



# PEOSTA ZONING ORDINANCE

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## **1. General Provisions**

### **Title**

This ordinance shall be known and may be cited and referred to as the zoning ordinance of the City of Peosta, Iowa

### **Purpose**

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

### **Minimum Requirements Interpretation**

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law, or by other rules or regulations or ordinances, the provisions of this ordinance shall control. Where for specific land, the requirements of any other ordinances of the City are more stringent or restrictive than the requirements set forth in this chapter; nothing herein shall be construed to waive compliance with the provisions of such other ordinance.

### **Relationship to the Comprehensive Plan**

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

### **Severability**

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

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

### **Not a Licensing Ordinance**

Nothing contained in this ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure, or facility or to carry on any trade, industry, occupation or activity.

### **Private Agreements**

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

### **Code References**

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

### **Headings or Titles**

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

### **Cumulative Provisions**

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

### **Repeal of Conflicting Ordinances**

## Peosta Zoning Ordinance

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

## 2. Definitions

**Accessory Use or Structure** – A use or structure subordinate to the principal uses of the building on the lot and serving the purpose customarily incidental to the use of the principal building.

**Alley** – A public way, affording a secondary means of access to abutting property.

**Apartment** – See Dwelling, Multi Family.

**Assisted Living** – a provision of housing with services which may include but not limited to health-related care, personal care, and assistance with instrumental activities of daily living in a physical structure which provides a home like environment.

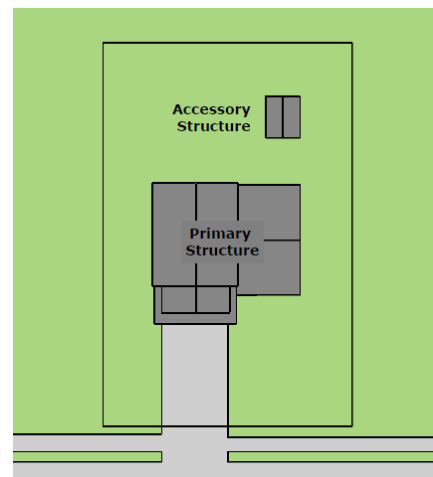
**Buildable Area** – The portion of a lot remaining after required yards have been provided.

**Building** – A structure built and maintained for the support, shelter, or enclosure of persons, animals, or property of any kind.

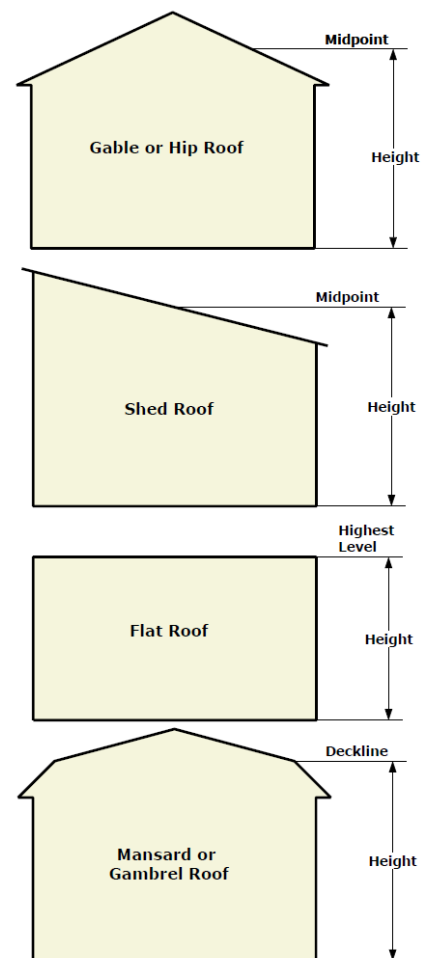
**Building Height** – The vertical distance from the average ground level at the front wall of the building to the highest point of the underside of the ceiling beams for a flat roof, or to the decline of a mansard roof or gambrel roof, or to the mean height level between the eaves and the ridge for a gable, hip, or shed roof.

**Conditional Use Permit** – A permit issued by the Board of adjustment that authorizes the recipient to make conditional use of property in accordance with the provisions of this ordinance and any additional conditions placed upon or required by said permit.

### Accessory Structure



### Building Height



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

**Condominium Association** – See Homeowners Association.

**Convenience Store** – A retail store containing less than 2,500 square feet of gross floor area engaged in selling primarily food, beverages, and other household supplies to customers, and designed to attract a large volume of stop and go customers.

**Daycare** - An establishment, licensed by the State of Iowa, which is intended to provide for the care, supervision, and protection of children.

**Daycare, Adult** – a facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of the 24-hour day.

**Dormitory** - A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use.

**Dwelling** – a building or portion thereof, designed or used exclusively for residential occupancy, including a manufactured home as defined by state law, but not including trailers, mobile homes, motels, motor lodges, boarding and lodging houses, or tourist homes.

**Dwelling Unit** – One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent kitchen, toilet, and sleeping facilities.

**Dwelling, Single-Family** – a detached residential building designed for or occupied by one family.

**Dwelling, Single-Family Attached** – see Townhouse.

**Dwelling, Two-Family** – A building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

**Dwelling, Multiple-Family** – a building or buildings designed a designed and used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.

**Dwelling, Zero-Lot Line** - A residential dwelling unit designed for occupancy for one family only, which physically adjoins one other matching residential single family dwelling unit across an abutting side lot line, with each unit occupying its own parcel.

**Family** – any number of people occupying a single dwelling unit living together as a single housekeeping unit, related by blood, marriage, or formal adoption plus not more than three additional people not so related, except that foster children and persons with disabilities.

**Fence** – A freestanding structure designed to restrict movement across a boundary.

**Gas Station** – a building and/or premises where gasoline, oil and minor auto accessories, and convenience items may be supplied and dispensed at retail and may include an automated customer activated fuel dispensing system. A gas station is not a service station. For other services other than the sale of gasoline, see service station.

**Garage** – a structure or building or portion thereof in which one or more vehicles may be parked or stored. For purposes of this code, garages include carports.

**Homeowners Association** – a private, nonprofit corporation or association of homeowners in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.

**Kennel** - Any building or portion thereof where dogs, cats, or other household domestic animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

**Lot** – A parcel or tract of land with established, recorded boundaries and legal description which may be sold, conveyed, or transferred based on such legal description.



**Lot Area** – The total horizontal area included within the boundaries of the lot lines of a lot.

**Lot, Corner** - A lot abutting upon two or more streets at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

**Lot Coverage** - That portion of a lot covered by principal and accessory uses and/or buildings expressed as a percentage of the lot area.

**Lot Depth** - The mean horizontal distance between the front and rear lot lines.

**Lot, Double Frontage** – See Lot, Through.

**Lot, Flag** - A lot that has access to a public right-of-way by means of a narrow strip of land.

**Lot Frontage** - All sides of a lot abutting a street and measured along the front property line as it abuts the street right of way or roadway easement line.

**Lot, Interior** - A lot other than a corner lot with only one frontage on a street

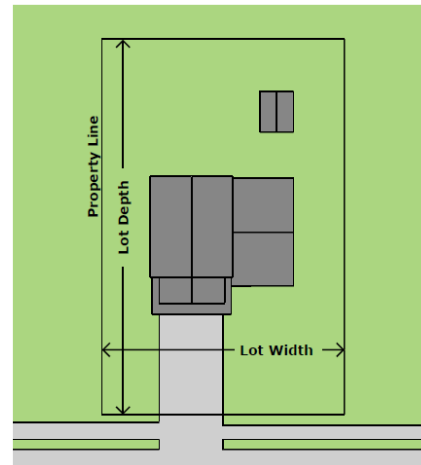
**Lot Line** – The property bounding line of a lot.

**Lot Line, Front** – the property line abutting a street right-of-way or roadway easement line.

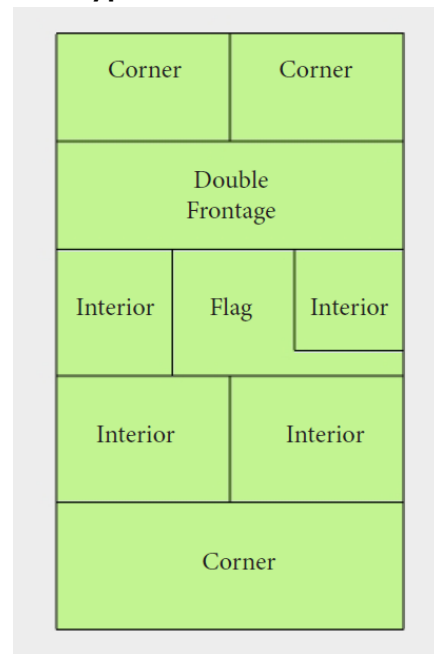
**Lot Line, Rear** – a lot line not abutting a street which is opposite and generally most distant from the front lot line.

**Lot Line, Side** – any lot line not a front lot line or rear lot line.

### Lot Width and Depth



### Lot Types



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

**Lot, Through** - A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

**Lot Width** – The width of a lot measured at the building line (frontage line) and at right angles to its depth.

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

- a) A single lot of record;
- b) A portion of a lot of record;
- c) A combination of complete lots of record and portion of lots of record, or portions of lots of record;
- d) A parcel of land described by meets and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this code.

**Manufactured Home** – a factory-built structure built under the authority of 42 U.S.C. § 5403, that is required by federal law to display a seal required by HUD and was constructed on or after June 15, 1976.

**Mobile Home** – any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in the Iowa. A mobile home is factory-built housing on a chassis. A mobile home shall not be constructed to be a travel trailer or other form of recreational vehicle. A mobile home shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. However, certain

mobile homes may be classified as “manufactured homes.” Nothing in this Code shall be construed as permitting a mobile home in other than a mobile home park unless such mobile home is classified as a manufactured home.

**Mobile Home Park** – a parcel of land under single ownership that has been planned and improved for the placement of mobile housing used or to be used for dwelling purposes and where mobile home spaces are not offered for sale or sold. The term “mobile home park” does not include sales lots on which new or used mobile homes are parked for the purposes of storage, inspection, or sale.

**Modular Home** – a factory-built structure which is to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted and displays a seal issued by the Iowa State Building Code Commissioner.

**Nonconforming Building** – a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

**Nonconforming Use** – a use lawful when established but which does not conform to subsequently established zoning or zoning regulation.

**Nursing or Convalescent Home** – an establishment providing full-time housing and care for the aged or physically infirm, and not involving surgery, obstetrical services, or other major medical services more commonly provided in hospitals or clinics. Such establishment may involve usual convalescent or chronic care including bedside nursing care, administration of medicines or special diets, application of bandages or dressings, and similar procedures.

**Recreational Vehicle (RV)** – a vehicular unit designed for recreational camping or travel under its own power or designed to be mounted or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, and camping trailer.

