

## CHAPTER 165

# ZONING REGULATIONS

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**165.01 TITLE.** This chapter shall be known and may be cited as the “City of Perry, Iowa, Zoning Ordinance.”

**165.02 PURPOSE.** The purpose of this chapter is to provide adequate light and air to prevent the overcrowding of land to avoid undue concentration of population, to regulate the use of land and to promote the health, safety and general welfare in the City.

**165.03 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 of land, and particularly, except as hereinafter provided:

1. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
2. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

3. No yard or lot existing at the time of passage of the Zoning Ordinance codified in this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
4. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.
5. All structures existing as of the effective date of this chapter, and which comply with the terms and conditions of this chapter, shall be considered lawful and be allowed to continue and exist or be reconstructed as they currently exist.

#### **165.04 ESTABLISHMENT OF DISTRICTS; PROVISION FOR OFFICIAL ZONING MAP.**

1. Official Zoning Map. The City shall be divided into districts, as shown on the official zoning map which, together with all explanatory matter thereon, shall be adopted by ordinance. The official zoning map shall be identified by the signature of the Mayor, attested by the Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the official zoning map referred to in Section 165.04 of Ordinance No. \_\_\_\_\_ of the City of Perry, Iowa," together with the date of adoption. If, in accordance with the provisions of this chapter and Chapter 414, Code of Iowa, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the City Council, with an entry on the official zoning map as follows: "By official action of the City Council, the following changes were made in the official zoning map." (indicating the changes by ordinance numbers and date of publication.) No amendment of this chapter which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map. (*See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.*)
2. Annexation of New Land. Any land annexed to the City after the effective date of this chapter shall be zoned [AG] Agricultural until the Zoning Commission and City Council shall have studied the area and adopted a final zoning plan for the area in accordance with this chapter.
3. Replacement of the Official Zoning Map. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to

interpret because of the nature or number of changes and additions, the City Council may by ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted as part of Ordinance No. \_\_\_\_\_ of the City of Perry, Iowa." Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

**165.05 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following City Limits shall be construed as following such City Limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines;
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 3 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;
7. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other

circumstances not covered by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries;

8. Where a district boundary line divides a lot which was in single ownership at the time of passage of the Zoning Ordinance codified in this chapter, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot;

9. Whenever the Council vacates and disposes of a street or alley, adjacent districts shall extend to the centerline of the vacation;

10. Whenever a variance exists between the official zoning map and the legal description on an amendment to this chapter, the legal description applies.

**165.06 DEFINITIONS.** For the purposes of this chapter the words “used or occupied” include the words “intended, designed or arranged to be used or occupied,” the word “lot” includes the words “plot” or “parcel,” and the following terms or words used herein shall be interpreted as follows:

1. “Abutting” means having property or district lines in common.
2. “Access” means a way of approaching or entering a property from a public street.
3. “Accessory building” means a subordinate building located on the same lot with the main building, occupied by or devoted to an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.
4. “Accessory use” means a use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.
5. “Agriculture” means the production, keeping or maintenance, for sale, lease, or personal use, of plants and animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, mules, or goats, or any mutations or hybrids thereof including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; or lands devoted to a soil conservation or forestry management program.

6. “Alley” means a public way, other than a street, twenty (20) feet or less in width, affording secondary means of access to abutting property.
7. “Basement” means a story having part but not more than one-half (½) its height above grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.
8. “Bed and breakfast house” means a house or portion thereof where short-term lodging, rooms, and meals are provided. The operator shall live on the premises.
9. “Board” means the Board of Adjustment
10. “Boarding house” means a building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.
11. “Building” means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards and not including structures or vehicles originally designed for transportation purposes.
12. “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.
13. “Condominium” means a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all of the owners on a proportional undivided basis.
14. “District” means a section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.
15. “Dwelling/dwelling unit” means any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.
16. “Dwelling, multiple” means a building or portion thereof designed for or occupied exclusively for residence purposes by two or more families.
17. “Dwelling, single-family” means a building designed for or occupied exclusively for residence purposes by one family.

18. “Dwelling, two-family” means a building designed for or occupied exclusively for residence purposes by two families.

19. “Family” means one or more persons related by blood, marriage or adoption occupying a single dwelling unit. A family may, except by special exception of Board of Adjustment, include 4, but not more than 4 persons not related by blood, marriage or adoption but further provided that domestic employees employed on the premises may be housed on the premises without being counted as a family or families.

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

21. “Frost-free foundation” means a foundation supporting a structure and which is required to be at least forty-two (42) inches below grade.

22. “Garage” means a building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired, or kept.

23. “Garage, private” means a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.

24. “Garage, public or storage” means a building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

25. “Grade” means the average elevation of the finished ground at the exterior walls of the main building.

26. “Health care facility” means any residential care facility, intermediate care facility, or skilled nursing facility.

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

services of a registered or licensed practical nurse except on an emergency basis.

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

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

27. "Home occupation" means an occupation conducted in a dwelling unit, provided that:

A. No person other than members of the family residing on the premises shall be engaged in such occupation, except by special exception by the Board of Adjustment which may allow one person other than family members not residing on the premises to be employed;

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50 percent of the gross floor area of the dwelling unit shall be used in the conduct of the home occupation;

C. There shall be no change in the outside appearance of the building or premises, nor shall there be any outdoor storage associated with the home occupation or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the principal building;

D. No home occupation shall be conducted in any accessory building, except by special exception of Board of Adjustment.

E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard. Further, no off-street parking resulting from the home occupation shall interfere with the off-street parking of surrounding properties.

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

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

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



30. “Junk yard” means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

31. “Kennel (commercial)” means an establishment in which dogs or domestic animals more than one year old are housed, groomed, bred, boarded, trained, or sold.

32. “Lodging house” means a building originally designed for or used as single-family, two-family, or multiple-family dwelling, all or a portion of which contains lodging rooms or rooming units which accommodate persons who are not members of the keeper’s family. Lodging or meals, or both, are provided for compensation. The term “lodging house” shall be construed to include: boarding house, rooming house, fraternity house, sorority house and dormitories.

33. “Lot” means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

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

34. “Lot frontage” means the portion of the lot nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “Yards” in this section.

35. “Lot measurements”:

- A. Width of a lot is the distance between straight lines connecting front and rear lot lines at each side of the lot,

measured across the building line; provided, however, width between side lot lines at their foremost points (where they intersect with the street line or front property line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of cul-de-sacs where the 80% requirement shall not apply.

B. Depth of a lot shall be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

36. "Lot of record" means a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

37. "Lot types" – Diagram 1 at the end of this section illustrates terminology used in this chapter with reference to "corner" lots, "interior" lots, "through" lots, and "reversed corner" lots, as follows:

A. "Corner" lot - a lot located at the intersection of two or more streets.

B. "Interior" lot - a lot other than a corner lot with only one frontage on a street other than an alley.

C. "Through" lot - a lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two nonintersecting streets may be referred to as "through" lots.

D. "Reversed corner" lot - 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.

38. "Manufactured home" - A manufactured home shall be located and installed according to the same standards, including but not limited to, a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. A manufactured home is a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 4403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. A mobile home as defined in Section 135D.1 is not a manufactured home, unless it has been converted to real property as provided in Section 135D.26, and shall be taxed as a site-built dwelling. This

section shall not be construed as abrogating a recorded restrictive covenant.

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

40. “Modular home” means factory-built housing certified as meeting the *State Building Code* as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.

41. “Motel” (also “motor hotel,” “motor court,” “motor lodge,” or “tourist court”) means a building or group of buildings designed to provide sleeping accommodations to transient guests for compensation, and provides near each guest room a parking space for the guest’s vehicle. A swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.

42. “Nonconformities” means lots, structures, uses of land and structures, or characteristics of uses, which are prohibited under the terms of this Zoning Ordinance but were lawful at the date of the chapter’s enactment.

43. “Nursing or convalescent home” means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane and other mental cases, inebriate, or contagious cases.

44. “Parking space” means an area of not less than one hundred eighty (180) square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.

45. “Permitted use” means a use by right which is specifically authorized in a particular zoning district.

