

## CHAPTER 166

### ZONING REGULATIONS

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**166.01 Title.** This ordinance shall be known and may be cited and referred to as the zoning ordinance of the City of Grand Mound, Iowa.

**166.02 Purpose.** The zoning regulations and districts as herein established have been made for the purpose of promoting the health, safety, and general welfare of the community. The zoning regulations and districts have been designed to lessen congestion in the streets; to secure safety from fire and other hazards; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water sewage, schools, and parks. The zoning regulations and districts have been made with reasonable consideration of the character of the district and its suitability for the particular uses, and with a view of conserving the value of buildings, encouraging the and most appropriate use of land throughout the community.

**166.03 Minimum Requirements Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements. Where this ordinance 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 ordinance shall control. Where for specific land, the requirements of any other ordinances of the City are more stringent or restrictive than the requirements set forth in this chapter; nothing herein shall be construed to waive compliance with the provisions of such other ordinance.

**166.04 Relationship to the Comprehensive Plan.** It is the intention of this ordinance to implement the goals, principles, and objectives reflected in the Comprehensive Plan adopted by the City. While the City reaffirms its commitment that the provisions of this ordinance and any amendments made to this ordinance shall conform to adopted planning policies, the City acknowledges its intent that neither this ordinance nor any amendment of this ordinance may be challenged merely on the basis of an alleged nonconformity with the comprehensive plan.

**166.05 Severability.** It is hereby declared by the City Council that the provisions of this ordinance are separable, in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provisions of this ordinance to a particular parcel of land, a building or other structure, such judgment shall not affect the application of said provisions to any other parcel of land, building or structure

**166.06 Not a Licensing Ordinance.** Nothing contained in this ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.

**166.07 Private Agreement.** This ordinance is not intended to abrogate, annul, or otherwise interfere with any easement covenant, or any other private agreement or legal relationship; provided, however, that where the regulations of this code are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement or legal relationship, the regulations of this code shall govern.

**166.08 Code References.** Any references herein to sections of the City Code are to those sections in force on the effective date of this ordinance and shall be deemed to refer to the successor section, if any, in the event the section referenced is renumbered.

**166.09 Headings or Titles.** Headings or titles to sections, subsections and paragraphs shall be construed as informative of general nature of its contents, but not a restriction upon its contents.

**166.10 Cumulative Provisions.** The provisions of this ordinance are cumulative and additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this ordinance.

**166.11 Repeal of Conflicting Ordinances.** Upon the effective date and publication of this ordinance, all existing ordinances in conflict herewith and all amendments thereto shall be, and the same hereby are repealed. However, in the event that this ordinance shall fail to become effective for any reason whatsoever, all existing ordinances and all amendments thereto shall remain in full force and effect.

**166.12 Definitions.** For use in this chapter, the following terms or words are defined.

1. Accessory Structure – A structure subordinate to the principal uses of the building on the lot, and serving the purpose customarily incidental to the use of the principal building.
2. Alley – A public way, affording a secondary means of access to abutting property.
3. Animal Feeding Operation - A lot, yard, corral, building, or other area in which animals are confined and fed and maintained for forty five (45) days or more in any twelve (12) month period, and all structures used for the storage of manure from animals in the operation. An animal feeding operation does not include a livestock market. Open feedlots and confinement feeding operations are considered to be separate animal feeding operations.
4. Apartment – See Dwelling, Multiple-Family.

5. Assisted Living – a provision of housing with services which may include but not limited to health related care, personal care, and assistance with instrumental activities of daily living in a physical structure which provides a home like environment.
6. Buildable Area – The portion of a lot remaining after required setbacks have been provided.
7. Building – A structure built and maintained for the support, shelter, or enclosure of persons, animals, or property of any kind.
8. Building Height – The vertical distance from the average ground level at the front wall of the building to the highest point of the underside of the ceiling beams for a flat roof, or to the decline of a mansard roof, or to the mean height level between the eaves and the ridge for a gable, hip, or gambrel roof.
9. Childcare - The care or supervision of a child by a person other than the child's parent/guardian or custodian for periods of less than twenty-four (24) hours per day per child on a regular basis. Childcare does not include a licensed childcare center.
10. Childcare Center, Licensed - A facility providing childcare or preschool services for children that requires state of Iowa licensure
11. Conditional Use Permit – A permit issued by the Board of Adjustment that authorizes the recipient to make conditional use of property in accordance with the provisions of this ordinance and any additional conditions placed upon, or required by said permit.
12. Condominium – a multiple-family dwelling as defined herein whereby the title to each unit is held in separate ownership, and the real-estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real-estate.
13. Condominium Association – See Homeowners Association.
14. Confinement feeding operation – See Animal Feeding Operation.
15. Convenience Store – A retail store containing less than 2,500 square feet of gross floor area engaged in selling primarily food, beverages, and other household supplies to customers, and designed to attract a large volume of stop and go customers.
16. Daycare, Adult – a facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of the 24 hour day.
17. Dwelling – a building or portion thereof, designed or used exclusively for residential occupancy, including a manufactured home as defined by state law, but not including trailers, mobile homes, motels, motor lodges, boarding and lodging houses, or tourist homes.
18. Dwelling, Single-Family – a detached residential building designed for or occupied by one family.
19. Dwelling, Single-Family Attached – a one-family dwelling unit, with a private entrance in a group of two or more units, which part of a structure whose dwelling units are attached horizontally in a linear arrangement, having a total exposed front and at least one other building wall exposed to allow for access, light, and ventilation.