**Recreational Vehicle Park** – a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by residential vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

**Service Station** – A building and premise where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle

accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

**Setback** - The distance required between a property line or roadway easement line and the buildable area on a lot.

**Setback, Front**- A line which defines the required minimum distance between a building or structure and the right of way or roadway easement line. The front setback line shall be parallel with the right of way or roadway easement line. Corner lots and double frontage lots shall have a front setback along both street frontages.

**Setback Line, Building** - A line which defines the required minimum distance between a building or structure and the right of way or roadway easement line. The front setback line shall be parallel with the right of way or roadway easement line.

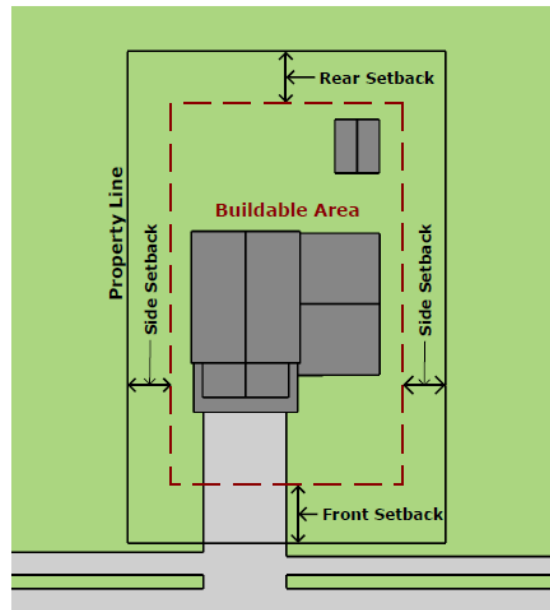
Corner lots and double frontage lots shall have a front setback along both street frontages.

**Setback, Rear** - A line which defines the required minimum distance between a building or structure and the property line opposite the right of way line or roadway easement line. The rear setback line shall be parallel with the rear property line except for corner lots and double frontage lots.

**Setback, Side** - A line which defines the required minimum distance between a building or structure and an interior property line, extending between the front and rear setback lines. The side setback line shall be parallel with the nearest interior property line. For purposes of accessory buildings and structures, the side setback shall be extended to the rear property line.

**Structure** - anything constructed or built above ground, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including but not limited to buildings,

### Setbacks



mobile homes, walls, fences, billboards, poster panels, above ground storage tanks, and similar uses.

**Structure, Temporary** - a building or structure erected for a one-time temporary use, lacking a permanent foundation, connections to water and sewer, and generally having open walls, distinct from a permanent structure which must meet adopted building codes.

**Subdivision** - a tract of land divided into three or more lots.

**Subdivision Plat** - a graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique.

**Townhouse** – a one-family dwelling unit, with a private entrance in a group of three or more units, which part of a structure whose dwelling units are attached horizontally in a linear arrangement, having a total exposed front and at least one other building wall exposed to allow for access, light, and ventilation.

**Use** – the purpose or activity which land our buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

**Use, Accessory** – A use incidental, related, appropriate, and clearly subordinate to the principal use of the lot or building.

**Use, Conditional** – A use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without regulations, but which, if controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety and general welfare.

**Use, Nonconforming** – A building, structure, or land lawfully occupied by a use that does not conform to the form and function regulations of the zoning district in which it is situated.

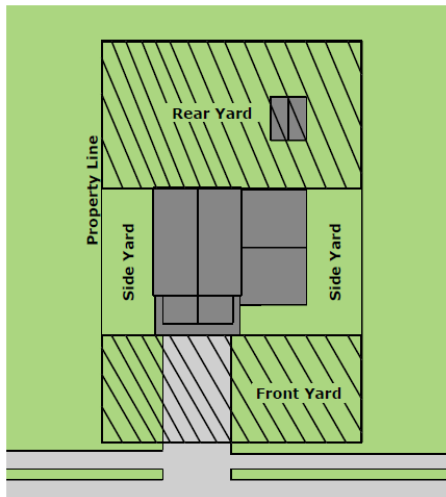
**Use, Permitted** – any land use allowed without condition within a zoning district.

**Use, Principal** – the primary use of land or structure.

**Use, Prohibited** - any use of land, other than non-conforming, which is not listed as a permitted or conditional use within a zoning district

**Variance** – a relief from or variation from the strict application of the bulk regulations, as applied to a specific piece of property, which may be granted by the Zoning Board of Adjustment according to the provisions of this code.

### Yards



**Yard** – an open space which is unoccupied and unobstructed by any structure or portion thereof from the natural ground level to the sky, except as otherwise provided in this code.

**Yard, Front** – a yard extending across the full width of the lot measured between the principal building and the right-of-way line or roadway easement line.

**Yard, Rear** – a yard extending across the full width of the lot and measured between the rear line of the lot and the nearest point of the principal building. In the case of corner lots and through

lots, there will be no rear yard, but only front and side yards.

**Yard, Required** – See Setback.

**Yard, Side** – a yard between the side lot line and the nearest point on the principal building extending between the front yard and the rear yard. In the case of through lots, side yards shall extend between the front yards. In the case of corner lots, yards remaining after front yards have been established shall be considered side yards.

**Yard, Special** - A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and build able areas thereon.

## 3. District Regulations

### Application of Zoning District Regulations

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

### **Official Zoning Map**

- A. The City is hereby divided into districts as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and is declared to be part of this ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk together with the date of adoption of this ordinance. The Official Zoning Map shall be located in the office of the City Clerk.
- B. Regardless of the existence of purported copies of the official Zoning Map, the Official Zoning Map which shall be located in the office of the City Clerk shall supersede all other maps and shall be the final authority as to the current zoning status of land and water area, buildings, and other structures in the City.
- C. No changes of any nature shall be made on the Official Zoning Map except in conformity with the procedure set forth in this code.

### **Replacement of Official Zoning Map**

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced).

### **Rules for Interpretation of Zoning District Boundaries**

Where uncertainty exists with respect to the boundaries of the various districts shown on the official zoning map, the following rules apply:

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

**Annexation Zoning Policy**

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



### **Zoning Districts Established**

In order to carry out the purposes of this ordinance, the following districts are hereby established:

- A-1 Agriculture
- R-1 Single-Family Residential
- R-2 Two-Family Residential
- R-3 Multi-Family Residential
- C-1 Retail Commercial
- C-2 General Commercial
- M-1 Light Industrial
- M-2 Heavy Industrial
- I-1 Institutional
- PUD Planned Unit Development

## **A-1 Agriculture**

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

### **Permitted Uses**

Fairgrounds  
Farm  
Fire Department  
Kennel  
Law Enforcement  
Non-commercial Plant Nursery  
Park, Public

### **Conditional Uses**

Commercial Greenhouse  
Feed Store  
Gas Station  
Any other similar uses deemed to be consistent by the Zoning Officer

### **Accessory Uses**

Single Family Dwelling

### **Parking**

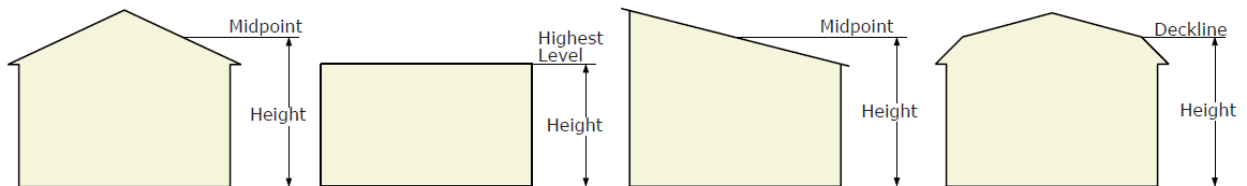
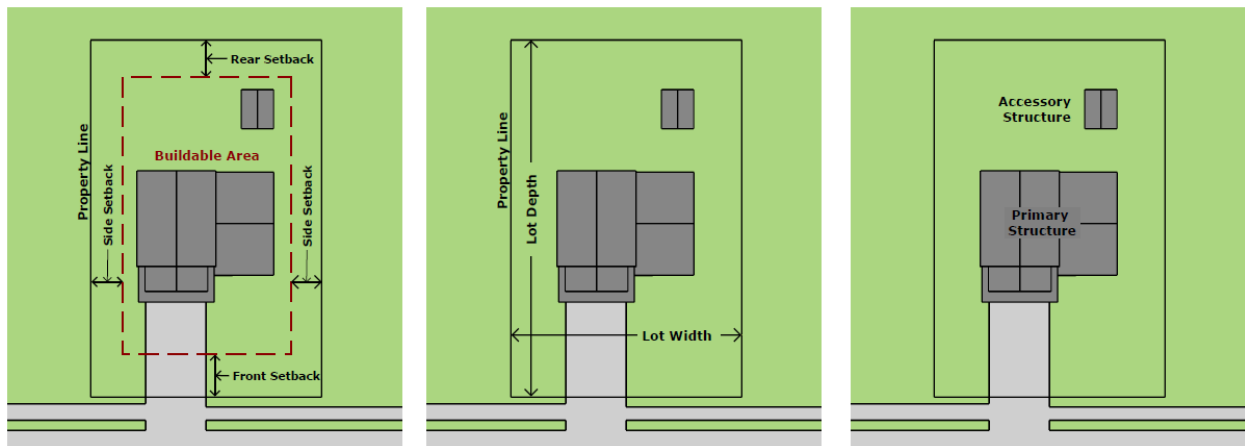
Parking shall be regulated in conformance with the provisions of **Section 4**.

### **Signs**

Signs shall be regulated in conformance with the provisions of **Section \_\_\_\_**.

**Bulk Regulations**

A-1	Minimum Lot Area	Minimum Lot Frontage	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Height
<b>Permitted Uses</b>						
Single Family Dwelling (Accessory Use)	10 Acres	-	-	-	-	-
All other permitted Uses	-	-	-	-	-	-



## **R-1 Single-Family Residential**

The R-1 Single-Family Residential district is intended to accommodate detached, single family residential, open lawns, neighborhood and community parks, religious and educational facilities, greenways, on and off-street trails, and interconnected streets. The district shall permit residential development to be integrated with terrain and tree cover with a minimal disruption of natural systems existing in the area.