46. “Principal use” means the main use of land or structures as distinguished from an accessory use.

47. “Projections” (into yards) means parts of buildings such as architectural features that extend beyond the buildings exterior walls.

48. “Service station” (gas station) means a building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefor, or where battery, tire or any

similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.

49. “Setback” means the required distance between every structure and lot line on the lot in which it is located.

50. “Signs” means any advertising device or surface outdoors, on or off premises, on which letters, illustrations, designs, figures or symbols are printed or attached and which conveys information or identification.

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

52. “Signs, on-premises” means an advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted or products sold on the property upon which they are located.

53. “Statement of intent” means a statement preceding regulations for individual districts intended to characterize the districts and their legislative purpose.

54. “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 is no floor above it, then the space between the floor and the ceiling or roof next above it.

55. “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.

56. “Street” means all property dedicated or intended for public or private use for access to abutting land or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.

57. “Street line” means the right-of-way line of a street. (See Diagram 2 at the end of this section.)

58. “Structural alteration” means any change in the supporting members of a building, such as bearing walls or partitions, columns,

beams or girders, or any complete rebuilding of the roof or the exterior walls.

59. “Structure” means anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs, billboards and fences or walls used as fences.

60. “Townhouse” means a one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.

61. “Use” means the purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

62. “Variance” means a device used by the Board of Adjustment which grants a property owner relief from certain provisions of a Zoning Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money and which condition is not of the owner’s own making.

63. “Yard” means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein. (See Diagram 3 at the end of this section.)

64. “Yard, front” means a yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. Corner lots shall meet the front yard requirements on each street frontage.

65. “Yard, rear” means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots there shall be no rear yard required.

66. “Yard, side” means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building. On

corner lots the yards not designated as front yards shall be considered the side yards. Each corner lot shall have two fronts and two side yards.

67. “Zoning/Building Official” means the local official responsible for reviewing zoning/building permits and following a determination by the Zoning Board of Adjustment for special exceptions and variances. Decisions of the Zoning/Building Official may be appealed to the Board of Adjustment. Permits are issued by the Zoning/Building Official.

68. “Zoning district” means a section the City designated in the text of this chapter and delineated on the zoning map in which requirements for the use of land, the building and development standards are prescribed. Within each district, all requirements are uniform.

69. “Zoning map” means the map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.

DIAGRAM 1

DIAGRAM 2



DIAGRAM 3

**165.07 NONCONFORMITIES – INTENT.** Within the districts established by this chapter there exist lots, structures, uses of land and structures and characteristics of use which were lawful before this chapter was passed or amended, but which are prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Further nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, but it is the intent of this chapter to allow structures which were nonconforming under the previous ordinance, but which are conforming under this chapter, to be considered legal as of the date of adoption of this chapter and shall be allowed to be rebuilt, added to, or modified within the terms and requirements of this chapter. All uses classified as nonconforming A or B uses under Ordinance No. 521 adopted in May of 1982 shall be considered preexisting nonconforming uses under this section. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. “Actual construction” is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

**165.08 NONCONFORMING LOTS OF RECORD.** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record provided that the lot is not less than 50 feet in width at the effective date of adoption or amendment of this chapter, except by special exception of the Board of Adjustment, notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, if the lot shall conform to the regulations for the district in which such lot is located.

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

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
3. If any such nonconforming use of land ceases for any reason for a period of twelve (12) months, then any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located unless a special exception is granted by the Board of Adjustment.
4. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land unless erected at least 200 feet from all adjacent lot lines.

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

1. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. An addition or alteration to a nonconforming structure shall be allowed to any conforming side of the structure to the extent that the same does not add to nonconforming portion of the structure.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means or to any extent, or be unoccupied for 12 consecutive months it shall be reviewed by the Board of Adjustment and may be allowed by special exception.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**165.11 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION.** If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the

terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises) the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. "Destruction" for the purpose of the subsection is defined as damage to an extent of more than fifty percent (50%) of the replacement cost at time of destruction. Replacement shall begin within 6 months of the time of destruction or the nonconforming status shall expire. Said construction shall also be completed within 18 months of the time of destruction or the nonconforming status shall expire.

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

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

**165.14 ADMINISTRATION AND ENFORCEMENT.** A Zoning/Building Official designated by the City Council shall administer and enforce this chapter. The Zoning/Building Official may be provided with the assistance of such other persons as the City Council may direct.

**165.15 ZONING/BUILDING PERMITS REQUIRED.** No building or other structure shall be erected, moved, or added to, without a permit therefor issued by the Zoning/Building Official. Alterations of commercial buildings requires a permit therefor issued by the Zoning/Building Official. No zoning/building permit shall be issued except in conformity with the provisions of the chapter, except after written order from the Board of Adjustment. Fees for zoning/building permits shall be as provided by City resolution. Zoning/building permits shall be applied for with the Zoning/Building Official and shall expire 12 months after the date of issuance if work is begun within 90 days of issuance or after 90 days if no substantial beginning of construction has occurred. Extensions of time may be granted in writing by the Zoning/Building Official for good cause. *(Ord. 872 – May 08 Supp.)*

**165.16 RESIDENTIAL DWELLING STANDARDS.** All residential dwelling units shall meet the following minimum standards:

1. The minimum dwelling width shall be twenty-four (24) feet at the exterior dimension.
2. Dwelling units including attached garages, with bearing point on exterior walls, shall have permanent exterior perimeter walls supported by continuous footings to a depth of 48 inches below finish grade and designed per Chapter 18 of the 1994 Edition of the *Uniform Building Code*.

3. Manufactured homes that are constructed to bear on pilings shall be placed according to the following requirements to insure visual compatibility with surrounding dwellings:
  - A. No skirting is allowed to be attached to the structure and extend downward.
  - B. A perimeter wall shall be constructed as follows:<sup>†</sup>
    - (1) Minimum depth and width of footings shall be six (6) inches wide by forty-eight (48) inches in depth below finish grade.
    - (2) A wall, minimum of four (4) inches wide constructed of block, brick or poured concrete, shall extend from the footings to a point no closer than four (4) inches from the bottom of the structure. Vents shall be provided for proper ventilation.
    - (3) A board or other material resistant to decay shall be attached to the structure and extend downward and lap over the wall a minimum of two (2) inches. This board or other material shall not be attached to the wall.
    - (4) The cavity that is formed between the structure and the wall shall be filled with insulation or other material that allows for movement between the structure and wall.
  - C. Floors shall have a minimum R rating of thirty (30) or the crawl space shall be capable of maintaining a constant temperature of fifty-five (55) degrees F. to allow installation of water meters.
4. All dwelling units shall provide for a minimum of 900 square feet of habitable floor space.
5. All dwelling units shall have a minimum roof pitch of 4:12. This requirement shall not apply to manufactured housing if the housing otherwise complies with 42 U.S.C. Sec. 5403.
6. All dwelling units shall have a roof overhang of at least four (4) inches around the entire perimeter.
7. Steel siding referred to as barn siding shall not be used as an exterior siding.
8. All single-family dwelling units shall have external utility meters located on an external wall that is perpendicular to the front of the residence. These meters may also be located on the external back wall

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<sup>†</sup> **EDITOR'S NOTE:** A diagram illustrating the following requirements is attached to Ordinance No. 747, adopted by the Council on January 17, 2000.

of the residence, but are not to be installed in the front of a residence. In the case of dwellings that are steel framed, it is permissible to attach utility meters to pedestals adjacent to external walls that are perpendicular to the front of the residence or on pedestals that are adjacent to back walls of the residence.

**165.17 SIDEWALKS.** A building permit issued for the construction of a principal building upon any new developed tract or platted subdivision will require the installation of sidewalks by the time of expiration of the permit. In older or established areas of the City, when a building permit is issued for the construction of a principal building upon any lot, the installation of a sidewalk will be required if any one of the following conditions exists:

1. Fifty percent (50%) or more of the properties on that side of the street have sidewalks.
2. There is an existing sidewalk on either side of that lot.
3. The construction of principal buildings occurs and utilizes at least one-half (½) of that block.