20. Dwelling, Two-Family – A building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.
21. Dwelling, Multiple-Family – a building or buildings designed a designed and used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.
22. Dwelling Unit – One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent kitchen, toilet, and sleeping facilities.
23. Dwelling, Zero-Lot Line - A residential dwelling unit designed for occupancy for one family only, which physically adjoins one other matching residential single family dwelling unit across an abutting side lot line, with each unit occupying its own parcel.
24. Easement - An authorization by a property owner for the use by another, and for a specified purpose, of a designated part of his or her property.
25. Family – any number of people occupying a single dwelling unit living together as a single housekeeping unit, related by blood, marriage or formal adoption plus not more than three additional people not so related, except that foster children and persons with disabilities.
26. Fence – A freestanding structure designed to restrict movement across a boundary.
27. Gas Station – a building and/or premises where gasoline, oil and minor auto accessories, and convenience items may be supplied and dispensed at retail and may include an automated customer activated fuel dispensing system. A gas station is not a service station. For other services other than the sale of gasoline, see service station.
28. Garage – a structure or building or portion thereof in which one or more vehicles may be parked or stored. For purposes of this code, garages include carports.
29. Home-Based Business - any occupation or activity conducted within a dwelling unit which is clearly incidental and subordinate to the use of the premises for dwelling purposes.
30. Homeowners Association – a private, non-profit corporation or association of homeowners in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.
31. Kennel - Any building or portion thereof where dogs, cats, or other household domestic animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.
32. Lot – A parcel or tract of land with established, recorded boundaries and legal description which may be sold, conveyed, or transferred based on such legal description.
33. Lot, Corner - A lot abutting upon two or more streets at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

34. Lot, Double Frontage – See Lot, Through.
35. Lot, Flag - A lot that has access to a public right-of-way by means of a narrow strip of land.
36. Lot, Through - A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.
37. Lot, Interior - A lot other than a corner lot with only one frontage on a street
38. Lot, Zoning – For the purposes of this ordinance, a zoning lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on an improved public street, or an approved private street, and may consist of:
  - A. A single lot of record;
  - B. A portion of a lot of record;
  - C. A combination of complete lots of record and portion of lots of record, or portions of lots of record;
  - D. A parcel of land described by meets 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 code.
39. Lot Area – The total horizontal area included within the boundaries of the lot lines of a lot.
40. Lot Coverage - That portion of a lot covered by principal and accessory uses and/or buildings expressed as a percentage of the lot area.
41. Lot Depth - The mean horizontal distance between the front and rear lot lines.
42. Lot Frontage - All sides of a lot abutting a street and measured along the front property line as it abuts the street right of way or roadway easement line.
43. Lot Width – The width of a lot measured at the building line (frontage line) and at right angles to its depth.
44. Lot Line – The property bounding line of a lot.
45. Lot Line, Front – the property line abutting a street right-of-way or roadway easement line.
46. Lot Line, Rear – a lot line not abutting a street which is opposite and generally most distant from the front lot line.
47. Lot Line, Side – any lot line not a front lot line or rear lot line.
48. Lot of Record – A lot which is part of a subdivision recorded in the office of the County Clerk, County Recorder, or described by meets and bounds, the description of which has been so recorded.
49. Manufactured Home – a factory-built structure built under the authority of 42 U.S.C. § 5403, that is required by federal law to display a seal required by HUD, and was constructed on or after June 15, 1976.

50. Manufacturing and processing - Uses that involve the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Examples include: apparel, textile, chemicals, rubber, leather, clay plastic, stone and glass materials manufacturing, concrete batching and asphalt mixing, energy production, food and related products manufacturing, furniture and fixture manufacturing, lumber and wood products manufacturing, metal and metal products manufacturing, including enameling and galvanizing, machinery and electrical equipment, manufactured homes and prefabrication manufacturing, printing and publishing, woodworking, including cabinetry.
51. Ministorage or Miniwarehouse - A building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.
52. Mobile Home – any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in the Iowa. A mobile home is factory-built housing on a chassis. A mobile home shall not be constructed to be a travel trailer or other form of recreational vehicle. A mobile home shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. However, certain mobile homes may be classified as “manufactured homes.” Nothing in this Code shall be construed as permitting a mobile home in other than a mobile home park, unless such mobile home is classified as a manufactured home.
53. Mobile Home Park – a parcel of land under single ownership that has been planned and improved for the placement of mobile housing used or to be used for dwelling purposes and where mobile home spaces are not offered for sale or sold. The term “mobile home park” does not include sales lots on which new or used mobile homes are parked for the purposes of storage, inspection, or sale.
54. Modular Home – a factory-built structure which is to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted and displays a seal issued by the Iowa State Building Code Commissioner.
55. Nonconforming Building – a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.
56. Nonconforming Use – a use lawful when established but which does not conform to subsequently established zoning or zoning regulation.
57. Nursing or Convalescent Home – an establishment providing full-time housing and care for the aged or physically infirm, and not involving surgery, obstetrical services, or other major medical services more commonly provided in hospitals or clinics. Such establishment may involve usual convalescent or chronic care including bedside nursing care, administration of medicines or special diets, application of bandages or dressings, and similar procedures.
58. Open feedlot – See Animal Feeding Operation.

59. Recreational Vehicle (RV) – a vehicular unit designed for recreational camping or travel under its own power or designed to be mounted or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, and camping trailer.
60. Recreational Vehicle Park – a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by residential vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.
61. Retail Sales or Service - Establishments engaged in selling or renting goods or merchandise to the general public for personal or household consumption and/or services in conjunction or separate to the sale of such goods.
62. Service Station – A building and premise where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.
63. Setback - The distance required between a property line or roadway easement line and the buildable area on a lot.
64. Setback, Front- A line which defines the required minimum distance between a building or structure and the right of way or roadway easement line. The front setback line shall be parallel with the right of way or roadway easement line. Corner lots and double frontage lots shall have a front setback along both street frontages.
65. Setback, Rear - A line which defines the required minimum distance between a building or structure and the property line opposite the right of way line or roadway easement line. The rear setback line shall be parallel with the rear property line except for corner lots and double frontage lots.
66. Setback, Side - A line which defines the required minimum distance between a building or structure and an interior property line, extending between the front and rear setback lines. The side setback line shall be parallel with the nearest interior property line. For purposes of accessory buildings and structures, the side setback shall be extended to the rear property line.
67. Structure - anything constructed or built above ground, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including but not limited to buildings, mobile homes, walls, fences, billboards, poster panels, above ground storage tanks, and similar uses.
68. Structure, Temporary - a building or structure erected for a one-time temporary use, lacking a permanent foundation, connections to water and sewer, and generally having open walls, distinct from a permanent structure which must meet adopted building codes.
69. Subdivision - a tract of land divided into three or more lots.
70. Subdivision Plat - a graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique.