### **Permitted Uses**

Cemetery  
Country Club  
Fire Department  
Golf Course  
Group Dwelling  
K-8 School  
Law Enforcement  
Park, Public  
Religious Assembly  
Single-Family Dwelling

### **Conditional Uses**

Bed & Breakfast  
Boarding or Lodging House  
Daycare  
Funeral Home/Mortuary/Crematory  
Nursing/Retirement/Convalescent Facility  
Preschool  
Any other similar uses deemed to be consistent by the Zoning Officer

### **Accessory Uses**

Home-Based Business

### **Parking**

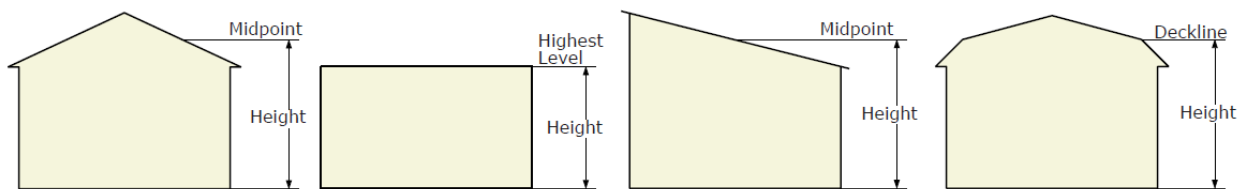
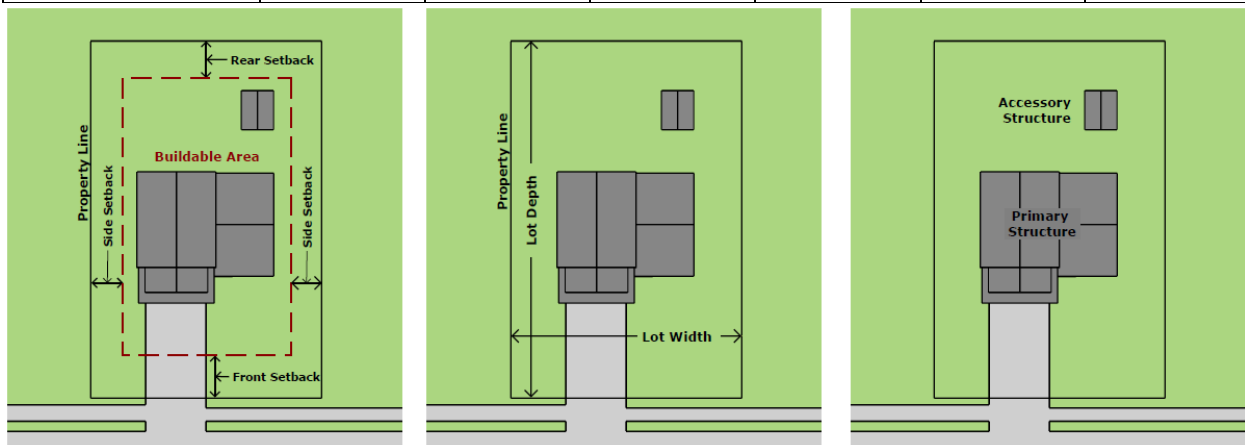
Parking shall be regulated in conformance with the provisions of **Section 4**.

### **Signs**

Signs shall be regulated in conformance with the provisions of **Section \_\_\_\_**.

Bulk Regulations

R-1	Minimum Lot Area	Minimum Lot Frontage	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Height
<b>Permitted Uses</b>						
Single Family Dwelling	7,500	50	20	6	20	30
All other permitted Uses	20,000	100	20	6	20	30
<b>Conditional Uses</b>						
Bed & Breakfast	7,500	50	20	6	20	30
Boarding or Lodging House	7,500	50	20	6	20	30
Daycare	7,500	50	20	6	20	30
Funeral Home/ Mortuary/ Crematory	20,000	100	20	6	20	30
Nursing/ Retirement/ Convalescent Facility	20,000	100	20	6	20	30
Preschool	20,000	100	20	6	20	30



## **R-2 Two-Family Residential**

The R-2 Single Family Residential district is intended to provide residential areas characterized by single-family and two-family dwellings. Increased densities and the and two-family dwellings provide greater housing options while maintaining the basic qualities of a low-density residential neighborhood interconnected by streets. The principal use of land in this district is for low-density single- and two- family dwellings with neighborhood and community parks, religious, and educational facilities.

### **Permitted Uses**

9-12 High School	Law Enforcement
Cemetery	Park, Public
Condominium	Religious Assembly
Country Club	Single-Family Dwelling
Fire Department	Townhouse
Golf Course	Two-Family Dwelling
Group Dwelling	Zero-Lot Line Dwelling
K-8 School	

### **Conditional Uses**

Accessory Dwelling  
Bed & Breakfast  
Boarding or Lodging House  
Daycare  
Funeral Home/Mortuary/Crematory  
Nursing/Retirement/Convalescent Facility  
Preschool  
Any other similar uses deemed to be consistent by the Zoning Officer

### **Accessory Uses**

Home-Based Business

### **Parking**

Parking shall be regulated in conformance with the provisions of **Section 4**.

### **Signs**

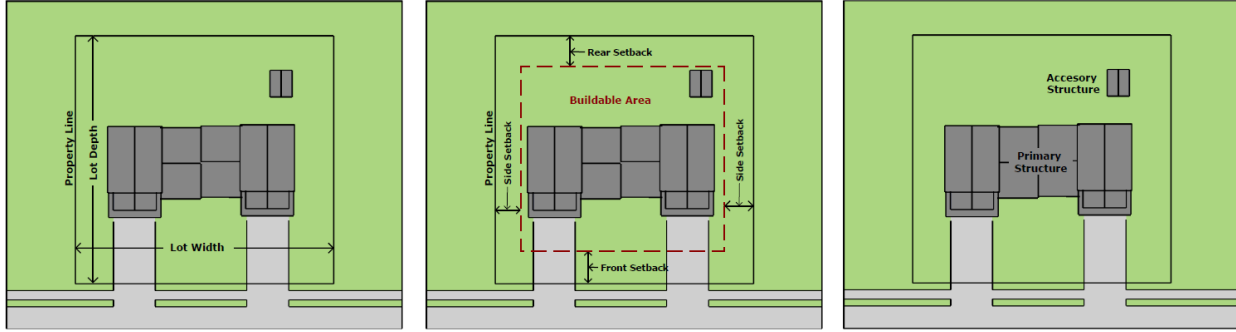
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Bulk Regulations

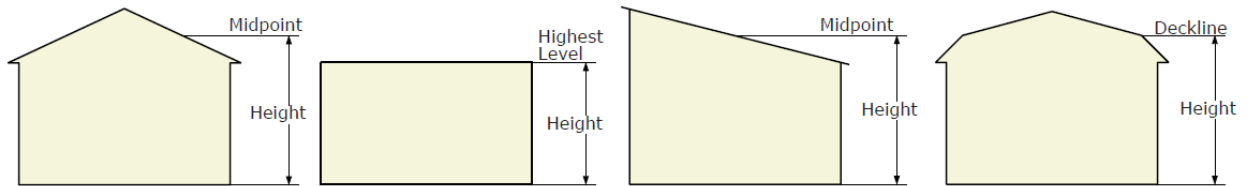
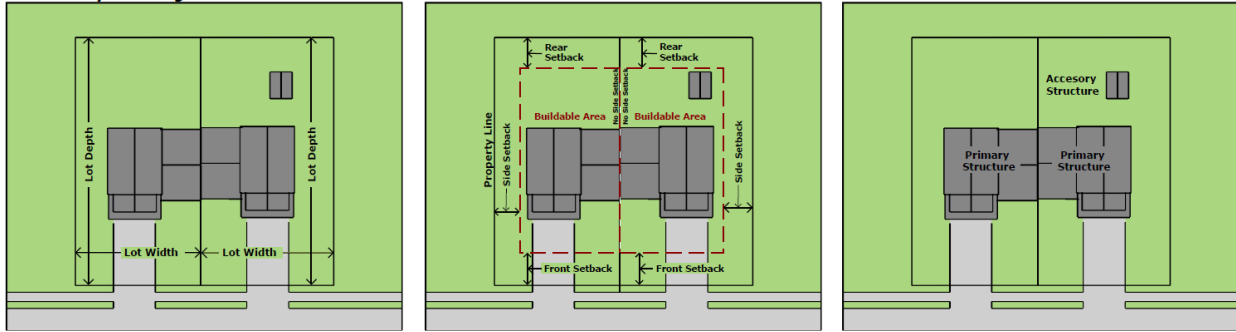
R-2	Minimum Lot Area	Minimum Lot Frontage	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Height
<b>Permitted Uses</b>						
Single Family Dwelling	5,000	50	20	6	20	30
Two-Family Dwelling	6,000	50	20	6	20	30
Townhouse (2 du max)	3,000/du	25/du	20	6/0	20/0	30
All other permitted Uses	20,000	100	20	6	20	30
<b>Conditional Uses</b>						
Bed & Breakfast	5,000	50	20	6	20	30
Boarding or Lodging House	5,000	50	20	6	20	30
Daycare	5,000	50	20	6	20	30
Funeral Home/ Mortuary/ Crematory	20,000	100	20	6	20	30
Nursing/ Retirement/ Convalescent Facility	20,000	100	20	6	20	30
Preschool	20,000	100	20	6	20	30

# Peosta Zoning Ordinance

## Two Family Dwelling - Single Lot



## Two Family Dwelling - Zero Lot Line





### **R-3 Multi-Family Residential**

The R-3 Multi-Family Residential District is intended to provide locations for a mix of residential building types at medium densities with, corner offices and corner stores, and parks and playgrounds, religious and educational facilities, interconnected by streets.

#### **Permitted Uses**

9-12 High School	K-8 School
Apartment	Law Enforcement
Cemetery	Multiple-Family Dwelling
Community Center	Park, Public
Condominium	Religious Assembly
Country Club	Single-Family Dwelling
Fire Department	Townhouse
Golf Course	Two-Family Dwelling
Group Dwelling	Zero-Lot Line Dwelling

#### **Conditional Uses**

Bed & Breakfast  
Boarding or Lodging House  
Daycare  
Funeral Home/Mortuary/Crematory  
Nursing/Retirement/Convalescent Facility  
Preschool  
Any other similar uses deemed to be consistent by the Zoning Officer

#### **Accessory Uses**

Home-Based Business

#### **Parking**

Parking shall be regulated in conformance with the provisions of **Section 4**.

#### **Signs**

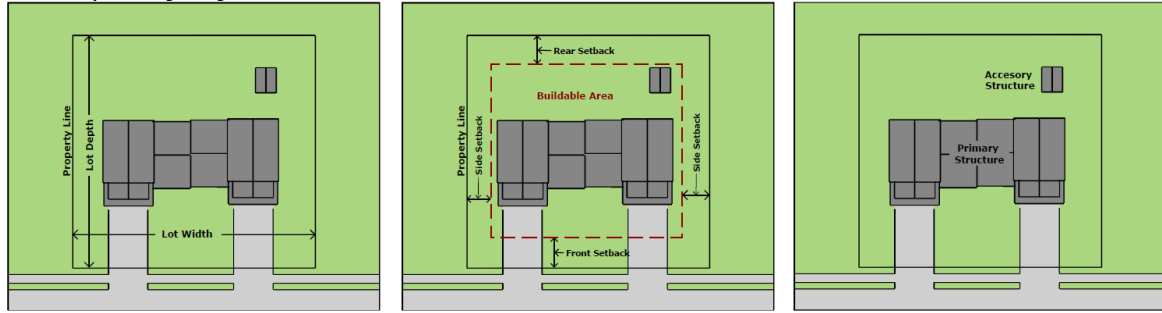
Signs shall be regulated in conformance with the provisions of **Section \_\_\_\_**.