Sidewalks will be installed in accordance with City sidewalk regulations (Chapter 136 of this Code of Ordinances). In addition, if said tract or platted lot has sidewalks in compliance with said regulations but which are in a state of disrepair according to the regulations, a requirement of the building permit will be the repair or replacement of the sidewalk by the time of the expiration of the permit. Sidewalks will be repaired or replaced as required by the sidewalk regulations.

**165.18 BOARD OF ADJUSTMENT: ESTABLISHMENT.**

1. Board Created. A Board of Adjustment is hereby established which shall consist of five (5) members. The terms of office of the members of the Board and the manner of their appointment shall be as provided by statute. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
2. Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other time as the Board may determine. The Chairperson, or 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, through its Secretary, keep minutes of its proceedings, showing the vote of each member upon each question or if absent or

failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. It shall be the responsibility of the appellant to record said action and all corresponding stipulations and further said action shall take effect upon the Board receiving sufficient confirmation of the same. A copy of said action shall also be filed in the office of the Zoning/Building Official.

**165.19 BOARD OF ADJUSTMENT: POWERS AND DUTIES.** The Board of Adjustment shall have the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning/Building Official in the enforcement of this chapter.

A. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within ten (10) days by filing with the Zoning/Building Official, and with the Board a notice of appeal specifying the grounds thereof. The Zoning/Building Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

B. The Board shall fix a reasonable time for the hearing of the appeal, and give not less than seven (7) days' public notice thereof in a paper of general circulation in the City, and decide the same within 30 days. At said hearing, any party may appear in person, by agent or by attorney.

C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning/Building Official from whom the appeal is taken certifies to the Board of Adjustment after the Notice of Appeal is filed with the Zoning/Building Official, that by reason of facts stated in the certificate, a stay would, in the Zoning/Building Official's opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning/Building Official from whom the appeal is taken and on due cause shown.

2. Special Exceptions: Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of



this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:

A. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested;

B. The Board shall fix a reasonable time for the hearing of the special exception, and give not less than seven (7) days' public notice thereof in a paper of general circulation in the City, and decide the same within 30 days. At said hearing, any party may appear in person, by agent or by attorney;

C. The public hearing shall be held. Any party may appear in person, or by agent or attorney;

D. The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, that the granting of the special exception will not adversely affect the public interest.

3. Variance, Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

A. A written application for a variance is submitted demonstrating:

(1) That special conditions and circumstances exist which are peculiar to land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(3) That the special conditions and circumstances do not result from the actions of the applicant;

(4) That 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.

No nonconforming use of neighboring land, structures, or buildings in the same district, and no permitted or nonconforming use of land, structures, or buildings in other districts may be considered ground for the issuance of a variance.

B. The Board shall fix a reasonable time for the hearing of the variance, and give not less than seven (7) days' public notice thereof in a paper of general circulation in the City and decide the same within 30 days. At said hearing, any party may appear in person, by agent or by attorney.

C. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

D. The Board of Adjustment shall make findings that requirements of Section 165.19 have been met by the applicant for a variance.

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

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

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under this chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved or any use expressly or by implication prohibited by the terms of this chapter in said district.

4. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning/Building Official, or to decide in favor of the applicant on

any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

**165.20 APPEALS FROM THE BOARD OF ADJUSTMENT.** Any person or persons, or any board, taxpayer, department, board or bureau of the City, or other areas subject to this chapter aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Chapter 414, Code of Iowa.

**165.21 DISTRICTS ESTABLISHED.** The City is hereby divided into the following districts:

AG	Agricultural District
RS	Residential Single-Family District
RD	Residential Duplex District
RM	Residential Multi-Family District
MH	Mobile Home District
AC	Arterial Commercial District
BC	Central Business Commercial District
LI	Light Industrial District
HI	Heavy Industrial District

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

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

- 1 Permitted Uses. The following uses are permitted in the AG District:
  - A. Agriculture, including the usual agricultural buildings and structures and excluding offensive uses.
  - B. Home occupations.
2. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the AG District:
  - A. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
  - B. Private garages, barns and other farm buildings.
  - C. Roadside stands offering for sale only agricultural products or other products produced on the premises.
  - D. Temporary buildings for the uses incidental to construction work which buildings shall be removed upon the completion or abandonment of the construction work.
3. Special Exceptions. Certain uses may be permitted in the AG District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:
  - A. Cemeteries, crematories or mausoleums.
  - B. Commercial kennels.
  - C. Stables, private or public.
  - D. Greenhouses and nurseries.
  - E. Publicly operated sanitary landfills.

- F. Private recreational camps, golf courses and recreational facilities.
  - G. Public or private utility substations, relay stations, etc.
  - H. Churches or accessory facilities (on or off site).
  - I. Publicly owned and operated buildings and facilities.
4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the AG District:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height (lesser of)
5 acres	200 feet	40 feet	40 feet	30 feet	2½ stories or 35 feet, excluding farm buildings

5. Off-street Parking. The following off-street parking requirements shall apply in the AG District:

- A. Dwellings: two (2) parking spaces on the lot for each living unit in the building. For dwellings not consisting of living units: two (2) parking spaces on the lot for each 1,000 square feet of floor area.
- B. Churches: one (1) parking space on the lot for each 5 seats in the main auditorium.
- C. Public buildings and facilities: one (1) parking space for each 300 square feet of gross floor area.
- D. Roadside stands: one (1) parking space for each 50 square feet of enclosed floor area.
- E. Greenhouses and nurseries: one (1) parking space per 1,000 square feet of enclosed floor area.

6. Off-street Loading. The following off-street loading requirements shall apply in the AG District:

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

7. Signs. The following sign regulations apply to the AG District:

- A. Off-premises signs are not permitted.
- B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- D. No sign may imitate or resemble an official traffic control sign, signal or device.
- E. Signs shall not encroach or extend over public right-of-way.
- F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

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

1. Permitted Uses. The following uses are permitted in the RS District:
  - A. Single-family detached dwellings.
  - B. Family homes.
  - C. Home occupations.
2. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RS District:
  - A. Private garages.
  - B. Private recreational facilities.
  - C. Temporary buildings for the use incidental to construction work which buildings shall be removed upon the completion or abandonment of the construction work.
3. Accessory Buildings. No accessory building may be erected in any required front yard and no separate accessory building may be erected within 4 feet of a main building. No accessory building shall be closer than 4 feet to the rear or side lot line. Accessory buildings located in the rear yard may not occupy more than 30 percent of the rear yard. No accessory building shall be used without occupancy of the principal building.
4. Special Exceptions. Certain uses may be permitted in the RS District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
  - A. Nursery schools.
  - B. Public or private utility substations, relay stations, etc.
  - C. Churches.
  - D. Publicly owned and operated buildings and facilities.
  - E. Private schools with a curriculum similar to public schools.

- F. Golf courses including miniature courses and driving ranges.
  - G. Bed and breakfast houses.
  - H. Hospitals.
  - I. Home occupations in accessory buildings.
5. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the RS District:

Zoning Symbol	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height (lesser of)
10 RS	10,000	75 feet	20 feet	8 feet	20 feet	2½ stories or 35 feet
40 RS	40,000	200 feet	50 feet	20 feet	50 feet	2½ stories or 35 feet

6. Off-street Parking. The following off-street parking requirements shall apply in the RS District:
- A. Dwellings: two (2) parking spaces on the lot for each living unit in the building. For dwellings not consisting of living units: two (2) parking spaces on the lot for each 1,000 square feet of floor area.
  - B. Churches: one (1) parking space on the lot for each 5 seats in the main auditorium.
  - C. Elementary, junior high and equivalent private or parochial schools: one (1) parking space for each classroom and office plus one (1) parking space for each 300 square feet of gross floor area in auditorium or gymnasium.
  - D. Senior high schools and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each ten (10) students.
  - E. Colleges, universities, institutions of higher learning and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each five (5) students.
  - F. Public building and facilities: one (1) parking space for each 300 square feet of gross floor area.
  - G. Nursery schools: one (1) parking space per employee.