71. Townhouse – See Dwelling, Single-Family Attached.
72. Use – the purpose or activity which land our buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.
73. Use, Accessory – A use incidental, related, appropriate, and clearly subordinate to the principal use of the lot or building.
74. Use, Conditional – A use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without regulations , but which, if controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety and general welfare.
75. Use, Permitted – any land use allowed without condition within a zoning district.
76. Use, Principal – the primary use of land or structure.
77. Use, Prohibited - any use of land, other than non-conforming, which is not listed as a permitted or conditional use within a zoning district
78. Variance – a relief from or variation from the strict application of the bulk regulations, as applied to a specific piece of property, which may be granted by the Zoning Board of Adjustment according to the provisions of this code.
79. Yard – an open space which is unoccupied and unobstructed by any structure or portion thereof from the natural ground level to the sky, except as otherwise provided in this code.
80. Yard, Front – The area between a principal building and the right of way line or roadway easement line, and extending between interior property lines.
81. Yard, Rear – The area between a principal building and the property line opposite the right of way line or roadway easement line, and extending between interior property lines. In the case of corner lots and double frontage lots, there will be no rear yards, but only front and side yards.
82. Yard, Required – See Setback.
83. Yard, Side – The area between a principal building and an interior property line, and extending between the front yard and rear yard. In the case of double frontage lots, side yards shall extend between the front yards. In the case of corner lots, yards remaining after front yards have been established shall be considered side yards.
84. Yard, Special - A required yard other than the required front yard so oriented that neither the terms "side yard" nor "rear yard" clearly apply. In such cases the Zoning Administrator shall determine, based on topography, location, orientation and pattern of adjacent structures and development which yard requirement is more appropriate.

**166.13 Application of Zoning District Regulations.** In order to regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lot that may be occupied; the size of the yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, the City and the area within its extraterritorial jurisdiction is hereby divided into zoning districts



**166.14 Official Zoning Map.** The City is hereby divided into districts as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and is declared to be part of this ordinance.

1. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk together with the date of adoption of this ordinance. The Official Zoning Map shall be located in the office of the City Clerk.
2. Regardless of the existence of purported copies of the official Zoning Map, the Official Zoning Map which shall be located in the office of the City Clerk shall supersede all other maps and shall be the final authority as to the current zoning status of land and water area, buildings, and other structures in the City.
3. No changes of any nature shall be made on the Official Zoning Map except in conformity with the procedure set forth in this code.

**166.15 Replacement of Official Zoning Map.** In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, 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 corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced).

**166.16 Rules for Interpretation of Zoning District Boundaries.** Where uncertainty exists with respect to the boundaries of the various districts shown on the official zoning map, the following rules apply:

1. The district boundaries are the centerlines of either streets or alleys unless otherwise shown, and where the districts designated on the official zoning map are bounded approximately by street or alley centerlines, the street or alley centerline shall be construed to be the boundary of the district.
2. Where the property has been or may hereafter be divided into blocks and platted lots, the district boundaries shall be construed to coincide with the nearest platted lot lines; and where the districts designated on the official zoning map are bounded approximately by platted lot lines, the platted lot line shall be construed to be the boundary of the district.
3. In unsubdivided property, the district boundary lines on the official zoning map shall be determined by use of the scale appearing on the map.

**166.17 Annexation Zoning Policy.** All territory which may hereafter be annexed into the City shall be placed in the A-1 Agriculture district, unless prior to annexation, such land is classified, effective upon annexation, as another zoning district. If voluntary annexation of the territory is requested, but the territory is not classified as requested by the applicant, the applicant may withdraw the voluntary annexation request. If not so classified, the territory shall be classified A-1 Agriculture District, and shall remain in that classification pending request for reclassification in accordance with the provisions in this ordinance.

**166.18 Zoning Districts Established.** In order to carry out the purposes of this ordinance, the following zoning districts are hereby established:

1. A-1 Agriculture
2. R-1 Single-Family Residential
3. R-2 Multiple-Family Residential
4. C-1 Downtown Commercial
5. C-2 General Commercial
6. M-1 Manufacturing

**166.19 A-1 Agriculture** The A-1 Agriculture District is intended to conserve farm land for agricultural purposes and to serve as a “holding” zone to prevent premature development of large land acreages and of recently annexed land for which the most appropriate future use has not yet been determined. Zoning classification shall be changed from A-1 to other districts in conformance with the comprehensive plan as needs justify such changes and when the specific area can be adequately served by utilities and public facilities.

1. Permitted Uses. The following uses are permitted in the A-1 district:
  - A. Cemetery
  - B. Farming and agriculture, including the raising of field crops and livestock, horticulture, forestry, animal husbandry, and similar farming activities
  - C. Fire Department
  - D. Grain Elevator
  - E. Kennel
  - F. Law Enforcement
  - G. Non-commercial Plant Nursery
  - H. Parks, public or private, and similar natural recreation areas
2. Conditional Uses. The following uses are permitted as conditional uses in the A-1 district:
  - A. Commercial Greenhouse
  - B. Retail sale of agricultural products
  - C. Gas Station
3. Accessory Uses. The following uses are permitted as accessory uses in the A-1 district:
  - A. Fences including barbed wire or electric fences when used for livestock containment
  - B. Barn, shed, or similar structure.
  - C. Seasonal sale of produce grown on site

- D. Single-family detached dwelling
4. Prohibited Uses. The following uses are prohibited in the A-1 district:
- A. Animal feeding operation
  - B. Open feedlots
  - C. Confinement feeding operations
5. Bulk Regulations
- A. No bulk regulations are applied in the A-1 district.