**Bulk Regulations**

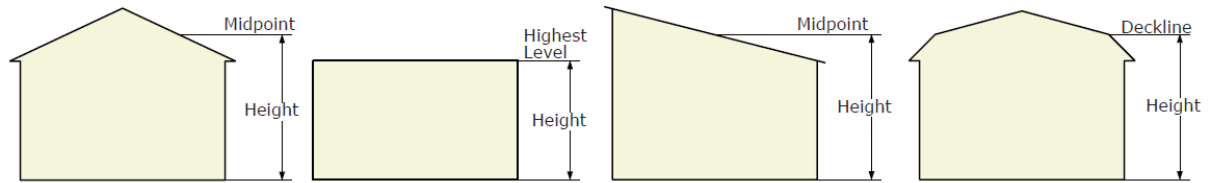
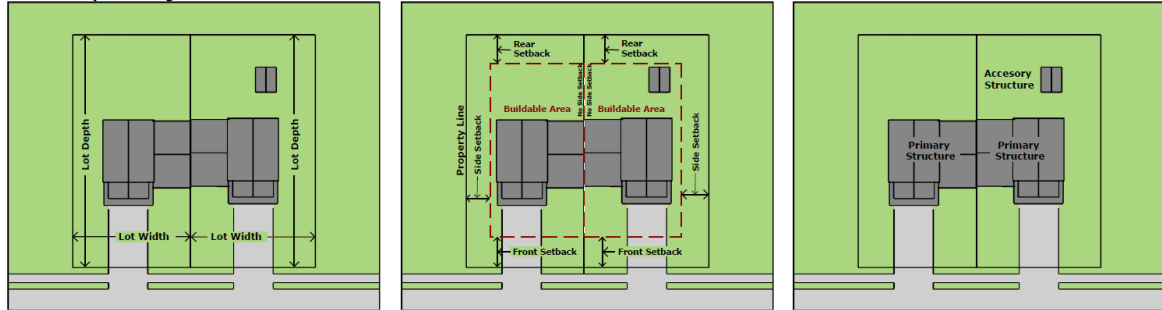
<b>R-3</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Frontage</b>	<b>Minimum Front Setback</b>	<b>Minimum Side Setback</b>	<b>Minimum Rear Setback</b>	<b>Maximum Height</b>
<b>Permitted Uses</b>						
Single Family Dwelling	5,000	50	20	6	20	30
Two-Family Dwelling	6,000	50	20	6	20	30
Townhouse (8 dwelling unit max)	3,000/du	25/du	20	6/0	20/0	30
Multiple-Family Dwelling (12 dwelling unit max)	2,000/du	50	20	6	20	40
All other permitted Uses	20,000	100	20	6	20	30
<b>Conditional Uses</b>						
Bed & Breakfast	5,000	50	20	6	20	30
Boarding or Lodging House	5,000	50	20	6	20	30
Daycare	5,000	50	20	6	20	30
Funeral Home/ Mortuary/ Crematory	20,000	100	20	6	20	30
Nursing/ Retirement/ Convalescent Facility	20,000	100	20	6	20	30
Preschool	20,000	100	20	6	20	30

# Peosta Zoning Ordinance

## Two Family Dwelling - Single Lot



## Two Family Dwelling - Zero Lot Line



## **C-1 Retail Commercial**

The C-1 Retail Commercial District is intended to accommodate the daily or frequent needs of the neighborhood consumer; including retail, personal services, and offices.

### **Permitted Uses**

9-12 High School	Medical Clinic
Apartment	Meeting or Event Hall
Art and Music Center	Museum
Art Gallery	Park, Public
Bed & Breakfast	Post Office
Business with drive-thru sales	Preschool
Business without drive thru sales	Professional Offices
Catering Establishments	Religious Assembly
Community Center	Business with drive-thru service
Daycare	Business without drive-thru sales
Fire Department	Tavern/Nightclub/Bar
Funeral Home/Funeral Home/Crematory	Theater, Indoor
General Retail Sales	Theater, Outdoor
K-8 School	Trade or Business School
Law Enforcement	

### **Conditional Uses**

Any other similar uses deemed to be consistent by the Zoning Officer

### **Accessory Uses**

Any use customarily incidental and subordinate to the principal use it serves.

### **Parking**

Parking shall be regulated in conformance with the provisions of **Section 4**.

### **Signs**

Signs shall be regulated in conformance with the provisions of **Section \_\_\_\_**.

**Bulk Regulations**

<b>C-1</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Frontage</b>	<b>Minimum Front Setback</b>	<b>Minimum Side Setback</b>	<b>Minimum Rear Setback</b>	<b>Maximum Height</b>
<b>Permitted Uses</b>						
Townhouse (8 dwelling unit max)	3,000/du	25/du	20	6/0	20/0	30
Multiple-Family Dwelling (18 dwelling unit, three level max)	2,000/du	50	20	6	20	40
Bed & Breakfast	5,000	50	20	6	20	30
Boarding or Lodging House	5,000	50	20	6	20	30
Daycare	5,000	50	20	6	20	30
Funeral Home/ Mortuary/ Crematory	20,000	100	20	6	20	30
Preschool	20,000	100	20	6	20	30
All other permitted Uses	20,000	100	20	6	20	30



## **C-2 General Commercial**

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

### **Permitted Uses**

9-12 High School	K-8 School
Apartment	Law Enforcement
Art and Music Center	Manufactured Housing Sales
Art Gallery	Medical Clinic
Bed & Breakfast	Meeting or Event Hall
Business with drive-thru sales	Mini Storage
Business without drive-thru sales	Museum
Car Wash	Non-commercial Plant Nursery
Catering Establishment	Nursing/Retirement/Convalescent Facility
Commercial Greenhouse	Park, Public
Commercial Recreational Facility, Indoor	Post Office
Commercial Recreational Facility, Outdoor	Preschool
Community Center	Professional Offices
Daycare	Recreational Vehicle
Dry Cleaning	Religious Assembly
Equipment Sales and Service (Indoor)	Research Laboratory
Feed Store	Restaurant with drive-thru sales
Financial Institution	Restaurant without drive-thru sales
Fire Department	Tattoo Studio
Funeral Home/Funeral Home/Crematory	Tavern/Nightclub/Bar
Gas Station	Theater, Indoor
General Office	Theater, Outdoor
General Retail Sales	Trade or Business School
Hospital	Vehicle /Boat/Equipment Sales
Hotel	Veterinary Hospital

### **Conditional Uses**

Any other similar uses deemed to be consistent by the Zoning Officer

### **Accessory Uses**

Any use customarily incidental and subordinate to the principal use it serves.

**Parking**

Parking shall be regulated in conformance with the provisions of **Section 4**.

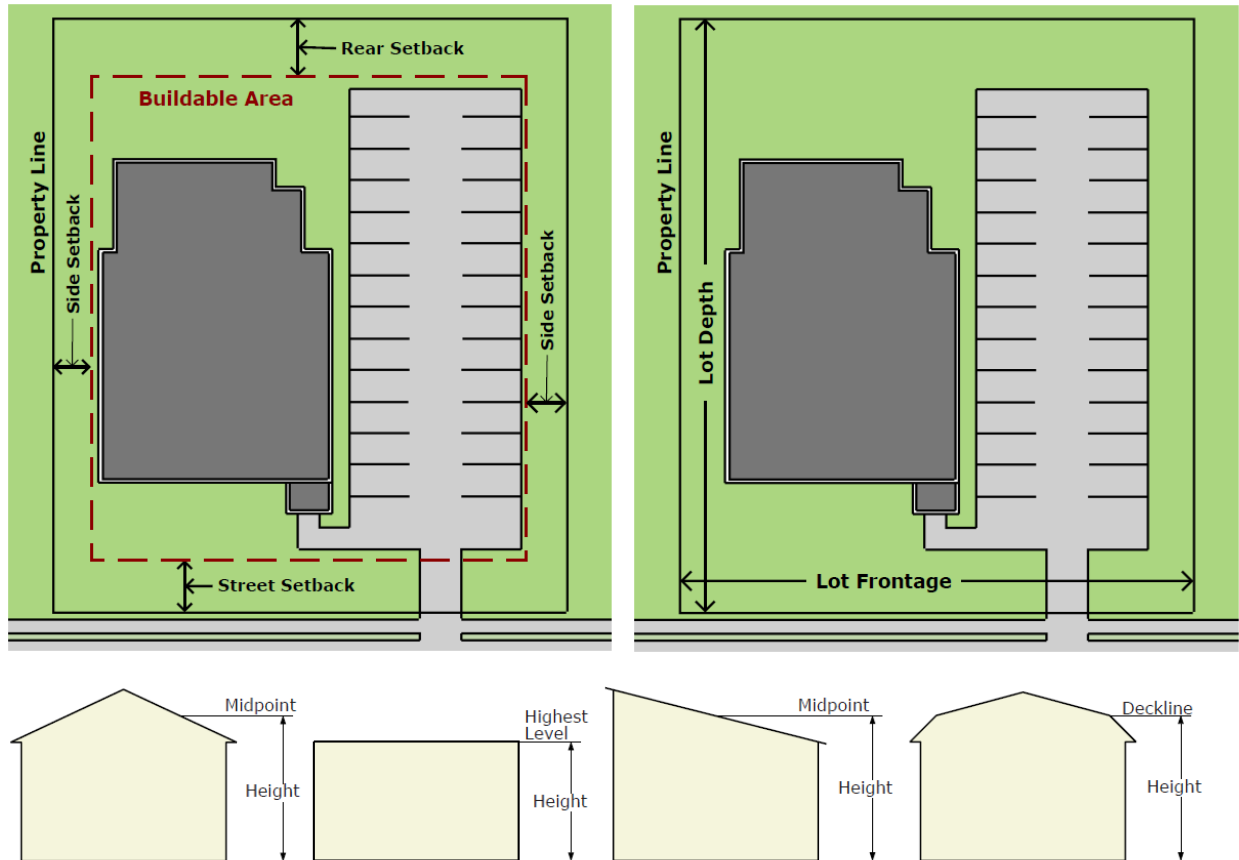
**Signs**

Signs shall be regulated in conformance with the provisions of **Section \_\_\_\_**.