7. Off-street Loading. The following off-street loading requirements shall apply in the RS District:

A. All activities or uses allowed in the RS District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of-way.

8. Signs. The following sign regulations apply to the RS District:

A. Off-premises signs are not permitted.

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

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

D. No sign may imitate or resemble an official traffic control sign, signal or device.

E. Signs shall not encroach or extend over public right-of-way.

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

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

H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

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

1. Permitted Uses. The following uses are permitted in the RD District:
  - A. Single-family detached dwellings.
  - B. Two family dwellings (as per bulk regulations).
  - C. Home occupations.
  - D. Family homes.
2. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RD District:
  - A. Private garages.
  - B. Parking lots.
  - C. Private recreational facilities.
  - D. Temporary buildings for the use incidental to construction work which buildings shall be removed upon the completion or abandonment of the construction work.
3. Accessory Buildings. No accessory building may be erected in any required front yard and no separate accessory building may be erected within 4 feet of a main building. No accessory building shall be closer than 4 feet to the rear or side lot line. Accessory buildings located in the rear yard may not occupy more than 30 percent of the rear yard. No accessory building shall be used without occupancy of the principal building.
4. Special Exceptions. Certain uses may be permitted in the RD District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
  - A. Nursery schools.
  - B. Public or private utility substations, relay stations, etc.

- C. Churches and publicly owned and operated buildings and facilities.
- D. Private schools with a curriculum similar to public schools.
- E. Lodging houses, dormitories, fraternities and sororities.
- F. Bed and breakfast houses.
- G. Health care facilities.
- H. Funeral homes. *(Ord. 782 – Jul. 02 Supp.)*

5. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the RD District:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
8,000* square feet	75 feet	20 feet	8 feet	20 feet	45 feet

Where single-family dwellings are constructed, the bulk regulations shall be as follows:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
10,000* square feet	75 feet	20 feet	8 feet	20 feet	45 feet

\*Where public sewer facilities are not available, not less than one acre of lot area is required.

6. Off-street Parking. The following off-street parking requirements shall apply in the RD District:

- A. Dwellings: two (2) parking spaces on the lot for each living unit in the building. For dwellings not consisting of living units: two (2) parking spaces on the lot for each 1,000 square feet of floor area.
- B. Churches: one (1) parking space on the lot for each 5 seats in the main auditorium.
- C. Elementary, junior high and equivalent private or parochial schools: one (1) parking space for each classroom and office plus one (1) parking space for each 300 square feet of gross floor area in auditorium or gymnasium.

- D. Senior high schools and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each ten (10) students.
  - E. Colleges, universities, institutions of higher learning and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each five (5) students.
  - F. Public building and facilities: one (1) parking space for each 300 square feet of gross floor area.
  - G. Nursery schools: one (1) parking space per employee.
7. Off-street Loading. The following off-street loading requirements shall apply in the RD District:
- A. All activities or uses allowed in the RD District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
  - B. Loading shall not be permitted to block public right-of-way.
8. Signs. The following sign regulations apply to the RD District:
- A. Off-premises signs are not permitted.
  - B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
  - C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
  - D. No sign may imitate or resemble an official traffic control sign, signal or device.
  - E. Signs shall not encroach or extend over public right-of-way.
  - F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
  - G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

9. Utility Meters. All residential duplex units shall have external utility meters located on an external wall that is perpendicular to the front of the residence. These meters may also be located on the external back wall of the residence but are not to be installed in the front of the residence. In the case of dwellings that are steel framed it is permissible to attach utility meters to pedestals adjacent to external walls that are perpendicular to the front of the residence or on pedestals that are adjacent to back walls of the residence.

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

1. Permitted Uses. The following uses are permitted in the RM District:
  - A. Single-family detached dwellings.
  - B. Multi-family dwellings (as per bulk regulations).
  - C. Home occupations.
  - D. Family homes.
  - E. Townhouses.
2. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RM District:
  - A. Private garages.
  - B. Parking lots.
  - C. Private recreational facilities.
  - D. Temporary buildings for the use incidental to construction work which buildings shall be removed upon the completion or abandonment of the construction work.
3. Accessory Buildings. No accessory building may be erected in any required front yard and no separate accessory building may be erected within 4 feet of a main building. No accessory building shall be closer than 4 feet to the rear or side lot line. Accessory buildings located in the rear yard may not occupy more than 30 percent of the rear yard. No accessory building shall be used without occupancy of the principal buildings.
4. Special Exceptions. Certain uses may be permitted in the RM District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
  - A. Nursery schools.

- B. Public or private utility substations, relay stations, etc.
- C. Churches and publicly owned and operated buildings and facilities.
- D. Private schools with a curriculum similar to public schools.
- E. Lodging houses, dormitories, fraternities and sororities.
- F. Bed and breakfast houses.
- G. Health care facilities.

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

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
8,000 square feet*	75 feet	20 feet	8 feet	20 feet	45 feet

Where single-family dwellings are constructed, the bulk regulations shall be as follows:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height (lesser of)
10,000 square feet*	75 feet	20 feet	8 feet	20 feet	2½ stories or 45 feet

\*Where public sewer facilities are not available, not less than one acre of lot area is required.

6. Off-street Parking. The following off-street parking requirements shall apply in the RM District:

- A. Single-family dwellings: two (2) parking spaces on the lot.
- B. Multi-family dwellings: one (1) parking space on the lot for each dwelling unit.
- C. Churches: one (1) parking space on the lot for each 5 seats in the main auditorium.
- D. Elementary, junior high and equivalent private or parochial schools: one (1) parking space for each classroom and office plus one (1) parking space for each 300 square feet of gross floor area in auditorium or gymnasium.

- E. Senior high schools and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each ten (10) students.
  - F. Colleges, universities, institutions of higher learning and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each five (5) students.
  - G. Public building and facilities: one (1) parking space for each 300 square feet of gross floor area.
  - H. Nursery schools: one (1) parking space per employee.
7. Off-street Loading. The following off-street loading requirements shall apply in the RM District:
- A. All activities or uses allowed in the RM District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
  - B. Loading shall not be permitted to block public right-of-way.
8. Signs. The following sign regulations apply to the RM District:
- A. Off-premises signs are not permitted.
  - B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
  - C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
  - D. No sign may imitate or resemble an official traffic control sign, signal or device.
  - E. Signs shall not encroach or extend over public right-of-way.
  - F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
  - G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.



H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

9. Utility Meters. All residential multi-family units shall have external utility meters located on an external wall that is perpendicular to the front of the residence. These meters may also be located on the external back wall of the residence but are not to be installed in the front of the residence. In the case of dwellings that are steel framed it is permissible to attach utility meters to pedestals adjacent to external walls that are perpendicular to the front of the residence or on pedestals that are adjacent to back walls of the residence.

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

1. Permitted Uses. The following uses are permitted in the MH District:
  - A. Mobile homes located in an approved mobile home park.
  - B. Home occupations.
2. Accessory Uses.
  - A. Private recreational facilities.
  - B. Temporary buildings for use incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
3. Special Exceptions.
  - A. Public or private utility substation, relay stations, etc.
  - B. Nursery schools.
  - C. Churches or accessory facilities on or off site.
  - D. Home occupations in accessory buildings.
4. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the MH District:
  - A. Density is limited to seven (7) mobile homes per acre.
  - B. No mobile home shall be located within 15 feet of any other, within 5 feet of any driveway or parking space, or within 40 feet of the right-of-way line of a street.
  - C. Each mobile home site shall be provided with a stand consisting of a solid, 6-inch thick, poured Portland cement concrete apron not less than 8 feet wide and 45 feet long and a paved outdoor patio of at least 180 square feet located at the main entrance to the mobile home.

D. A greenbelt, at least 30 feet in width, shall be located along all boundaries of each mobile home park, except where it is crossed by driveways.