**166.20 R-1 Single-Family Residential.** The R-1 Single-Family Residential district is intended to accommodate single family and two-family residential uses, open lawns, community parks, religious facilities, schools, and interconnected streets with sidewalks. The district shall permit residential development to be integrated with terrain and tree cover with a minimal disruption of natural systems existing in the area.

1. Permitted Uses. The following uses are permitted in the R-1 district:
- A. Cemetery
  - B. Country Club
  - C. Fire Department
  - D. Golf Course
  - E. Law Enforcement
  - F. Parks, public or private, and similar natural recreation areas
  - G. Public, private or parochial school approved by the state of Iowa (K - 12).
  - H. Religious Assembly
  - I. Single-Family Dwelling
  - J. Single-Family Attached Dwelling (2 Units Maximum)
  - K. Two-Family Dwelling
2. Conditional Uses. The following uses are permitted as conditional uses in the R-1 district:
- A. Bed and Breakfast
  - B. Licensed childcare center or preschool
  - C. Mortuary, funeral home, or crematorium
  - D. Nursing/ Retirement/ Convalescent Facility
  - E. Off street parking.
3. Accessory Uses. The following uses are permitted as accessory uses R-1 district:

- A. Detached Garage
- B. Fence
- C. Home Based Business
- D. Noncommercial garden, greenhouse or nursery
- E. Off street parking and storage of vehicles
- F. Storage Building
- G. Tennis court, swimming pool or similar permanent facility

4. Bulk Regulations. The following bulk regulations shall be applied in the R-1 district.

R-1	Minimum Lot Area (sq. ft.)	Minimum Lot Frontage (ft.)	Minimum Front Setback (ft.)	Minimum Side Setback (ft.)	Minimum Rear Setback (ft.)	Maximum Height (ft.)
Permitted Uses						
Single Family Dwelling	5,000	50	20	6	10	40
Two-Family Dwelling	6,000	50	20	6	10	40
Single-Family Attached Dwelling (2 du max)	3,000/du	25/du	20	6/0	20	40
All Other Permitted Uses	20,000	100	20	6	10	40
Conditional Uses						
Bed & Breakfast	5,000	50	20	6	10	40
All Other Conditional Uses	20,000	100	20	6	10	40

**166.21 R-2 Multiple-Family Residential.** The R-2 Multiple-Family Residential District is intended to provide locations for a mix of residential building types at medium densities with and parks and playgrounds, religious facilities, schools, interconnected by streets with sidewalks.

1. Permitted Uses. The following uses are permitted in the R-2 district:

- A. Cemetery
- B. Country Club
- C. Fire Department
- D. Golf Course
- E. Law Enforcement
- F. Multiple-Family Dwelling (10 Units Maximum)
- G. Parks, public or private, and similar natural recreation areas
- H. Public, private or parochial school approved by the state of Iowa (K - 12).
- I. Religious Assembly

- J. Single-Family Dwelling
  - K. Single-Family Attached Dwelling (6 Units Maximum)
  - L. Two-Family Dwelling
2. Conditional Uses. The following uses are permitted as conditional uses R-2 district:
- A. Bed and Breakfast
  - B. Licensed childcare center or preschool
  - C. Mortuary, funeral home, or crematorium
  - D. Nursing/ Retirement/ Convalescent Facility
  - E. Off street parking
3. Accessory Uses. The following uses are permitted as accessory uses R-2 district:
- A. Detached garage
  - B. Fence
  - C. Home based business
  - D. Noncommercial garden, greenhouse or nursery
  - E. Off street parking and storage of vehicles
  - F. Storage building
  - G. Tennis court, swimming pool or similar permanent facility
4. Bulk Regulations. The following bulk regulations shall be applied in the R-2 district.

R-2	Minimum Lot Area (sq. ft.)	Minimum Lot Frontage (ft.)	Minimum Front Setback (ft.)	Minimum Side Setback (ft.)	Minimum Rear Setback (ft.)	Maximum Height (ft.)
Permitted Uses						
Single Family Dwelling	5,000	50	20	6	10	40
Two-Family Dwelling	6,000	50	20	6	10	40
Single-Family Attached Dwelling (6 du max)	3,000/du	25/du	20	6/0	10	40
Multiple-Family Dwelling	2,000/du	50	20	6	10	40
All other permitted Uses	20,000	100	20	6	10	40
Conditional Uses						
Bed & Breakfast	5,000	50	20	6	10	40
All Other Conditional Uses	20,000	100	20	6	10	40

**166.22 C-1 Downtown Commercial.** The C-1 Downtown Commercial district is intended to provide locations in the downtown commercial area of the city for a large variety of uses. The C-1 district provides higher density multi-story mixed use buildings that accommodate a mix of retail, entertainment, business and personal services, office, lodging and residential uses.

1. Permitted Uses. The following uses are permitted in the C-1 district:

- A. Agricultural supply sales.
- B. Animal hospital or clinic.
- C. Art gallery, museum, or library.
- D. Artist studio.
- E. Auditorium or assembly hall.
- F. Bakery (wholesale/commercial).
- G. Banks, savings and loan, or credit union.
- H. Bar or tavern.
- I. Barber or beauty shop.
- J. Business services.
- K. Convenience store.
- L. Fire department.
- M. Furniture upholstery or repair.
- N. Gas station.
- O. General office.
- P. Grocery store.
- Q. Hotel.
- R. Housing for the elderly or persons with disabilities.
- S. Indoor recreation facility.
- T. Indoor theater.
- U. Laundry, dry cleaner, or laundromat.
- V. Law enforcement.
- W. Medical office.
- X. Mortuary or funeral home.
- Y. Parks, public or private, and similar natural recreation areas.
- Z. Pet daycare or grooming.