**Bulk Regulations**

C-2	Minimum Lot Area	Minimum Lot Frontage	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Height
Townhouse (8 dwelling unit max)	3,000/du	25/du	20	6/0	20/0	30
Multiple-Family Dwelling (18 dwelling unit, three level max)	2,000/du	50	20	6	20	40
All other permitted Uses	20,000	100	20	6	20	30
Bed & Breakfast	5,000	50	20	6	20	30
Daycare	5,000	50	20	6	20	30
Funeral Home/ Mortuary/ Crematory	20,000	100	20	6	20	30
Nursing/ Retirement/ Convalescent Facility	20,000	100	20	6	20	30
Preschool	20,000	100	20	6	20	30
All other permitted Uses	20,000	100	20	6	20	30





### M-1 Light Industrial

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

#### Permitted Uses

- |                        |                      |
|------------------------|----------------------|
| Car Wash               | Dry Cleaning         |
| Catering Establishment | Feed Store           |
| Commercial Greenhouse  | Fire Department      |
| Contractor Shops       | Gas Station          |
| Construction Shops     | General Retail Sales |
| Daycare                | Kennel               |

Peosta Zoning Ordinance

Law Enforcement  
Lumber/Building Materials Sales  
Manufactured Housing Sales  
Mini Storage  
Park, Public  
Printing and Publishing Establishment  
Recreational Vehicle/Mobile Home Sales

Sewage or Garbage Disposal Plant  
Vehicle /Boat/Equipment Sales  
Vehicle Service or Repair  
Veterinary Hospital  
Warehousing and Storage, Indoor  
Wholesaling Facility

**Conditional Uses**

Water Treatment  
Water Management and Distribution Facility  
Waste Transfer  
Wastewater Treatment  
Any other similar uses deemed to be consistent by the Zoning Officer

**Accessory Uses**

**Parking**

Parking shall be regulated in conformance with the provisions of **Section 4.**

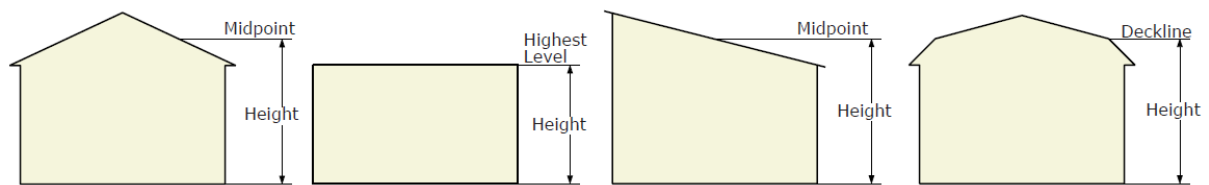
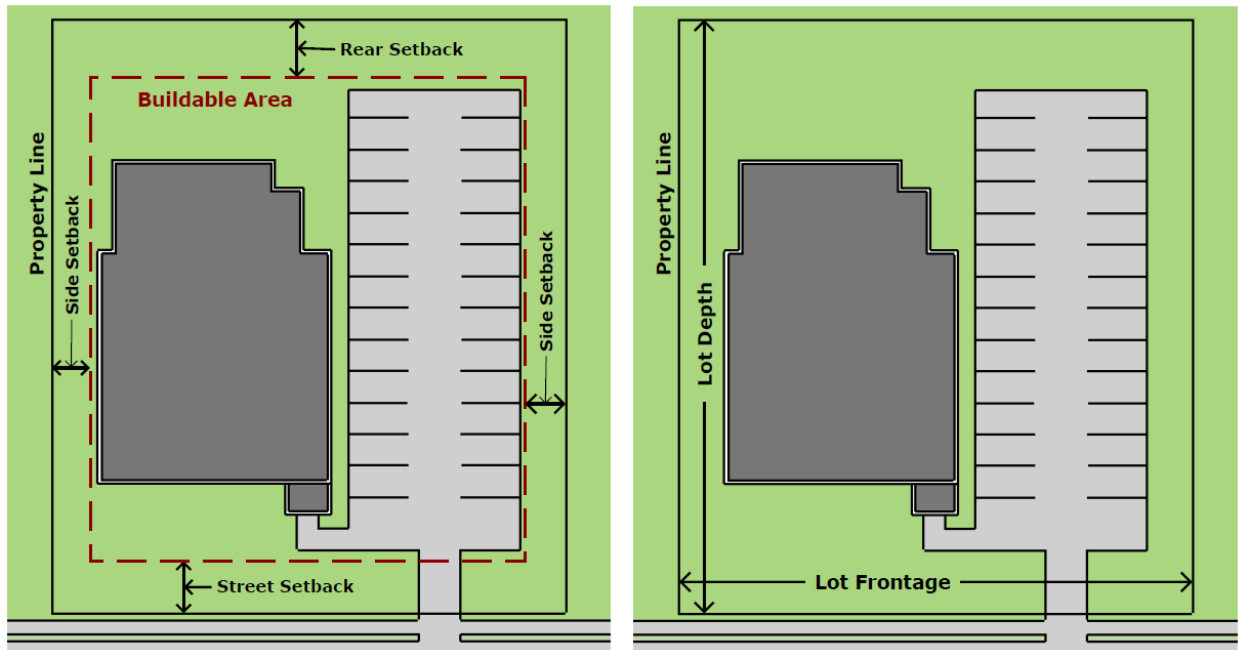
**Signs**

Signs shall be regulated in conformance with the provisions of **Section \_\_\_\_.**

**Bulk Regulations**

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

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



## **M-2 Heavy Industrial**

The M-2 Heavy Industrial district is intended to provide locations for a variety of land uses that by their nature generate levels of smoke, dust, noise, and odors that render them incompatible with virtually all other land uses. Uses in the Heavy industrial district may require both building and open areas for production, manufacturing, or fabrication activities. Uses will generally require some separation from residential and commercial/service districts to the potential for noise, bright lighting, traffic from heavy trucks and other large vehicles, rail traffic and round the clock activities associated with these uses.

### **Permitted Uses**

Car Wash	Lumber/Building Materials Sales
Catering Establishment	Park, Public
Commercial Greenhouse	Printing and Publishing Establishment
Contractor Shops	Sanitary Landfill, Junk Yard, Salvage Yard
Daycare	Sewage or Garbage Disposal Plant
Dry Cleaning	Vehicle Service or Repair
Fire Department	Warehousing and Storage, Indoor
Gas Station	Warehousing and Storage, Outdoor
General Retail Sales	
Law Enforcement	

### **Conditional Uses**

Mineral/Sand/Gravel/Extraction  
Shooting Range  
Water Treatment  
Water Management and Distribution Facility  
Wastewater Treatment  
Any other similar uses deemed to be consistent by the Zoning Officer

### **Accessory Uses**

#### **Parking**

Parking shall be regulated in conformance with the provisions of **Section 4**.

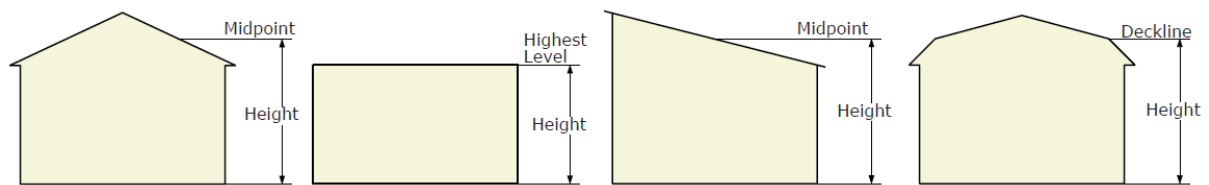
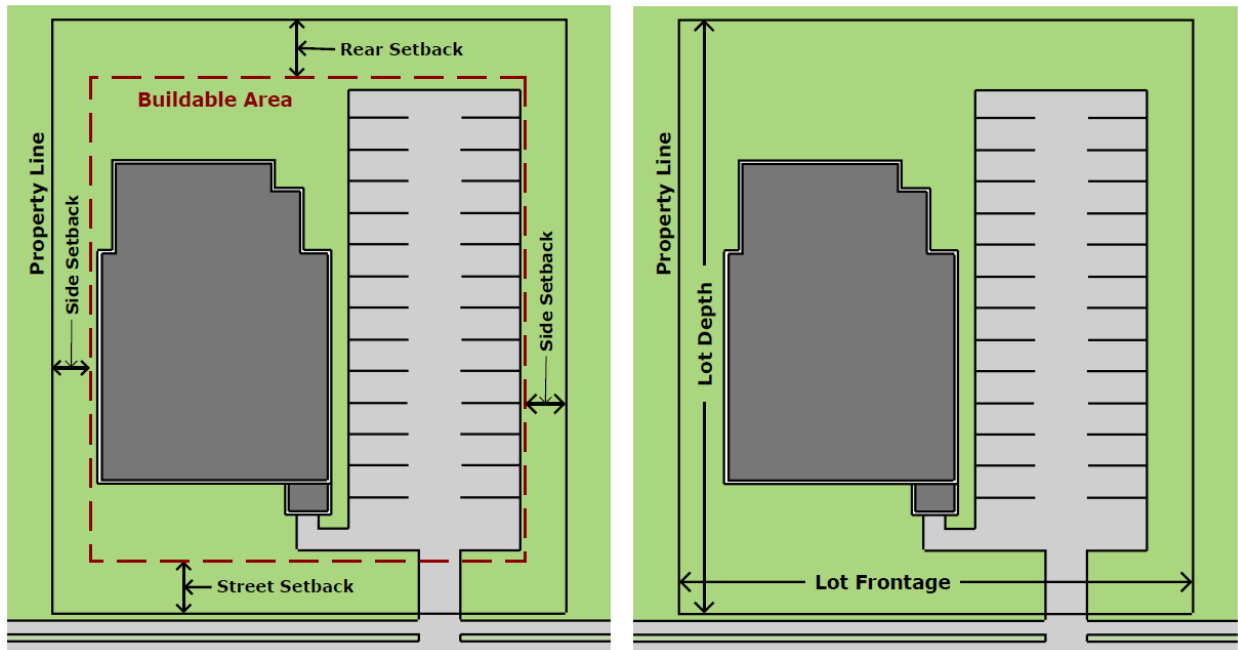
#### **Signs**

Signs shall be regulated in conformance with the provisions of **Section \_\_\_\_**.

Bulk Regulations

M-2	Minimum Lot Area	Minimum Lot Frontage	Minimum Front Setback	Minimum Side Setback <sup>1</sup>	Minimum Rear Setback <sup>1</sup>	Maximum Height
All Uses	-	-	-	-	-	50

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



## **I-1 Institutional**

The I-1 Institutional District is intended to provide locations for specific, single uses including college campuses, hospitals, and medical centers that primarily function independently from other districts.

### **Permitted Uses**

College or University  
Daycare  
Dormitory  
Fire Department

Law Enforcement  
Park, Public  
Trade or Business School

### **Conditional Uses**

Any other similar uses deemed to be consistent by the Zoning Officer

### **Accessory Uses**

Any use customarily incidental and subordinate to the principal use it serves.

### **Parking**

Parking shall be regulated in conformance with the provisions of **Section 4**.