E. Each mobile home shall be located on a lot having an area of at least 4,000 square feet.

F. Each mobile home park shall be graded and drained so that rain water will not stand in pools or puddles.

G. Each street and parking area in any mobile home park shall be bounded by a sidewalk at least 3 feet wide.

H. All minimum street widths in mobile home parks shall be approved as private streets and further comply with the following:

(1)	No parking on street	1-way	14 feet
		2-way	20 feet
(2)	Parallel parking on side	1-way	20 feet
		2-way	30 feet
(3)	Parallel parking both sides	1-way	26 feet
		2-way	36 feet

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

1. Permitted Uses.
  - A. Sales and display rooms and lots, including yards for the storage or display of new or used building materials but not for any scrap or salvage operation storage or sales.
  - B. Offices and clinics.
  - C. Churches and publicly owned and operated buildings and facilities.
  - D. Hotels and motels.
  - E. Any other retail or service sales business, including food preparation for sale off-premises.
  - F. Publicly owned and operated buildings and facilities.
  - G. Dwellings: single-family, two-family and multi-family.
2. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the AC District:
  - A. Private recreational facilities.
  - B. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
  - C. Private garages.
  - D. Parking lots.
  - E. Temporary buildings for the uses incidental to construction work which buildings shall be removed upon the completion or abandonment of the construction work.
3. Special Exceptions. Certain uses may be permitted in the AC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
  - A. Public or private utility substations, relay stations, etc.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the AC District:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height (lesser of)
10,000 square feet	50 feet	40 feet	8 feet	20 feet	3 stories or 45 feet

5. Off-street Parking. The following off-street parking requirements shall apply in the AC District:

- A. Sales and service building: one (1) parking space per 300 square feet of gross floor area.
- B. Offices/clinics: one (1) parking space per 300 square feet of gross floor area.
- C. Churches: one (1) parking space on the lot for each 5 seats in the main auditorium.
- D. Public building and facilities: one (1) parking space for each 300 square feet of gross floor area.
- E. Hotels and motels: one (1) parking space per room plus one (1) parking space for each employee.

6. Off-street Loading. The following off-street loading requirements shall apply in the AC District:

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

7. Signs. The following sign regulations apply to the AC District:

- A. Off-premises signs are permitted.
- B. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply. Off-premises signs are governed by State and Federal regulations along highways, where zoning exists.
- C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

- D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- E. No sign may imitate or resemble an official traffic control sign, signal or device.
- F. Signs shall not encroach or extend over public right-of-way.
- G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- I. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
- J. Signs shall not be permitted, the faces of which are visible from and are located within three hundred (300) feet of any public parkway, public square or public park, public or parochial school building, church building or cemetery, public library, public museum, post office or buildings designed and erected for the purpose of housing the principal, administrative and/or judicial seats of City, County, State and/or Federal government.
- K. Signs may be located on roofs of buildings subject to the following restrictions:
- (1) Such signs shall not exceed a height of twenty (20) feet above the roof level from the point of mounting.
  - (2) The back of such signs shall be effectively shielded from public view by a building wall, by backing the face with another such sign face, by grouping such signs in clusters to conceal the exposed backs or by painting the exposed back a neutral color. Structural supports shall be painted a neutral color.
  - (3) The total combined height of such signs and the building upon which they are placed shall not exceed the overall height limits of this district.

L. Signs shall not be erected or maintained where the face of that sign exceeds six hundred (600) square feet in area, including borders and trim, and excluding base or apron supports and other structural members.

M. Signs shall not be erected or maintained in excess of one (1) sign structure for each fifty (50) feet of lot frontage. In areas where permitted, these sign structures may be double-faced, back to back, or "V" type, with maximum internal angle of forty-five (45) degrees.

N. No off-premises sign shall be permitted within a 300 foot radius of another off-premises sign.

O. Sign structures which have become dilapidated and are likely to cause injury or degrade the surrounding neighborhood and signs which advertise a past event or past political election, are no longer legible, or are otherwise unsafe or untimely, are a nuisance or danger to the public. The Zoning/Building Official is authorized to remove, or to have removed, all dangerous or nuisance signs, the cost of which shall be borne by the sign owner.

P. Except as otherwise provided in this chapter, it is unlawful for any person to erect, construct, enlarge, move or convert any off-premises sign in the City, or cause the same to be done without first obtaining a sign permit for each such sign from the Zoning/Building Official as required by this chapter. These directives shall not be construed to require any permit for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure. The fees for such permit shall be set by resolution of the City Council.

**165.28 BC – CENTRAL BUSINESS COMMERCIAL DISTRICT.** This district is intended to accommodate the major business and office concentration in the City. It is characterized further by a variety of stores and related activities which occupy the central commercial area of the City. This district is intended to be the single central business district of the City and no other use of this district shall be utilized other than contiguously with the currently established BC District. Bulk regulations further reflect a more in time use and development pattern.

1. Permitted Uses. The following uses are permitted in the BC District:
  - A. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products.
  - B. Offices and clinics.
  - C. Hotels and motels.
  - D. Publicly owned and operated buildings and facilities.
2. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the BC District:
  - A. Outdoor sales and service.
  - B. Private garages.
  - C. Parking lots.
  - D. Temporary buildings for the uses incidental to construction work which buildings shall be removed upon the completion or abandonment of the construction work.
  - E. Accessory uses customarily incidental to any permitted principal use.
3. Special Exceptions. Certain uses may be permitted in the BC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
  - A. Service stations.
  - B. Churches or accessory facilities on or off site.
  - C. Dwellings: second floor and above.
4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the BC District:

Minimum	Minimum	Minimum	Minimum	Minimum	Maximum
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Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Height (lesser of)
None	None	None	None, except if a side yard is provided it shall be a minimum of 8 feet	None, except if a rear yard is provided it shall be a minimum of 20 feet	3 stories or 45 feet

Where this district abuts a lower density district, the greater side and rear yard setbacks apply.

5. Off-street Parking. None required.
6. Off-street Loading. The following off-street loading requirements shall apply in the BC District:
  - A. All activities or uses allowed in the BC District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
  - B. Loading shall not be permitted to block public right-of-way.
7. Signs. The following sign regulations apply to the BC District:
  - A. Off-premises signs are not permitted.
  - B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
  - C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
  - D. No sign may imitate or resemble an official traffic control sign, signal or device.
  - E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
  - F. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
  - G. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

H. No sign shall be allowed to overhang, extend or encroach over any public right-of-way.

I. Signs shall not be permitted, the faces of which are visible from and are located within three hundred (300) feet of any public parkway, public square or public park, public or parochial school building, church building or cemetery, public library, public museum, post office or buildings designed and erected for the purpose of housing the principal, administrative and/or judicial seats of City, County, State and/or Federal government.

J. Signs may be located on roofs of buildings subject to the following restrictions:

(1) Such signs shall not exceed a height of twenty (20) feet above the roof level from the point of mounting.

(2) The back of such signs shall be effectively shielded from public view by a building wall, by backing the face with another such sign face, by grouping such signs in clusters to conceal the exposed backs or by painting the exposed back a neutral color. Structural supports shall be painted a neutral color.

(3) The total combined height of such signs and the building upon which they are placed shall not exceed the overall height limits of this district.

K. Signs shall not be erected or maintained where the face of that sign exceeds six hundred (600) square feet in area, including borders and trim, and excluding base or apron supports and other structural members.

L. Signs shall not be erected or maintained in excess of one (1) sign structure for each fifty (50) feet of lot frontage. In areas where permitted, these sign structures may be double-faced, back to back, or "V" type, with maximum internal angle of forty-five (45) degrees.

M. No off-premises sign shall be permitted within a 300 foot radius of another off-premises sign.

N. Sign structures which have become dilapidated and are likely to cause injury or degrade the surrounding neighborhood and signs which advertise a past event or past political election, are no longer legible, or are otherwise unsafe or untimely, are a nuisance or danger to the public. The Zoning/Building Official is authorized to remove, or to have removed, all dangerous or

nuisance signs, the cost of which shall be borne by the sign owner.

O. Except as otherwise provided in this chapter, it is unlawful for any person to erect, construct, enlarge, move or convert any off-premises sign in the City, or cause the same to be done without first obtaining a sign permit for each such sign from the Zoning/Building Official as required by this chapter. These directives shall not be construed to require any permit for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure. The fees for such permit shall be set by resolution of the City Council.