- AA. Photographic studio.
- BB. Printing or publishing.
- CC. Private club.
- DD. Public, private or parochial school approved by the state of Iowa (K - 12).
- EE. Railroad or public or quasi-public utility, including substation.
- FF. Religious assembly.
- GG. Residential use.
- HH. Restaurant.
- II. Retail sales or service.
- JJ. School of private instruction.
- KK. Service station.

2. Conditional Uses. The following uses are permitted as conditional uses C-1 district:

- A. Car wash.
- B. Licensed adult day services.
- C. Licensed childcare center or preschool
- D. Off street parking and storage of vehicles.
- E. Vehicle body shop.
- F. Vehicle sales or rental.
- G. Vehicle service or repair.

3. Accessory Uses. The following uses are permitted as accessory uses C-1 district:

- A. Any use customarily incidental and subordinate to the principal use it serves.
- B. Off street parking and storage of vehicles.
- C. Wind turbine.

4. Bulk Regulations

C-1	Minimum Lot Area (sq. ft.)	Minimum Lot Frontage (ft.)	Minimum Front Setback (ft.)	Minimum Side Setback (ft.)	Minimum Rear Setback (ft.)	Maximum Height (ft.)
All Uses	-	-	-	-	-	50

**166.23 C-2 General Commercial.** The C-2 General Commercial District is intended to accommodate a broad range of retail, wholesale, and commercial service establishments. Uses in the C-2 District will generally have heavy pedestrian and/or vehicle traffic and have high demand for parking spaces during business hours.

1. Permitted Uses. The following uses are permitted in the C-2 district:

- A. Agricultural supply sales.
- B. Animal hospital or clinic.
- C. Art gallery, museum, or library.
- D. Artist studio.
- E. Auditorium or assembly hall.
- F. Auto part sales.
- G. Bakery (wholesale/commercial).
- H. Bank, savings and loan, or credit union.
- I. Bar or tavern.
- J. Barber or beauty shop.
- K. Business services.
- L. Car wash.
- M. Construction supply sales or service.
- N. Contractor shop or yard.
- O. Convenience store.
- P. Farm implement sales or service.
- Q. Fire department.
- R. Furniture upholstery or repair.
- S. Gas station.
- T. General office.
- U. Golf course.
- V. Grocery store.
- W. Hotel.
- X. Indoor recreation facility.
- Y. Indoor theater.
- Z. Laundry, dry cleaner, or laundromat.
- AA. Law enforcement.
- BB. Licensed adult day services.
- CC. Licensed childcare center or preschool



- DD. Medical office.
- EE. Ministorage.
- FF. Mobile or manufactured home sales or service.
- GG. Mortuary or funeral home.
- HH. Off street parking lot.
- II. Parks, public or private, and similar natural recreation areas.
- JJ. Pet daycare or grooming.
- KK. Photographic studio.
- LL. Printing or publishing.
- MM. Private club.
- NN. Public, private or parochial school approved by the state of Iowa (K - 12).
- OO. Railroad or public or quasi-public utility, including substation.
- PP. Religious assembly.
- QQ. Residential use above the first floor only.
- RR. Restaurant.
- SS. Retail sales and service.
- TT. School of private instruction.
- UU. Service station.
- VV. Vehicle sales or rental.
- WW. Vehicle service or repair.
- XX. Wholesale sales or distributor.

2. Conditional Uses. The following uses are permitted as conditional uses C-2 district:

- A. Outdoor recreation or outdoor amusement center.

3. Accessory Uses. The following uses are permitted as accessory uses C-2 district:

- A. Any use customarily incidental and subordinate to the principal use it serves.
- B. Wind turbine.

4. Bulk Regulations

C-2	Minimum Lot Area (sq. ft.)	Minimum Lot Frontage (ft.)	Minimum Front Setback (ft.)	Minimum Side Setback (ft.)	Minimum Rear Setback (ft.)	Maximum Height (ft.)
All Uses	-	-	20	-	-	40

**166.24 M-1 Manufacturing.** The M-1 Manufacturing district is intended to provide locations for a variety of land uses characterized by production, manufacturing, distribution, or fabrication activities. Uses in the M-1 district will be conducted primarily within enclosed buildings and will not use the open area around such buildings for the storage of raw materials or manufactured products except for the transporting of goods between buildings. Uses will generally require some separation from residential and commercial/service districts to the potential for noise, bright lighting, traffic from heavy trucks and other large vehicles, rail traffic, and round the clock activities associated with these uses.

1. Permitted Uses. The following uses are permitted in the M-1 district:

- A. Agricultural supply sales.
- B. Animal hospital or clinic.
- C. Auto part sales.
- D. Bakery (wholesale/commercial).
- E. Bank, savings and loan, or credit union.
- F. Bar or tavern.
- G. Business services.
- H. Car wash.
- I. Cold storage or locker plant.
- J. Construction supply sales and service.
- K. Contractor shop or yard.
- L. Convenience store.
- M. Farm implement sales, service or repair.
- N. Fire department.
- O. Freight transportation service.
- P. Furniture upholstery or repair.
- Q. Gas station.
- R. General office.
- S. Grain elevator
- T. Kennel.
- U. Laboratory for research or engineering.
- V. Lumberyard or building material sales.
- W. Manufacturing and processing.
- X. Ministorage.

- Y. Mobile or manufactured home sales or service.
- Z. Off street parking lot.
- AA. Pet daycare or grooming.
- BB. Printing or publishing.
- CC. Processing, packaging, or storing meat, dairy or food products, but not including slaughterhouses or stockyards.
- DD. Railroad or public or quasi-public utility, including substation.
- EE. Recycling center.
- FF. Restaurant.
- GG. Service station.
- HH. Tool, die, or pattern making.
- II. Upholstery shop.
- JJ. Vehicle body shop.
- KK. Vehicle sales or rental.
- LL. Vehicle service and repair.
- MM. Warehousing or storage facility.
- NN. Welding services.
- OO. Wholesale sales or distributor.