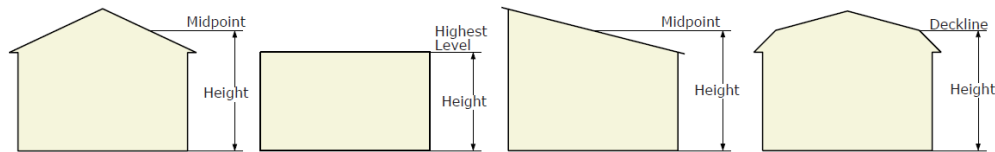
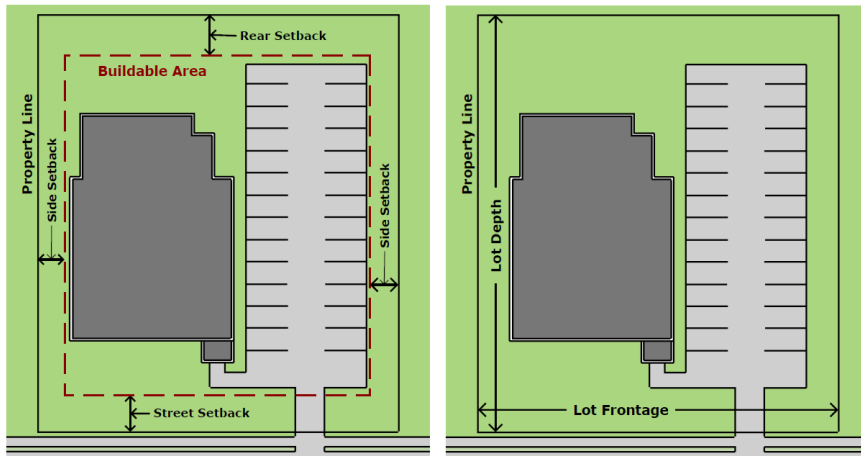
### **Signs**

Signs shall be regulated in conformance with the provisions of **Section \_\_\_\_**.

**Bulk Regulations**

I-1	Minimum Lot Area	Minimum Lot Frontage	Minimum Front Setback	Minimum Side Setback <sup>1</sup>	Minimum Rear Setback <sup>1</sup>	Maximum Height
All Uses	-	-	20	-	-	75

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



## **PUD Planned Unit Development**

### **General Purpose and Description.**

The Planned Unit Development District is intended to encourage flexible and innovative design in the development of appropriate sites as integrated project units. The PUD District shall be an area of two acres or more to be developed as a single entity. The PUD District shall be established by an adopted ordinance setting forth the regulations governing, and the location and phasing of all proposed uses and improvements included in the district. Regulations for this district are designed:

1. To allow a workable, interrelated mix of diverse land uses;
2. To encourage flexibility in design for efficiency and cost savings for the developer and the community;
3. To maximize the potential for large-scale office, residential, commercial, and industrial development and at the same time reduce to a minimum the impact of the development on surrounding land uses and the natural environment;
4. To encourage new development to preserve and utilize existing land characteristics and features which offer visual recreational benefits or other amenities;
5. To promote the economic, attractive, innovative, and harmonious arrangement and design of new buildings, streets, utilities, and other improvements or structures;
6. To provide a living, working, and shopping environment within the layout of the site that contributes to a sense of community and a coherent lifestyle;
7. To provide for the creation and preservation of more and larger useable public or common open spaces than would normally be provided under conventional development;
8. To encourage the careful design and planning of larger development projects;
9. To give developers reasonable assurances regarding project approvals before the unnecessary expenditure of design efforts, while providing the city with appropriate assurances that approved PUD's will retain the character envisioned at the time of project approval.

Property may be reclassified to the planned unit development designation when the proposed development plan will promote the purpose of the district and this ordinance



and is formulated in conformance with the review procedures and standards of this section.

### **General Requirements**

A PUD may be established on any parcel over two (2) acres for residential, office, commercial, or industrial development. A PUD is required for all department stores over sixty thousand (60,000) square feet of building area, regional shopping centers, all new industrial parks, all new office parks, and all new mobile home parks. A PUD is also required for all developments for two (2) or more dwelling units per lot except: two-family and multiple family dwellings where permitted as principal uses; and family homes for the disabled or elderly governed by Iowa Code §§ 414.22, 414.29, 414.30 or 414.31. A parcel proposed for PUD must be under the control of a common ownership. The City may request or require a PUD classification.

Such PUD district designation(s) shall be shown on the official zoning map as a P followed by a letter designating the primary use, C (commercial), O (office), I (industrial), or R (residential); i.e. PC, PO, PI, and PR.

### **Development Regulations**

Lots, uses, signs, and structures shall conform to the bulk, sign, parking, and any other development regulations specifically provided in the ordinance establishing a particular PUD district or in ordinances adopted pursuant thereto; however, PUD districts established prior to adoption of this ordinance without specific bulk, sign, parking, and other development regulations shall be regulated by said regulations of the most compatible district allowing the existing uses which are in the PUD.

In all PUDs, the following minimum standards shall be met:

1. General standards:
  - A. The density and design of the PUD shall be compatible in use, size, and type of structure, relative amount of open space, traffic circulation and general layout with adjoining land uses, and shall be integrated into the neighborhood.
  - B. The PUD shall take into consideration the impact to existing streets and utilities.
  - C. The economic, environmental, and neighborhood impacts of the development shall be considered.
  - D. The PUD shall conform with the adopted long range comprehensive plan.

2. Specific standards

- A. Maximum land coverage of all buildings and impermeable areas shall be established.
- B. Minimum open space shall be established, and continued maintenance of the open space shall be provided in the specific PUD ordinance. (Open space means land areas of the PUD not covered by buildings, parking, or vehicular maneuvering areas, but including storm water detention basins, recreational and pedestrian areas, natural features, such as water courses, woodlands, bluffs, etc., and private yards, if any.)
- C. Minimum interior and perimeter setbacks shall be established.
- D. Structures, other than single-family, adjacent to existing single-family dwellings must be adequately screened and landscaped.
- E. Sign regulations for the PUD development shall be established.
- F. Provision for the continued maintenance of all improvements shall be noted within the ordinance establishing the PUD district.

3. Other conditions may be required, if found necessary to protect and promote the best interests of the surrounding property or the neighborhood. These conditions may include, but are not limited to, the following:

- A. Improvement of traffic circulation for vehicles and pedestrians in the proposed development and adjoining properties and streets.
- B. Specific landscaping/screening/lighting requirements to maintain privacy or reduce impacts in adjoining properties.
- C. Joint use of private open space or amenities by adjoining property owners.

**Procedure for District Establishment and Expansion**

- 1. Pre-application conference. Prior to any application for PUD district establishment, the applicant and/or their representative shall meet with the Zoning Administrator and staff to determine the applicability of the development, timing of procedure, and any other pertinent information appropriate to the proposal.
- 2. Application and submission of conceptual development plan. After the pre-application conference, the application for PUD district establishment shall be filed

with an appropriate filling fee with the Zoning Administrator's office. The application shall be submitted with a conceptual development plan, which shall include the following:

- A. Legal description and address of property.
- B. Name, address, and phone number(s) of the property owner(s).
- C. Number, type, and general location of residential units.
- D. General location and type of non-residential uses including commercial, office, and industrial uses.
- E. General location and type of recreational (passive and active) and open space (usable and non-usable) areas.
- F. Location of existing infrastructure and utilities, including streets with appropriate grades, sidewalks; access drives; water, sanitary sewer and storm sewer drainage systems, where appropriate.
- G. Proposed access to public right-of-way, including approximate grades, traffic projections, and general indication of traffic control measures.
- H. Sketches to indicate the general design of building types and the overall character of development.
- I. Existing contours the property taken at regular contour intervals.
- J. Proposed parking facilities, including surface lots, ramps, and loading/delivery areas.
- K. Location of natural features, including woods, bluffs, waterway courses, floodways, and meadows.
- L. Conceptual landscape plan showing berms, plantings, and fences.
- M. Proposed development conditions for bulk, sign, and parking regulation.
- N. A location map or other framing at appropriate scale showing the general location and relation of the property to surrounding areas, including the zoning and land use pattern of adjacent properties, the existing street system in the area, and location of nearby public facilities.
- O. Other pertinent information as required by the City Administrator.

3. Commission Hearing. A public hearing shall be held by the Planning and Zoning Commission on the PUD application in the same manner and with the same public notice procedure as required by zoning reclassification.

### **Plan Approval Standards**

The Planning and Zoning Commission on the PUD application plan unless and until the Commission and Council determine that the conceptual development plan conforms to each of the following standards:

1. The conceptual development plan is in substantial conformance with the adopted Comprehensive Plan to guide the future growth and development of the City.
2. The proposed development is designed so as to be functionally integrated with existing City streets, sanitary and storm sewer, and water service.
3. The proposed development shall not interfere with the appropriate use and enjoyment of property in abutting districts.
4. The conceptual development plan will not violate any provision or requirement of the Zoning Ordinance.
5. Natural drainage areas are retained as appropriate and improved if necessary.
6. Due consideration is given to preserving natural site amenities and minimizing the disturbance to the natural environment
7. Existing trees are preserved wherever possible, and the location of trees will be considered in designing building locations, underground service, and paved areas.
8. If the development includes flood plain areas, they shall be preserved as permanent open spaces.
9. Due consideration is given to the natural topography and major grade change will be avoided. If the development includes hillsides and slopes, special evaluation is given to geological conditions, erosion, and topsoil loss.
10. If unfavorable development conditions exist, the Commission and City Council may restrict clearing, cutting, filling, or other substantial changes in the natural conditions of the affected areas.

### **Commission Recommendation**

The Planning and Zoning Commission's recommendation shall be transmitted to the City Council with a statement of reasons in support of, or in opposition to, the application, and with recommended conditions or restrictions to be included in an ordinance authorizing the PUD district. The conditions or restrictions shall include, but not be limited to:

1. Time limitations, if any, for submission of final site plans and commencement of construction.
2. Uses permitted in this PUD district
3. Lot, bulk and performance standards for the development and operation of the permitted uses.
4. Procedures of the Subdivision Control Ordinance be followed for the division of property if applicable.
5. Requirement that any transfer of ownership or lease of property in the PUD district include in the transfer or lease agreement a provision that the purchaser or lessee acknowledges awareness of the conditions authorizing the establishment of the PUD district.
6. The submittal and approval of a final site plan shall be required by the Zoning Commission to determine if the final detailed plans are in conformance with the conceptual development plan.

### **City Council Action**

1. Upon the recommendation of the Planning and Zoning Commission, the City Council shall act in the manner provided by law to approve or disapprove the required PUD zoning reclassification of the property. The affirmative vote of at least three-fourths (3/4) of all the membership of the Council shall be necessary to approve the conceptual development plan when the Commission has recommended disapproval thereat; or to remove any conditions, requirements, or limitations imposed by the Commission in approving the conceptual development plan. The ordinance authorizing the establishment of a PUD district shall be recorded in the office of the Dubuque County Recorder at the applicant's expense.
2. Approval of the conceptual development plan shall be valid for the time established in the adopting ordinance. The City Council may grant an extension of the approved

conceptual development plan in conformity with the procedures and standards of this Section.

3. A new or amended conceptual development plan may be filed at any time within the period of time as established by the adopting ordinance and shall follow the same procedure as for the original submittal.