**165.29 LI – LIGHT INDUSTRIAL DISTRICT.** This district is intended to provide for areas of development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses. The district regulations are designed to permit the development of any manufacturing or industrial operations which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors. Outdoor storage is allowed in this district when the material is enclosed within a solid fence at least six feet high and said fence being within required building lines. All industrial operations must be in an enclosed building. No residential uses are permitted in this district.

1. Permitted Uses. The following uses are permitted in the LI District:

A. Any nonresidential building or use which would not be hazardous, obnoxious, offensive or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke, or other air pollutants.

B. Storage, manufacture, compounding, processing, packing and/or treatment of products, exclusive of the rendering or refining of fats and/or oils.

C. Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials.

D. Assembly of appliances and equipment, including manufacture of small parts.

E. Wholesale distribution of all standard types of prepared or packaged merchandise.

F. Sale and storage of building materials. Outdoor or open storage shall be allowed only when the material is enclosed within a solid fence at least six feet high and said fence is within required building lines.

G. Contractors' offices and storage of equipment.

H. Public or private utility substations, relay stations, etc.

2. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the LI District:

A. Accessory buildings and uses customarily incidental to a permitted use.

- B. Living quarters for watchmen or custodians of industrial properties.
- 3. Special Exceptions. Certain uses may be permitted in the LI District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
- 4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the LI District:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height (lesser of)
10,000 square feet	75 feet	30 feet	8 feet, except that if adjacent to an "RS" / "RM" District, then it shall be 20 feet	20 feet	3 stories or 45 feet

- 5. Off-street Parking. The following off-street parking requirements shall apply in the LI District:
  - A. All commercial uses shall provide one (1) parking space on the lot for each 300 square feet of floor area.
  - B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.
- 6. Off-street Loading. The following off-street loading requirements shall apply in the LI District:
  - A. All activities or uses allowed in the LI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
  - B. Loading shall not be permitted to block public right-of-way.
- 7. Signs. The following sign regulations apply to the LI District:
  - A. Off-premises signs are permitted.
  - B. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply. Off-premises signs are governed by State and Federal regulations along highways, where zoning exists.

- C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- E. No sign may imitate or resemble an official traffic control sign, signal or device.
- F. Signs shall not encroach or extend over public right-of-way.
- G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- I. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
- J. Signs shall not be permitted, the faces of which are visible from and are located within three hundred (300) feet of any public parkway, public square or public park, public or parochial school building, church building or cemetery, public library, public museum, post office or buildings designed and erected for the purpose of housing the principal, administrative and/or judicial seats of City, County, State and/or Federal government.
- K. Signs may be located on roofs of buildings subject to the following restrictions:
- (1) Such signs shall not exceed a height of twenty (20) feet above the roof level from the point of mounting.
  - (2) The back of such signs shall be effectively shielded from public view by a building wall, by backing the face with another such sign face, by grouping such signs in clusters to conceal the exposed backs or by painting the exposed back a neutral color. Structural supports shall be painted a neutral color.

(3) The total combined height of such signs and the building upon which they are placed shall not exceed the overall height limits of this district.

L. Signs shall not be erected or maintained where the face of that sign exceeds six hundred (600) square feet in area, including borders and trim, and excluding base or apron supports and other structural members.

M. Signs shall not be erected or maintained in excess of one (1) sign structure for each fifty (50) feet of lot frontage. In areas where permitted, these sign structures may be double-faced, back to back, or "V" type, with maximum internal angle of forty-five (45) degrees.

N. No off-premises sign shall be permitted within a 300 foot radius of another off-premises sign.

O. Sign structures which have become dilapidated and are likely to cause injury or degrade the surrounding neighborhood and signs which advertise a past event or past political election, are no longer legible, or are otherwise unsafe or untimely, are a nuisance or danger to the public. The Zoning/Building Official is authorized to remove, or to have removed, all dangerous or nuisance signs, the cost of which shall be borne by the sign owner.

P. Except as otherwise provided in this chapter, it is unlawful for any person to erect, construct, enlarge, move or convert any off-premises sign in the City, or cause the same to be done without first obtaining a sign permit for each such sign from the Zoning/Building Official as required by this chapter. These directives shall not be construed to require any permit for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure. The fees for such permit shall be set by resolution of the City Council.

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

1. Permitted Uses. There may be any use, excluding residential uses and mobile homes. The following uses must be given separate City Council approval before a zoning/building permit is issued.

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

Before granting such separate approval, the Council shall refer applications to the Commission for study, and report. If no report is received in thirty (30) days, the Council may assume approval of the application.

2. City Council. The City Council shall then, after holding a public hearing, consider all of the following provisions in its determination upon the particular use at the location requested:

- A. The proposed location design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property.



- B. Such use shall not impair an adequate supply of light and air to surrounding property.
  - C. Such use shall not unduly increase congestion in the streets, or public danger of fire and safety.
  - D. Such use shall not diminish or impair established property values in adjoining or surrounding property.
  - E. Such use shall be in accord with the intent, purpose and spirit of this chapter and the Comprehensive Plan of the City.
3. Required Conditions.
- A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed and subject to all State and Federal regulations.
  - B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities shall be located at least one hundred (100) feet from any “R” District boundary, except where adjoining a railroad right-of-way, and 50 feet from any commercial boundary.
4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the HI District:
- A. Accessory buildings and uses customarily incidental to a permitted use.
  - B. Living quarters for watchmen or custodians of industrial properties.
5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the HI District:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height (lesser of)
10,000 square feet	None	30 feet	8 feet, except when adjacent to another District, then it shall be 50 feet	20 feet, except when adjacent to another District it shall be 100 feet	3 stories or 45 feet

6. Off-street Parking. The following off-street parking requirements shall apply in the HI District:
- A. All commercial uses shall provide one (1) parking space on the lot for each 300 square feet of floor area.

- B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.
7. Off-street Loading. The following off-street loading requirements shall apply in the HI District:
- A. All activities or uses allowed in the HI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
  - B. Loading shall not be permitted to block public right-of-way.
8. Signs. The following sign regulations apply to the HI District:
- A. Off-premises signs are permitted.
  - B. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply. Off-premises signs are governed by State and Federal regulations along highways, where zoning exists.
  - C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
  - D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
  - E. No sign may imitate or resemble an official traffic control sign, signal or device.
  - F. Signs shall not encroach or extend over public right-of-way.
  - G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
  - H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
  - I. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

J. Signs shall not be permitted, the faces of which are visible from and are located within three hundred (300) feet of any public parkway, public square or public park, public or parochial school building, church building or cemetery, public library, public museum, post office or buildings designed and erected for the purpose of housing the principal, administrative and/or judicial seats of City, County, State and/or Federal government.

K. Signs may be located on roofs of buildings subject to the following restrictions:

(1) Such signs shall not exceed a height of twenty (20) feet above the roof level from the point of mounting.

(2) The back of such signs shall be effectively shielded from public view by a building wall, by backing the face with another such sign face, by grouping such signs in clusters to conceal the exposed backs or by painting the exposed back a neutral color. Structural supports shall be painted a neutral color.

(3) The total combined height of such signs and the building upon which they are placed shall not exceed the overall height limits of this district.

L. Signs shall not be erected or maintained where the face of that sign exceeds six hundred (600) square feet in area, including borders and trim, and excluding base or apron supports and other structural members.

M. Signs shall not be erected or maintained in excess of one (1) sign structure for each fifty (50) feet of lot frontage. In areas where permitted, these sign structures may be double-faced, back to back, or "V" type, with maximum internal angle of forty-five (45) degrees.

N. No off-premises sign shall be permitted within a 300 foot radius of another off-premises sign.

O. Sign structures which have become dilapidated and are likely to cause injury or degrade the surrounding neighborhood and signs which advertise a past event or past political election, are no longer legible, or are otherwise unsafe or untimely, are a nuisance or danger to the public. The Zoning/Building Official is authorized to remove, or to have removed, all dangerous or nuisance signs, the cost of which shall be borne by the sign owner.

P. Except as otherwise provided in this chapter, it is unlawful for any person to erect, construct, enlarge, move or convert any off-premises sign in the City, or cause the same to be done without first obtaining a sign permit for each such sign from the Zoning/Building Official as required by this chapter. These directives shall not be construed to require any permit for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure. The fees for such permit shall be set by resolution of the City Council.

