structure in question in the manner and for the purposes stated in the application. The application must describe the intended use, occupancy, or change of use with sufficient detail to allow the Building Inspector to determine compliance with all applicable City Codes. If the Building Inspector determines that a proposed use, occupancy or change of use does not comply, the Building Inspector shall deny the application.

2. The Building Inspector may make such additional inspections as he or she deems necessary to assure compliance with City Code. If at any time the Building Inspector determines that a use or occupancy does not so comply, he or she shall revoke the aforementioned certificate and require that the nonconforming use cease.

3. If the Building Inspector denies or revokes a Certificate of Occupancy and Compliance, he or she shall notify the owner or party in possession of the property as soon as practicable by written notice of the action, stating the reasons therefor.

4. Fees. Prior to the issuance of a certificate of occupancy and compliance, the applicant shall pay to the City Treasurer an appropriate sum as established from time to time by resolution of the City Council.

5. In instances where a Building Permit is required for the same premises, then Certificates of Occupancy and Compliance shall be applied for coincidentally with the application for a Building Permit. Fees for a Certificate of Occupancy shall be considered incidental to the Building Permit fees.

6. A record of all certificates shall be kept on file in the office of the City Clerk and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

**165.23 AMENDMENTS INCLUDING REZONINGS.**

1. The City Council may, from time to time, on its own action or on petition after report by the Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established. However, no such amendment, supplement, restriction, change of boundaries, or regulations shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearing shall be published as provided in the *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 Council meeting following the published notice. The notice shall be published in a paper of general circulation in the City. Such amendment, supplement, or change shall not become effective except by a favorable vote of a majority of all of the members of the Council following the public hearing.

2. Whenever any person desires that any amendment, supplement, or change be made in this Zoning Code, including the text and/or map, as to any property in the City, and there shall be presented to the Planning and Zoning Commission 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 fifty (250) feet of the boundaries thereof. The petition shall be submitted to the City Clerk thirty (30) days in advance of the date on which action is to be taken by said Commission regarding its recommendation thereon. This action shall not act as a stay upon the proposed action by the Council where said Commission fails to submit its recommendation to the Council within 30 days after the City Clerk receives said petition.

3. In case the proposed amendment, supplement or change is disapproved by the Zoning Commission, including the text and/or map, or a protest is presented duly signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change or of those immediately adjacent to the rear thereof, extending the depth of one lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of at least four-fifths (4/5) of all members of the Council.

4. Whenever any petition for an amendment, supplement or change of the zoning regulations herein contained or subsequently established shall have been denied by the Council, then no new petition, including the text and/or map, covering the same property and additional property shall be filed with or considered by the Council until one (1) year shall have elapsed from the date of the filing of the first petition. Provided, however, the Council may, in its discretion, by resolution, authorize the filing of a new

petition within one year, upon its showing that an enforcement of this provision would impose an undue hardship upon the owner of such real estate.

5. Fees. Before any action shall be taken as provided in this section, the owner or owners of the property proposed or recommended to be changed in the district regulations or district boundaries shall pay to the Clerk a filing fee in an amount established from time to time by resolution of the City Council.

**165.24 ZONING ENFORCEMENT OFFICER.** There is hereby created the position of Zoning Enforcement Officer who shall be the City Administrator unless a different city employee or designee is so appointed by the Mayor, subject to Council approval. The Zoning Enforcement Officer shall exercise the following powers and duties:

1. The Zoning Enforcement Officer shall have all enforcement powers, including but not limited to the investigation of complaints of zoning violations, issuance of notices to violators, and the preparation and submission to the City Council reports of said violations which continue unabated after exhaustion of reasonable administrative remedies toward their abatement.
2. The Zoning Enforcement Officer shall attend the meetings of the Planning and Zoning Commission and the Board of Adjustment as requested by those bodies, shall investigate and review all cases presented to the Board of Adjustment, and shall advise that body on those cases upon request.
3. In the event the City Council, after analysis of the report, institutes legal proceedings, the Zoning Enforcement Officer will cooperate fully with the City Attorney in the perfecting of such proceedings.

**165.25 VIOLATIONS AND PENALTIES.** Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be in violation of this Code of Ordinances. Each day that a violation is permitted to exist constitutes a separate offense.

**165.26 ENFORCEMENT.** In case any building, structure or sign is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, sign, or land is used in violation of this chapter, the City Council, in addition to other remedies, may institute any proper action or proceedings in the name of the City to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.

**165.27 SPECIAL EVENTS.** The City recognizes that in certain instances, some flexibility to allow special events out of the confines of a building can be beneficial to business interests, as well as to consumers and the City, provided such events continue to promote public health, safety and general welfare. A temporary site plan may be required by the City Administrator to show that the event will not impact the neighboring properties due to noise, congestion, fire and emergency access, parking, restroom availability, lighting, or additional factors. Special events shall not involve the sale of dispensing of alcoholic beverages without prior approval from the Council. The City Administrator may impose restrictions on special events that are in the public interest. The following special event applications shall require a fee in an amount determined by resolution of the City Council from time to time

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1. Outdoor sales events, including but not limited to sidewalk sales, shall be permitted for two (2) events per year for a maximum duration of seven (7) days per event, subject to approval of the City Administrator.
2. Seasonal sales events shall be permitted for two (2) events per year for a maximum duration of forty-five (45) days per event subject to approval by the City Administrator. Seasonal sales events are those events that, due to the nature of the product being sold or the time of year that such product is for sale, are best accomplished out of doors.
3. Farmer's markets, carnivals, fairs, and similar large-scale events shall require Board of Adjustment approval of a Temporary Use Permit in accordance with Section 165.20, paragraph 5.



<b>EDITOR’S NOTE</b>			
<p>The following ordinances have been adopted amending the Official Zoning Map described in Section 165.05 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.</p>			
ORDINANCE NUMBER	DATE ADOPTED	PROPERTY OWNER/ APPLICANT	GENERAL DESCRIPTION