**Development According to Final Site Plan.**

1. Submission of Final Site Plan. After passage of the ordinance authorizing the establishment of a PUD district by the City Council, the applicant shall submit a final site plan to the Zoning Administrator within the period of time, if any, specified in said ordinance. The final site plan shall be in substantial conformance with the approved conceptual development plan.
2. Site Plan Review. No Zoning Permit shall be issued for any site unless a final site plan has been submitted and approved in accordance with, but not limited to, the applicable procedures, standards and requirements of the City's Code of Ordinances and Zoning Ordinance, and unless such plan conforms with the conditions of the adopted conceptual development plan and PUD ordinance as determined by the Planning and Zoning Commission.
3. Zoning Permit Issuance. The Planning and Zoning Commission shall hold a meeting and review the findings of the Zoning Administrator's and staffs final site plan review prior to issuance of a Zoning Permit by the Zoning Administrator. The issuance of a Zoning Permit may be denied by the Commission upon finding that the final site plan is not in substantial conformance with the requirements of this Section. Should the Zoning Permit be denied, the applicant shall be provided a listing of such findings and may bring the final site plan into conformance with the findings for resubmission to the Zoning Administrator and Commission for review and approval or may file a new application. A resubmission must be received within sixty (60) days following denial.
4. Construction of improvements and Posting of Bond. No buildings may be erected and no uses may occupy any portion of the PUD district until the required related off-site improvements are constructed or appropriate security as determined by the City Engineer is provided to ensure construction. If the PUD district is to be development in phases, all improvements necessary for the proper operation and functioning of each phase, even though some improvements may be located outside

of the Section, must be constructed, and installed or appropriate security as determined by the City Engineer must be provided to ensure their construction.

5. Time Limitation. If substantial construction or development does not begin within the period of time specified in the ordinance authorizing the establishment of the district or in the ordinance adopted pursuant thereto, the City Council may, rezone the property or any portion thereof to the zoning district classification that prevailed prior to the approval of the PUD classification, with proper notification to the property owner(s), in the same manner as zoning reclassification.
6. Extension of Time Limitation. The time limitation specified in the ordinance authorizing the establishment of the PUD for submission of final site plans and for completion of construction may be extended by the City Council upon a showing of good cause.
7. Changes From Plan. After recording of a final site plan, changes consistent with the purpose or intent of this Section may be approved by the Planning and Zoning Commission. Substantial changes affecting the purpose or intent of this Section shall require a new application to be filed.

#### **4. Regulations for All Districts**

##### **Conformance Required**

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

##### **Fences**

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

##### **Obstructions to Vision at Street Intersections Prohibited**

On a corner in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half feet (2 1/2') and ten feet (10') above the centerline grades of the intersecting streets in the area bounded by the traveled portion of the road of such corner lots and a line joining points along said street line twenty five feet (25') from the point of intersection. Nothing herein shall be construed as imposing any duty or standard of care toward any other persons or property.

### **Accessory Buildings**

No accessory building shall be erected in any required yard other than a rear yard except as provided hereinafter. Accessory buildings shall be at least five feet from lot lines of adjoining lots which are in any R district; on a corner lot they shall conform to the setback regulations on the side street; there shall be at least five feet from any other separate building or structure on the same lot, and at least five feet from any alley line, except that, when any entrance to an accessory building faces the alley, said accessory building shall be at least twenty feet from any alley line. Accessory buildings may be erected as a part of the principal building, or may be connected thereto by a breezeway, or similar structure, and such accessory building shall be considered as part of the principal building for all yard requirements. A carport or garage for a residence may be in a side yard provided that a full-required side yard is provided between the garage or carport and the side lot line. An accessory building within sixty feet of the front lot line shall have a full side yard between it and the side lot line. Accessory buildings which are not a part of the main building shall not occupy more than thirty percent of the rear yard and shall not exceed fifteen feet in height.

### **Off-Street Parking and Loading Requirements**

The provisions of this chapter shall apply to uses within all zoning districts of the city. No such use shall be commenced, expanded, or enlarged in any manner unless the off-street parking and loading provisions of this chapter are met.

### **Parking Space Calculations**

The following provisions shall govern the computation of required off street parking spaces:

- A. Where computation of required off street parking spaces results in a fractional number, the required spaces for the use shall be the next higher whole number.



- B. Where more than one use is established on a single lot, the off-street parking requirements for the lot shall be the sum of the separate requirements for each use established on the lot.
- C. Where a lawful use exists at the time of adoption of this title that is deficient in the provision of required off street parking, any new use hereafter established in its place shall conform to the parking requirements of this title. However, in computing the off-street parking requirements for any new use, such new use shall be credited for the number of off-street parking spaces that the previous use was in deficit.
- D. No structure(s) containing lawful uses existing at the time of adoption of this title shall hereafter be expanded by twenty five percent (25%) or more of the building area existing at the time of adoption of this title unless parking spaces are provided in full so as to bring the entire expanded use into conformity with this section.

#### Location of Parking Spaces

All off street parking spaces required by this title shall be located on the same zoning lot as the use for which such spaces are required, except that:

- A. Within an office, commercial, or industrial district, when an increase in the number of off-street parking spaces is required by an alteration, enlargement, or change of a use, the required off street parking spaces may be located off site, provided they are not located farther than three hundred feet (300') from the use served.
- B. Within an ID institutional district, parking spaces may be located on a separate lot within the ID district boundaries, unless further restricted by the ordinance establishing the district.

#### **Off Street Parking and Storage of Vehicles in Residential Districts**

- A. **Statement Of Intent:** The intent of this section is to avoid the obstruction of public streets and sidewalks, improve traffic visibility, ensure the provision of necessary light and air to residential dwellings, and maintain the visual harmony and character appropriate in residential neighborhoods within the city.
- B. **Accessory Use:** The provisions of this section shall govern the off-street parking and storage of vehicles as an accessory use within any residential district, or for

property principally used as a residence. Accessory off street parking or storage of vehicles within any such district shall be permitted only in conformance with these provisions.

C. Definitions: The following definitions shall govern the interpretation of this section:

In Operable Vehicle: Any vehicle:

1. That does not display current state registration.
2. With a missing window, windshield, headlight, or any other missing glass.
3. With a broken, loose, or missing fender, door, wheel, bumper, hood, roof, steering wheel, trunk lid, muffler or tailpipe.
4. That is the habitat of rats, mice, snakes or any other vermin or insects.
5. That lacks an engine, one or more wheels or other structural part that renders the vehicle inoperable, such as a truck without an engine or a trailer missing a wheel.
6. That is not capable of moving in both forward and reverse gears.

Parking: The placement on a residential lot of a vehicle for any substantially uninterrupted period of time not exceeding forty-eight (48) hours.

Storage: The substantially uninterrupted placement on a residential lot of any vehicle for any consecutive period of time exceeding forty-eight (48) hours.

Vehicle: Any implement of conveyance designed or used for the transportation of people or materials on land, water or air, including, but not limited to, automobiles, trucks, motorized bicycles, motorcycles, snowmobiles, boats, airplanes, helicopters, trailers, campers, tractors, equipment, etc.

D. Standards Governing Off Street Parking Or Storage Of Vehicles As Accessory Use In Residential Districts:

1. Maximum Number Of Vehicles Allowed To Be Stored: Not more than one vehicle may be stored outside a fully enclosed structure anywhere on a residential lot.
2. Front Yard Storage Prohibited: No vehicle may be stored in the front yard of a residential dwelling under any circumstances. Front yard parking of vehicles may be permitted in conformance with the other standards of this section.

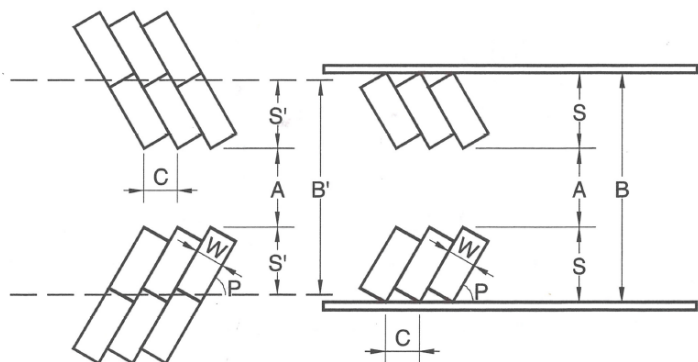
3. Rear Yard Storage Required If Accessible: A vehicle shall be stored only in a rear yard, where a rear yard exists. Where no rear yard exists, or where the city planner determines that an existing rear yard is not reasonably accessible, a vehicle may be stored in a side yard. A vehicle may not be stored within a required side yard.
4. Current State Registration Required For All Vehicles Stored: No vehicle may be stored as an accessory use on a residential lot unless such vehicle displays a current state certificate of motor vehicle registration.
5. Storage In Required Parking Spaces For Multiple-Family Dwellings Prohibited: No vehicle storage shall be permitted in required parking spaces for a multiple-family dwelling. Off street vehicle storage space may be provided for a multiple-family dwelling, if a site plan for such space is approved in accordance with chapter 12 of this title.
6. Front Yard Setback For Garages Required: In zoning districts requiring less than twenty foot (20') front yard setbacks, where a garage opens onto or faces the street, a minimum setback of twenty feet (20') shall be required.
7. Paved Parking And Storage Areas: All vehicles shall be parked and stored on a hard surface driveway or pad paved as defined in chapter 2 of this title. The paved area shall be at least the same size as the outside dimensions of the vehicle.
8. Storage Of Inoperable Vehicles Prohibited: No inoperable vehicle, vehicle parts or camper toppers may be stored outside a fully enclosed structure anywhere on a residential lot.
9. Storage On Vacant Lot: No vehicle or vehicle parts shall be stored on any vacant lot in a residential district.