**165.31 SUPPLEMENTARY DISTRICT REGULATIONS.**

1. Community Unit Plan. The owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the City Council a plan for the use and development of the entire tract of land. The development shall be referred to the Planning Commission for study and report and for public hearing. If the Commission approves the development plan, the plan, together with the recommendation of the Commission, shall then be submitted to the Council for consideration and approval. If the Council approves the zoning plan, building permits may be issued even though the use of land and the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plans do not conform in all respects to the district regulations of the district in which it is located except as follows:

A. Only uses permitted in the "R" Districts shall be permitted.

B. The average lot area per family contained in the proposed plan, exclusive of the area occupied by right-of-way, will not be less than the lot area per family required in the district in which the development is located.

C. Said area shall then be designated on the official zoning map.

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

3. Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

4. Erection of More Than One Principal Structure on a Lot. In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.

5. Accessory Buildings. No accessory building may be erected in any required front yard and no separate accessory building may be

erected within 4 feet of a main building. No accessory building shall be closer than 4 feet to the rear or side lot line. Accessory buildings located in the rear yard may not occupy more than 30 percent of the rear yard. No accessory building shall be used without occupancy of the principal building. Frost-free footings are required for all accessory buildings over 1,000 square feet. (Ord. 851 –

*Aug. 06 Supp.*)

6. Fences. The construction of a fence or wall shall require a building/zoning permit. No fence or wall shall be constructed in other but a rear or side yard unless approval is granted by the Board of Adjustment as a variance. A side fence or wall or rear fence or wall shall be set back two (2) feet from the property line. Every side fence or wall in the front yard or front fence or wall shall be set back to a point parallel with the front setback of the primary structure located on the lot or the required structure setback on the lot, whichever setback is greater. A side fence or wall or rear fence or wall can be constructed inside the two (2) foot setback required with consent of the adjacent property owner in writing. Consent by adjacent property owners shall include a legal description of both properties, a notarized signature from all owners, and proof of proper recording with the County Recorder. The original consent will be binding on subsequent property owners unless provided otherwise. A side fence or wall or rear fence or wall can be constructed on the property line with the consent and agreement of both property owners involved. The consent and agreement shall include a legal description of both properties, a reasonable arrangement for maintenance and repair, a method of termination, a notarized signature of all owners, and proof of proper recording with the County Recorder. The original agreement will be binding on subsequent property owners unless provided otherwise. A rear fence or wall cannot exceed six (6) feet in height unless it is set back five (5) feet from the rear lot line. Side or front fences or walls cannot exceed six (6) feet in height. Any fence or wall which does not exceed fifteen (15) feet in length and is not constructed within two (2) feet of an adjacent property line must file an application for a building permit, however the application fee shall be waived. There shall be a limit of one (1) waived fence or wall application fee per property per year.

7. Height Limits. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tank, water towers, ornamental towers, spires, wireless tower; grain elevators, or necessary mechanical appurtenances are exempt from height regulations in Sections 165.22 through 165.30.

8. Sills, belt courses, cornices, and ornamental features may project only two feet into a required yard.
9. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than 3½ feet when so placed as not to obstruct light and ventilation, may be permitted by the Zoning/Building Official.
10. Terraces which do not extend above the level of the ground (first) floor may project into a required yard, provided these projections are distant at least two feet from the adjacent side lot line.
11. Nothing in this chapter shall have the effect of prohibiting utility service lines.
12. Yards and Visibility. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty feet from the point of the intersection. (See Diagram 4 at the end of this section.)
13. All vehicular parking spaces located in required front yards shall be a minimum of ten (10) feet in width and be surfaced with gravel, concrete, or asphalt.
14. Private swimming pools shall be allowed only in rear yards and shall not be allowed in front or side yards.
15. Satellite Dishes. The placement of satellite dish antennas, either permanent or temporary, is permitted in any zoned district and shall be considered an accessory building. No satellite dish shall exceed a diameter of 12 feet except for commercial use. All dishes that exceed a diameter of 12 feet or are intended for commercial use applications require approval by special exception. Satellite dishes less than 2 feet in diameter are not considered structures, do not require a building permit, and may be attached to another structure according to local and State Building Code regulations. All other satellite dishes shall be located on the ground. Only one (1) satellite dish is permitted on a property at the same time except by special exception.

DIAGRAM 4



**165.32 ENFORCEMENT AND INTERPRETATION.** All questions of interpretation and enforcement shall be first presented to the Zoning/Building Official, or that person's assistant, and such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning/Building Official, and recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by Chapter 414, Code of Iowa.

**165.33 AMENDMENTS.** The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City. In no case shall the notice be published more than 20 days prior to the hearing. The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. Notwithstanding Section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of twenty percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council. The protest, if filed, must be filed before or at the public hearing. Proposed amendments not recommended by the Planning and Zoning Commission shall become effective only upon a favorable vote of three fourths ( $\frac{3}{4}$ ) of the members of the City Council. All zoning amendment application forms shall be approved by resolution of the City Council.

**165.34 PENALTIES FOR VIOLATION.** Violation of the provisions of this chapter with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall be a violation of this Code of Ordinances. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other legal action as is necessary to prevent any violation.

**165.35 SCHEDULE OF FEES, CHARGES, AND EXPENSES.** The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, zoning permits, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning/Building Official and the City Clerk and may be altered or amended only by the City Council, as recommended by the Planning and Zoning Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

**165.36 COMPLAINTS REGARDING VIOLATIONS.** Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning/Building Official. The Zoning/Building Official shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

**165.37 ADULT ENTERTAINMENT BUSINESS REGULATIONS.**

1. Purpose. It is the purpose and intent of this section to regulate adult entertainment businesses in order to limit their adverse impact and detrimental secondary effects in the community while at the same time permitting lawful businesses to conduct operations within the community. By the nature of their business, adult entertainment businesses create serious, objectionable operational characteristics, which are magnified when located in close proximity to residences, churches, schools, day care centers and parks. Special regulation of adult entertainment businesses is necessary to insure that no adverse secondary effects will contribute to the blighting or downgrading of surrounding neighborhoods and areas. These regulations are necessary to protect the minors of the community from these businesses by restricting their location and to protect the health, safety and general welfare of all the residents of the community, prevent crime, protect the City's retail trade, maintain property values and protect and preserve the quality of neighborhoods and are not to suppress the expression of unpopular views.

2. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings given herein.

A. "Adult booth" shall mean any area of an adult entertainment establishment that is set off from the remainder of such establishment by one or more walls, partitions or other dividers and which is used to show, exhibit, play, display or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis

on the exposure, depiction or description of any specified anatomical areas or the performance or simulation of any specified sexual activities.

B. "Adult cabaret" shall mean any commercial establishment that as a substantial or significant portion of its business provides any of the following:

- (1) Persons who appear nude;
- (2) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction or description of a specified anatomical area or the performance or simulation of a specified sexual activity; or
- (3) Films, motion pictures, video or audio cassettes, slides, computer displays or other visual representations, recordings, imagery, illustration or depiction of any kind that are distinguished or characterized by an emphasis on the exposure, depiction or description of any specified sexual activity.

C. "Adult establishment" or "adult entertainment business" shall mean an adult store, adult cabaret, adult theater, nude model studio, sexual encounter center, adult motel or escort agency.

D. "Adult material" shall mean any of the following, whether new or used:

- (1) Books, magazines, periodicals, or other printed matter or digitally stored materials, films, motion pictures, video cassettes, audio cassettes, slides, computer displays or other visual or audio representations or recordings of any kind, DVD, CD-ROM, or similar item that is distinguished or characterized by an emphasis on the exposure, depiction, description, imagery or visual representation of any specified anatomical area or the performance or simulation of any specified sexual activity.
- (2) Instruments, novelties, devices or paraphernalia that are designed for use in connection with specified sexual activities or that depict, describe or portray specified anatomical areas; except that this definition shall not include those items used for birth control or for the prevention of sexually transmitted diseases.