2. Conditional Uses. The following uses are permitted as conditional uses M-1 district:

- A. Licensed adult day services.
- B. Licensed childcare center or preschool
- C. Residential use.

3. Accessory Uses. The following uses are permitted as accessory uses M-1 district:

- A. Any use customarily incidental and subordinate to the principal use it serves.
- B. Wind turbine.

4. Bulk Regulations

M-1	Minimum Lot Area (sq. ft)	Minimum Lot Frontage (ft.)	Minimum Front Setback (ft.)	Minimum Side Setback (ft.) <sup>1</sup>	Minimum Rear Setback (ft.) <sup>1</sup>	Maximum Height (ft.)
All Uses	-	-	-	-	-	50

<sup>1</sup> When abutting a residential or commercial district, a 20- side or rear setback is required

**166.25 Conformance Required.** Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this chapter for the district in which the building or land is located.

**166.26 Fences.** In any residential district, no fence or continuous planting over three (3) feet in height shall be maintained in any front yard; no fence or continuous planting over four (4) feet in height shall be maintained in any side yard; and no fence or continuous planting over eight (8) feet in height shall be maintained in a rear yard. In addition, in any residential district, no fence or continuous planting shall be maintained within thirty (30) feet of any corner lot street line intersection which would impair the sight distance of the operator of a motor vehicle. No fences are permitted in the public street right-of-way.

**166.27 Obstructions to Vision at Street Intersections Prohibited.** On a corner in any district, 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 feet (2 1/2') and ten feet (10') above the centerline grades of the intersecting streets in the area bounded by the traveled portion of the road of such corner lots and a line joining points along said street line twenty five feet (25') from the point of intersection. Nothing herein shall be construed as imposing any duty or standard of care toward any other persons or property.

**166.28 Home-Based Business.** Home based businesses shall be permitted as accessory uses within principal residential dwellings provided they meet the following provisions and the requirements of the district in which located.

1. A home-based business shall not be permitted that:
  - A. Changes the outside appearance of the dwelling or is visible from the street;
  - B. Generates traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood;
  - C. Creates a hazard to person or property, results in electrical interference, or becomes a nuisance;
  - D. Results in outside storage or display of any kind;
  - E. Employs other than self or family members residing on the premises;
  - F. Occupies more than 25 percent of the total floor area of the dwelling unit;
  - G. Requires deliveries of materials to and from the premises involving the use of vehicles over two ton capacity, except parcel post or similar parcel service vehicles;
  - H. Produces noise, vibration, smoke, odors, heat or glare as a result of a home-based business which would exceed that normally produced by a single residence as determined by the Zoning Administrator. ;
  - I. Advertises with a sign on-site or off-premises.
2. Customer and client contact shall be primarily by telephone, mail, fax, email, or website and not on the premises of the home-based business, except those home-based businesses such as

tutoring, teaching, child care or personal services which cannot be conducted without personal contact and as permitted in the following section.

3. Services or sales conducted on the premises shall be by appointment only and shall not be oriented toward, or attract, off-the-street customer or client traffic.
4. No equipment or process shall be used in such home occupation which created noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
5. Permitted Home-Based Business Uses. The following are permitted as home-based businesses, provided such professional, business, or office activities are conducted in a manner that is clearly accessory and incidental to the residential use of the premises:
  - A. Adult day services (not including licensed adult day care)
  - B. Art studio
  - C. Cake decorating
  - D. Ceramics
  - E. Computer programming
  - F. Consultant services
  - G. Child care (not including licensed child care center).
  - H. Dressmaking, sewing and tailoring
  - I. Film processing
  - J. Home cooking and preserving
  - K. Home crafts
  - L. Home office
7. Prohibited Home-Based Business Uses. The following uses shall be specifically prohibited as home-based businesses:
  - A. Automobile repair, except that an individual residing on the premises may service such individual's own vehicle.
  - B. Contractor's shop
  - C. Recycling or salvage operations
  - D. Small engine repair
  - E. Welding services

8. Home-Based Businesses as Conditional Uses. Any proposed home-based businesses not specifically prohibited or that employs up to two people who do not reside within the home herein shall be considered a conditional use and be granted or denied by the Zoning Board of Adjustment upon finding that the proposed home-based business can meet the provisions of this section.

**166.29 Exemption from Regulation.** The following structures or uses are exempt from the regulations of this title and shall be permitted in any district:

1. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar equipment for transmission or distribution to customers of telephone or other communication services, electricity, gas, steam or water, or the collection of sewage or surface water, operated or maintained by a public utility.
2. Individually owned residential antennas not including satellite receiving dishes over four feet (4') in diameter.
3. Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right of way.

**166.30 Nonconformities.** Within the zoning districts established by this title or its subsequent amendment, there exist uses, lots, and structures, which were lawful before this title was adopted or amended, but which would now be prohibited, regulated or restricted under the terms of this title or its subsequent amendment. Such nonconformities shall hereafter be considered lawful nonconformities. To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the adoption or amendment of this title and upon which actual building construction has been carried on diligently

1. Nonconforming Uses
  - A. Any lawful nonconforming use of a lot or structure may be continued so long as it remains otherwise lawful and provided there is no enlargement, increase or extension of the use which would result in a greater area of the zoning lot being occupied than was occupied at the time of the adoption of this title, and that no additional structures or additions to structures existing at the time of the adoption of this title shall be constructed on the same zoning lot. Further, no such use shall be increased in intensity or moved or relocated in whole or in part to any other portion of the zoning lot on which it was located at the time of the adoption of this title.
  - B. A lawful nonconforming use may be extended throughout any parts of the structure in which it is located, provided said structure or parts thereof were manifestly arranged or designed for such use at the time of the adoption of this title.
  - C. If any lawful nonconforming use of a lot or structure ceases for any reason for a period of more than one year, any subsequent use of such lot or structure shall conform to the requirements of this title.
  - D. Whenever a lawful nonconforming use is superseded by a permitted use, such nonconforming use shall not thereafter be resumed.