E. "Adult motel" shall mean any motel, hotel or similar business that (1) offers accommodations to the public for any

form of consideration; and provides patrons with closed-circuit television transmission, telephones, motion pictures, video cassettes, slides, or other material that is characterized by the depiction or description of any specified anatomical area or any specified sexual activity; and has a sign that is visible from the public right-of-way that advertises the availability of adult materials; or (2) offers a room or suite for consideration for a period of time that is less than ten hours; or (3) allows a tenant, occupant or patron of a room or suite to sublet the room or suite for a period of less than ten hours.

F. "Adult store" shall mean any commercial establishment that (1) contains one or more adult booths, or (2) as a substantial or significant portion of its business offers for sale, rental, exchange or viewing any adult materials. Adult stores do not include commercial establishments that offer for sale, rental, exchange or viewing any adult materials as a sideline or adjunct to sales, rentals, exchanges or viewings of materials other than adult materials.

G. "Adult theater" shall mean any commercial establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representations, recordings, imagery, illustration or depiction of any kind that are distinguished or characterized by an emphasis on the exposure, depiction or description of any specified anatomical area or the performance or simulation of any specified sexual activity.

H. "Commercial establishment" shall mean any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

I. "Escort" shall mean a person who, for pecuniary consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease dance or otherwise perform or appear before another person while nude in or about any place of public or private resort or any private quarter or business premises.

J. "Escort agency" shall mean any person or business entity furnishing or offering to furnish, or advertising to furnish escorts as one of its business purposes, for a fee, tip or any other form of consideration.

K. "Nude model studio" shall mean any place where a person who appears nude is provided for the purpose of being sketched, drawn, painted, sculptured, photographed or similarly depicted by any other person who has paid money or any other form of consideration, barter or exchange, or for whose benefit someone else has paid money or any other form of consideration, barter or exchange, for the purpose of being allowed to observe the person appearing nude being sketched, drawn, painted, sculptured, photographed or similarly depicted. Nude model studio does not include public or private colleges or universities licensed by the State of Iowa that offer art, modeling or anatomical drawing classes.

L. "Nude or state of nudity" shall mean a state of dress or undress that exposes to view (1) less than completely and opaquely covered human genitals, pubic region, anus, or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed; or (2) human male genitals in a discernibly turgid state even if completely and opaquely covered, or any device that when worn, simulates human male genitals in a discernibly turgid state.

M. "Sexual encounter center" shall mean any business or commercial establishment that, for consideration, offers (1) physical contact in the form of wrestling or tumbling between persons of the opposite sex, or (2) activities between two or more persons regardless of gender when one or more of the persons is in a nude condition, or (3) where two or more persons may congregate, associate or consort in connection with specified sexual activities or specified anatomical areas, or (4) where two persons may congregate, associate, or consort, in a private room, suite, or similar enclosure, with one of the two persons modeling lingerie, dancing in a sexually suggestive manner, or some similar activity for the pleasure or entertainment of the other. Sexual encounter center does not include a gymnastic, acrobatic, athletic or similar demonstration or show.

N. "Specified anatomical area" shall mean any of the following:

- (1) Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areola but

not including any portion of the cleavage exhibited by a dress, blouse, leotard, bathing suit or other wearing apparel provided the areola is not exposed;

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered or any device or covering that when worn, simulates human male genitals in a discernibly turgid state,

O. "Specified sexual activity" shall mean any of the following:

(1) The fondling or touching of one person's human genitals, pubic region, buttocks, anus or female breasts by another person;

(2) Sex acts, normal or perverted, actual or simulated, including without limitation, cunnilingus, fellatio, anilingus, bestiality, intercourse, oral copulation or sodomy;

(3) Masturbation, actual or simulated;

(4) Excretory or urinary functions as part of or in connection with any of the activities set forth in Subsection (1), (2), or (3) of this definition.

P. "Substantial or significant portion of its business" shall mean that ten percent or more of the establishment's income is derived from the sale, rental, exchange or viewing of any adult material; or ten percent or more of the establishment's stock in trade or floor space is utilized for the display of any adult material; or that one or more persons appearing, performing or working in a state of nudity constitutes a fundamental or essential part of or attraction of the business. Regardless of the foregoing, any business establishment that advertises or holds itself out as "XXX", "adult", or "sex" in conjunction with adult material and/or nude appearances or performances is deemed to meet the substantial portion of its business standard.

Q. "Adult amusement arcade" shall mean an establishment having as one of its principal uses one or more of the following: customer-operated motion picture devices, peep shows, viewing area, or similar devices either coin, token or slug operated, or which in consideration of an entrance fee, displays materials distinguished or characterized by an emphasis on depictions of specified sexual acts or specified anatomical areas.

3. Adult Establishment Location Requirements.
- A. Adult establishments shall only be permitted in specific zoning districts (AC, LI and HI),
- B. No adult establishments shall be located, established, maintained or operated on any lot that has a property line within five hundred feet of the property line of any other lot on which another adult establishment is located, established, maintained or operated; nor shall more than one adult establishment be located on any lot; nor shall any other business be located, established, maintained or operated on any lot on which an adult establishment is located, established, maintained or operated.
- C. No adult establishment shall be located, established, maintained or operated on any lot that has a property line within five hundred feet of the property line of:
- (1) Any residentially zoned property (RS, RD and RM);
  - (2) A public or private nursery school, a public or private elementary or secondary school;
  - (3) A childcare facility licensed by the state of Iowa;
  - (4) A church, synagogue, mosque, or other religious facility or institution;
  - (5) A public park including public recreational paths or trails;
  - (6) A public or private cemetery; or
  - (7) A public housing facility.
- D. No adult establishment shall be located, established, maintained or operated on any lot that has a property line within five hundred feet of the public right-of-way for any arterial street in Perry.
- E. For purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the adult establishment is located to the nearest point on the property line of uses protected in subsection C and D of this section, or the nearest point of the property line of the other adult establishment, as the case may be. It is the adult establishment's obligation to provide the City's building official with a survey acceptable and satisfactory to the building official that demonstrates the establishment meets the requirements of this section.

4. Other Legal Provisions. Adult establishments located, maintained or operated in the City shall comply, in addition to complying with all other applicable regulations set forth in this code, with all regulations set forth in this chapter. In the event of a conflict between the provisions of any other such regulations and the regulations set forth in this chapter, the regulations set forth in this chapter shall control the location of the adult establishment. Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use, which violates any provision of any statute, ordinance or regulation.

5. Adult Establishment Sign Regulations.

A. Signage. All signs for adult establishments shall be flat wall signs. The maximum allowable sign area shall be one square foot of sign area per foot of lot frontage on the street, but under no circumstances may a sign exceed thirty-two square feet. The maximum number of signs shall be one per lot frontage. Signs otherwise permitted pursuant to this subsection shall contain only (1) the name of the adult establishment conducting business on the premises, and/or (2) the specific type of adult entertainment being conducted on the premises.

B. Exterior Display. No adult establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any public rights-of-way or private property other than the lot on which the licensed premises is located. No portion of the exterior of an adult establishment shall utilize or contain flashing lights, search lights, spotlights, or other similar lighting systems; or any words, lettering, photographs, silhouettes, drawings or pictorial representations of any manner except to the extent allowed pursuant to subsection A of this section with regard to signs. This subsection shall apply to any advertisement, display, promotional material, decoration, sign, performance, show, and to any window, door or other opening to the adult establishment.

*(Ord. 802 – Nov. 03 Supp.)*



<b>EDITOR'S NOTE</b>			
The following ordinances, not codified herein, which amend the Official Zoning Map as provided in Section 165.04, have been adopted:			
<b>ORDINANCE</b>	<b>ADOPTED</b>	<b>ORDINANCE</b>	<b>ADOPTED</b>
725 (Official Zoning Map)	May 18, 1998		
733	August 2, 1999		
751	February 22, 2000		
753	May 1, 2000		
754	May 15, 2000		
761	July 17, 2000		
763	January 15, 2001		
764	January 15, 2001		
769	November 5, 2001		
785	August 19, 2002		
795	June 16, 2003		
797	August 18, 2003		
845	October 17, 2005		
862	September 7, 2007		
863	September 7, 2007		
867	October 15, 2007		