- E. When a building or structure housing a nonconforming use is damaged by fire, explosion, act of God, or the public enemy to an extent of more than seventy five percent (75%) of its fair market value, such building or structure shall not be restored unless the use of the same shall thereafter conform to the uses permitted in the district in which it is located, except that lawful nonconforming residential uses may be resumed.

## 2. Nonconforming Lots

- A. Any lot having insufficient area, width or depth for the zoning district in which it is located, lacking frontage on an improved public street or an improved private street of a planned district, or any combination thereof, shall be considered a lawful nonconforming lot only if it was conforming, lawfully platted, and filed in the office of the Clinton County recorder prior to the adoption of this title or if a deed or other instrument in the owner's chain of title creating or containing a legal description consistent with the current dimensions of such lot was lawfully recorded and filed in the office of the Clinton County recorder prior to the adoption of this title.
- B. On any single, lawful nonconforming lot located within a zoning district which permits single-family detached residential dwellings, one such dwelling may be constructed by right, provided that setbacks (yards), height, lot coverage, and off street parking requirements of the zoning district within which the parcel is located are complied with, and all appropriate permits are obtained prior to any construction activity.

## 3. Nonconforming Structures

- A. Structures that were lawfully constructed prior to the adoption of this title, but which could not be constructed under the terms of this title by reason of restrictions on area, lot coverage, height, setbacks (yards), location on the lot or other requirements concerning structures, shall hereafter be considered lawful nonconforming structures. They may continue to exist so long as they remain otherwise lawful, provided that no reconstruction, enlargement or alteration of said structures shall occur that will increase their nonconformity except as provided herein. However, any lawful nonconforming structure or portion thereof may be altered to reduce its nonconformity.
- B. Alterations conducted by order of the city to comply with building or life safety code provisions shall be permitted.
- C. When a lawful nonconforming structure is damaged by fire, explosion, act of God, or the public enemy to an extent of more than seventy five percent (75%) of its fair market value, such structure shall not be restored except in conformance with the requirements of the district in which it is located. However, lawful nonconforming structures used solely for residential uses may be reconstructed to their location, size, and external dimensions that existed at the time of damage.

### **166.31 Administration and Enforcement**

1. Zoning Administrator. The City Council shall designate a Zoning Administrator who shall be responsible for the administration and enforcement of this ordinance. The Zoning Administrator may be provided with the assistance of such other persons as the City Council may direct.

2. **Building Permit Required.** Building permits must be approved before the beginning of construction, and a certificate of compliance shall be issued within ten (10) days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished upon request to any person having a proprietary, or tenancy interest in the building affected.
3. **Certificate of Occupancy.** No land shall be occupied or used, and no buildings hereafter erected or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of occupancy is issued by the Zoning Administrator, stating the building and use comply with the provisions of this chapter and other building and health ordinances of the City. No change of use shall be made in any building, or part thereof, now or hereafter erected, or structurally altered, unless a certificate of occupancy shall be issued to make a change and unless the changes are in conformity with the provisions of this chapter.
4. **Fees.** Any application for action taken under this ordinance shall be submitted along with the required fee, as established by resolution of the City Council. All required fees shall be submitted to the Zoning Administrator. The schedule of fees shall be posted in the office of the Zoning Administrator. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.
5. **Violations.** Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.
6. **Enforcement Procedure.** Whenever the Zoning Administrator finds that any provision of this ordinance is being violated, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of use of land, buildings, or structures in violation of this ordinance; removal of buildings or structures or additions, alterations, or structural changes in violation of this ordinance; discontinuance of any work being done in violation of this ordinance; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions
7. **Penalties.** Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$200 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
  - A. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
  - B. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.



**166.32 Zoning Board of Adjustment**

1. Membership - The board shall consist of five (5) members appointed by the city council.
2. Term Of Office - Members of the board shall be appointed for a term of five (5) years, excepting that when the board shall first be created, one member shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years, and one for a term of one year.
3. Removal - Board members may be removed for cause by the city council upon written charges and after a public hearing.
4. Vacancies - Vacancies on the board shall be filled for the unexpired term of any member whose term becomes vacant.
5. Meetings - Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The board may in addition adopt general rules of procedure consistent with the provisions of this title.
6. Vote Of Board - The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in such title, or to adopt, repeal, or amend any rule of procedure adopted pursuant to this chapter.
7. General Powers. The board shall have the following powers:
  - A. Appeals from Administrative Official - To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any ordinance adopted pursuant to Iowa Code chapter 414, as such may be amended from time to time.
  - B. Conditional Uses - To hear and decide applications for conditional use permits upon which such board is required to pass under the provisions of this title.
  - C. Variances - To authorize upon appeal in specific cases such variance from the bulk regulation provisions of this title, parking and sign requirements of this title as will not be contrary to the public interest, where owing to special conditions a literal enforcement of these provisions will result in unnecessary hardship, and so that the spirit of these provisions shall be observed and substantial justice done.
8. Appeal from Administrative Official
  - A. Authorization - Appeals may be made by any person aggrieved or any municipal officer, department, board or bureau affected by any order, requirement, decision, or determination made by an administrative official in the enforcement of this title.

- B. Appeal Procedure - Appeals may only be filed within thirty (30) days immediately following the date of the administrative action which is the subject to the appeal. An appeal is filed by delivering to the administrative office involved and to the board a completed notice of appeal, together with the required fee. Official notice of appeal forms shall be available without cost from the Zoning Administrator. The notice of appeal must, in addition to all other information required by the form, specify the particular grounds for the appeal. The officer from whom the appeal is taken shall forthwith transmit to the board all documents constituting the record upon which action appealed from was taken.
- C. Effect of Appeal - An appeal stays all proceedings in accordance with Iowa Code section 414.11.
- D. Board Decision on Appeal - In exercising its powers of appeal, the board may, in conformity with the provisions of this title, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

#### 9. Conditional Use Permit

- A. Generally - The zoning board of adjustment may allow as conditional uses only those uses classified as conditional uses in this title. No conditional use shall be allowed in a particular district unless such use is specifically permitted as a conditional use in the regulations for that district and the board shall not act upon any conditional use permit application unless and until the requirements for each conditional use within the specific district in which it is located have been met.
- B. Any person may file an application to use property for one of the conditional uses permitted in the district in which the property is located. All applications for a conditional use permit shall be made upon the official form for such applications which shall be available from the Zoning Administrator.
- C. Review of the application for a conditional use permit may be obtained by delivering the completed application form to the Zoning Administrator together with payment of the required fee.
- D. The board may require the applicant for a conditional use permit to supply any further information beyond that contained in the application where it reasonably considers such information necessary to make the determinations required by this chapter.
- E. Notice and Meeting Requirements - Following receipt of the completed application the board shall, with due diligence, hold a public meeting to consider the application for a conditional use permit. Notice of the time and place of the public hearing shall be posted on the property for which the conditional use permit is sought, at the City Hall, and in one other public place at least seven (7) days and not more than twenty (20) days prior to such hearing. At the public meeting, all interested parties shall be afforded a reasonable opportunity to appear and express their views on the application, either in person or by agent. A record of such meeting shall be entered into the minutes of the board.

- F. Standards for Granting Conditional Use Permit - No conditional use permit shall be granted unless the board determines on the basis of specific information presented at the public meeting or contained in the application for such use that each of the following conditions has been satisfied:
- (1) The proposed conditional use will comply with all applicable regulations of this title, including lot requirements, bulk regulations, use limitations, and all other standards or conditions contained in the provisions authorizing such use.
  - (2) Adequate utility, drainage and other necessary facilities or improvements have been or will be provided.
  - (3) Adequate access roads or entrances and exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.
  - (4) The location and size of the conditional use, the nature and intensity of the activities to be involved or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to the conditional use, shall be such that it will be in harmony with the appropriate and orderly development of the district and neighborhood in which it is located.
  - (5) The location, nature and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures.
  - (6) The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public.
- G. Conditions and Restrictions on a Conditional Use Permit
- (1) Imposition of Conditions And Restrictions - In granting a conditional use permit, the board may impose any conditions or restrictions it reasonably considers necessary to ensure full compliance with the standards of this chapter to reduce or eliminate any detrimental effect of the proposed conditional use permit upon the neighborhood or the district, or to carry out the general purposes and intent of this title.
  - (2) Modification of Conditions and Restrictions - Any subsequent change or modification of a condition or restriction imposed by the zoning board of adjustment in granting a conditional use permit must be approved in the same manner and with the same requirements as the original application for a conditional use permit.
  - (3) Violation of Conditions and Restrictions - A violation of such conditions and restrictions, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this title.

- H. Decision and Records - The board shall render a written decision on an application for a conditional use permit after the close of the meeting. The decision of the board shall contain specific findings of fact supporting the granting or denial of the conditional use permit and shall clearly set forth any conditions or restrictions imposed. The board shall maintain the record of all actions with respect to applications for conditional use permits and shall notify the city council of their decisions on each application.
- I. Period of Validity - Expiration
- (1) No conditional use permit granted by the board shall be valid for a period longer than two (2) years from the date on which the board grants the permit, unless within such two (2) year period: 1. A building permit is obtained and the erection or alteration of a structure is started, or 2. A certificate of occupancy is obtained, if required, and the use is commenced.
  - (2) The board may grant a maximum of one extension not exceeding six (6) months, upon written application, without notice of hearing.

#### 10. Variance

- A. Any person may apply for a variance from the literal enforcement of the provisions of this title for the property or structure involved. All applications for a variance shall be made on the official form for such applications which shall be available from the Zoning Administrator.
- B. Review of the application for a variance may be obtained by delivering the completed application form to the planning services department together with payment of the required fee.
- C. Prior to its review, the board may require the applicant for a variance to supply any further information beyond that contained in the application where it reasonably considers such information necessary to make the determination.
- D. Notice and Meeting Requirements - Following receipt of a completed application the board shall, with due diligence, consider such application at a public meeting. Notice of the time and place of the public hearing shall be posted on the property for which the variance is sought, at the City Hall, and in one other public place at least seven (7) days and not more than twenty (20) days prior to such hearing. At the public meeting, all interested parties shall be afforded a reasonable opportunity to appear and express their views on the application, either in person or by agent. A record of such meeting shall be entered into the minutes of the board.
- E. Requirements for Granting of Variance - The board shall grant a variance only under exceptional circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions ought to be granted. No variance shall be granted unless the applicant shall show and the board shall find that:
- (1) The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage, which disadvantage does not apply to other properties in the vicinity; and

- (2) Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
  - (3) This disadvantage does not exist because of conditions created by the owner or previous owners of the property; and
  - (4) Granting the variance requested will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same district; and
  - (5) Granting of the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the intent and purpose of the provision waived.
  - (6) In passing a variance, the board shall not consider prospective financial loss or gain to the applicant.
- F. **Conditions and Restrictions Attached to Granting of Variance:** In granting a variance, the board may impose any conditions or restrictions it reasonably considers necessary to ensure full compliance with the intent and regulations of the provision waived, to reduce or eliminate any detrimental effect of the proposed variance upon the neighborhood or the public welfare, or to carry out the general purposes and intent of the provision waived. Violation of such conditions and restrictions, when made a part of the terms under which a variance is granted, shall be deemed a violation of this title.
- G. **Decisions and Records.** The board shall render a written decision on an application for a variance after the close of the meeting. The decision of the board shall contain specific findings of fact supporting the granting or denial of the variance and shall clearly set forth any conditions or restrictions imposed. The board shall maintain complete records of all action with respect to applications for a variance.