### Standard Parking Dimensions

Minimum parking space dimensions are included in the table below. The dimensions given in the table are based on a stall length of 18 feet. All dimensions are given in feet. The drive aisle is the space between two parking stalls directly across from each other. The term “parking bay” refers to the width of the drive aisle combined with the parking stall depth on one or both sides of the drive aisle. Parking bay width = stall depth + aisle width

Parking Angle	Stall Width	Aisle Width (One Way)	Aisle Width (Two Way)	Length Along Curb for Each Stall	Stall Depth (Aisle to Wall)	Stall Depth (Aisle to Interlock)
P	W	A	A <sup>1</sup>	C	S	S <sup>1</sup>
0°	8' -5"	13' -0"	24' -0"	21' -0"	na	na
45°	9' -0"	21' -6"	29' -8"	12' -9"	12' -9"	9' -7"
60°	9' -0"	20' -4"	25' -10"	10' -5"	15' -7"	13' -4"
90°	9' -0"	24' -0"	24' -0"	9' -0"	18' -0"	18' -0"

- P = parking angle
- W = stall width
- A = aisle width (for one-way traffic)
- C = length along curb for each stall
- S = stall depth (from aisle to wall)
- S' = stall depth (from aisle to interlock)
- B = bay width (from wall to wall)
- B' = bay width (from interlock to interlock)



### **Exemption from Regulation**

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

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

### Off Street Parking Requirements

The minimum numbers of required off street parking spaces for this title are shown in the following table:

Animal hospital or clinic	1 per employee on maximum shift, plus 1 space for each 100 square feet of gross floor area accessible to the general public
Appliance sales or service	1 per 400 square feet of gross floor area accessible to the public
Athletic field, stadium or sports arena	1 per employee on maximum shift, plus 1 per 4 seats
Auto supply sales	1 per 250 square feet of gross floor area accessible to the public
Bakery (retail only)	1 per employee on maximum shift, plus 1 per 250 square feet of gross floor area accessible to the public
Bank, savings and loan or credit union	1 per employee on maximum shift, plus 1 per 250 square feet of gross floor area accessible to the public
Bar or tavern	1 per 4 seats, plus 1 per employee on maximum shift, plus 1 per 100 square feet of gross floor area for assembly
Barbershop or beauty shop	3 per employee on maximum shift
Bed and breakfast	1 per guestroom
Bowling alley	1 per employee on maximum shift, plus 4 per lane
Campground or recreational vehicle park operation	As determined by the city planner
Car wash	1 per employee on maximum shift

Cemetery, mausoleum, columbarium	As determined by the city planner
Contractor shop or yard	1 per employee on maximum shift, plus 1 per service vehicle, plus 1 per 250 square feet of gross floor area accessible to the public
Convenience store	2 per employee on maximum shift
Gas station	2 per employee on maximum shift
General office	1 per 400 square feet of office floor area, or 1 per employee on maximum shift, whichever is greater
Golf course	50 per 9 holes
Grocery store	1 per 250 square feet of gross floor area accessible to the public
Hotel	1 per room, plus 1 per employee on maximum shift
Housing for the elderly or persons with disabilities	0.5 space for each dwelling unit
Tennis/handball/racquetball courts	3 spaces for each court
Weight training/exercise room	1 space for each 100 square feet of floor area devoted to such use
Indoor theater	1 space for each 6 permanent seats, plus 1 space for each employee on maximum shift
Kennel	1 per employee on maximum shift, plus 1 per 100 square feet of gross floor area accessible to the public
Laundromat	1 space per 4 washing machines

Laundry or dry cleaner	1 per employee on maximum shift, plus 1 per 250 square feet of gross floor area accessible to the public
Licensed adult and child daycare	1 per employee on maximum shift
Lumberyards or building material sales	1 space for each employee on maximum shift, plus 1 space for each 250 square feet of floor area accessible to the general public
Manufacturing, primary	1 space per employee on maximum shift, plus 1 per company vehicle
Medical office or clinic	1 per employee, not including doctors, on maximum shift, plus 3.5 per doctor
Miniature golf	15 per 9 holes
Mini warehousing	As determined by the city planner
Mortuary or funeral home	1 per 50 square feet viewing area, plus 1 per employee on maximum shift
Multiple-family dwelling	1.5 per unit
Multiple-family dwelling (3 to 12 units)	1.5 per unit
Multiple-family dwelling (maximum 6 units)	1.5 per unit
Multiple-family dwelling (more than 12 units)	1.5 per unit
Museum or library	1 space for each 500 square feet of floor area accessible to the general public
Nursing or convalescent home for institutional residents or affiliates	0.25 per bed, plus 1 per employee on maximum shift
Office supply	1 space for each employee on maximum shift, plus 1 space for each 250 square



	feet of floor area accessible to the general public
Swimming pool	1 space for each 30 square feet of gross pool area
Parks, public or private, and similar natural recreation areas	As determined by the city planner
Place of religious exercise or religious assembly	1 per 4 seats
Public or private/parochial schools approved by state board of public instruction (K _ 12)	1.5 spaces per employee on maximum shift for grades K _ 12, plus 1 per 10 students for grades 9 _ 12
Residential care facility	2 spaces for each employee on maximum shift
Residential uses above first floor only	1 space for each dwelling unit
Restaurant, indoor	1 per 4 seats, plus 1 per employee on maximum shift, plus 1 per 1,000 square feet of gross floor area for customer service
Retail sales and service	1 space for each 250 square feet of floor area accessible to the general public
School of private instruction	0.75 per student
Single-family attached dwelling	2 per dwelling unit
Single-family detached dwelling	2 per dwelling unit
Townhouse	2 per dwelling unit
Two-family dwelling (duplex)	2 per dwelling unit
Vehicle body shop	1 per employee on maximum shift, plus 3 per service bay

Vehicle sales or rental	1 per employee on maximum shift, plus 1 per 500 square feet of gross floor area of indoor display area, plus 1 per 2,000 square feet of gross floor area of outdoor display area, plus 2 per service bay
Vehicle service or repair	1 per employee on maximum shift, plus 3 per service bay

### **Conditional Use Parking Regulations**

Minimum parking requirements, where applicable, for conditional use permit uses shall be regulated in conformance with the provisions of section 4 (parking section) unless otherwise provided by the Board of Adjustment.

### **List of Conditional Uses**

#### **Bed & Breakfast**

A bed and breakfast home may be allowed in the R-1, R-2, and R-3 districts in accordance with the following conditions:

- A. The structure has a maximum of nine sleeping rooms;
- B. The property shall not be used for rental as a private club, museum, or tour home unless approved by the Board; and
- C. Parking shall be provided at a rate of one space per guest room. The parking shall be provided on-site or on a street frontage of the property, and should not intensify parking problems in the neighborhood.

#### **Boarding or Lodging House**

A Boarding or Lodging House may be allowed in the R-1, R-2, and R-3 districts in accordance with Conditions established by the Board of Adjustment.

#### **Commercial Greenhouse**

A Commercial Greenhouse may be allowed in the A-1 district in accordance with Conditions established by the Board of Adjustment.

**Daycare**

A Daycare may be allowed in the R-1, R-2, and R-3 districts in accordance with Conditions established by the Board of Adjustment.

**Feed Store**

A Feed Store may be allowed in the A-1 district in accordance with Conditions established by the Board of Adjustment.

**Funeral Home/Mortuary/Crematory**

A Funeral Home/Mortuary/Crematory may be allowed in the R-1, R-2, and R-3 districts in accordance with Conditions established by the Board of Adjustment.

**Gas Station**

A Gas Station may be allowed in the A-1 district in accordance with Conditions established by the Board of Adjustment.

**Mineral/Sand/Gravel/Extraction**

A Mineral/Sand/Gravel/Extraction may be allowed in the M-2 district in accordance with Conditions established by the Board of Adjustment.

**Multiple-Family Dwelling with 13 or More Units**

A Multiple-Family Dwelling with 13 or More Units may be allowed in the R-3 district in accordance with the following conditions:

- A. The Board of Adjustment shall establish the maximum number of units.

**Nursing/Retirement/Convalescent Facility**

A Nursing/Retirement/Convalescent may be allowed in the R-1, R-2, and R-3 districts in accordance with Conditions established by the Board of Adjustment.

**Park, Public**

A Park, Public may be allowed in the CON district in accordance with Conditions established by the Board of Adjustment.

**Preschool**

A Preschool may be allowed in the R-1 and R-2 districts in accordance with Conditions established by the Board of Adjustment.

**Private Club or Lodge**

A Private Club or Lodge may be allowed in the CON district in accordance with Conditions established by the Board of Adjustment.

**Restaurant with drive-thru food sales**

A Restaurant with drive-thru food sales may be allowed in the C-3 district in accordance with Conditions established by the Board of Adjustment.

**Riding Stable**

A Riding Stable may be allowed in the CON district in accordance with Conditions established by the Board of Adjustment.

**Shooting Range**

A Shooting Range may be allowed in the M-2 district in accordance with Conditions established by the Board of Adjustment.

**Vehicle /Boat/Equipment Sales**

A Vehicle /Boat/Equipment Sales may be allowed in the C-3 district in accordance with Conditions established by the Board of Adjustment.

### **Vehicle Service or Repair**

A Vehicle Service or Repair may be allowed in the C-3 district in accordance with Conditions established by the Board of Adjustment.

### **Waste Transfer**

A Waste Transfer may be allowed in the M-1 district in accordance with Conditions established by the Board of Adjustment.

## **5. Nonconformities**

### **Intent**

It is the intent of this title to recognize the legitimate interests of owners of lawful nonconformities by allowing such lawful nonconformities to continue, subject to the provisions contained herein. At the same time, it is recognized that lawful nonconformities may substantially and adversely affect the orderly development, maintenance, use and value of other property in the same zoning district, property that is itself subject to the regulations and terms of this title. In order to secure eventual compliance with the city's comprehensive plan and with the standards of this title, it is therefore necessary to carefully regulate lawful nonconformities and to prohibit the reestablishment of such nonconformities that have been discontinued.

### **Nonconformities Generally**

- A. Within the zoning districts established by this title or its subsequent amendment, there exist uses, lots, and structures, which were lawful before this title was adopted or amended, but which would now be prohibited, regulated, or restricted under the terms of this title or its subsequent amendment. Such nonconformities shall hereafter be considered lawful nonconformities.
- B. To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the adoption or amendment of this title and upon which actual building construction has been carried on diligently.
- C. "Actual building construction" is hereby defined to include the placement of construction materials in permanent position and fastened in a permanent manner.

### **Nonconformity Created By Change in Law or Boundary**

Whenever a use, lot, or structure becomes nonconforming due to a change in this title or the zoning district boundaries, such use, lot, or structure may be continued in conformance with this chapter.

### **Effect on Nonconformities Illegal Under Prior Law**

Nothing in this title shall be interpreted as authorization for, or approval of, the continuance of a use, lot, or structure which was in violation of zoning regulations in effect immediately prior to the effective date hereof or was otherwise illegal.

### **Nonconforming Uses**

- A. Any lawful nonconforming use of a lot or structure may be continued so long as it remains otherwise lawful and provided there is no enlargement, increase or extension of the use which would result in a greater area of the zoning lot being occupied than was occupied at the time of the adoption of this title, and that no additional structures or additions to structures existing at the time of the adoption of this title shall be constructed on the same zoning lot. Further, no such use shall be increased in intensity or moved or relocated in whole or in part to any other portion of the zoning lot on which it was located at the time of the adoption of this title.
- B. A lawful nonconforming use may be extended throughout any parts of the structure in which it is located, provided said structure or parts thereof were manifestly arranged or designed for such use at the time of the adoption of this title.
- C. If any lawful nonconforming use of a lot or structure ceases for any reason for a period of more than one year, any subsequent use of such lot or structure shall conform to the requirements of this title.
- D. Whenever a lawful nonconforming use is superseded by a permitted use, such nonconforming use shall not thereafter be resumed.
- E. When a building or structure housing a nonconforming use is damaged by fire, explosion, act of God, or the public enemy to an extent of more than seventy five percent (75%) of its fair market value, such building or structure shall not be restored unless the use of the same shall thereafter conform to the uses permitted in the district in which it is located, except that lawful nonconforming residential uses may be resumed.

### **Nonconforming Lots**

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

### **Nonconforming Structures**

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

nonconformities may be expanded provided they comply with the schedule of R-2A alternate two-family residential district regulations. (Ord. 52-09, 10-19-2009)

### **Nonconforming Characteristics of Use**

Whenever, due to the adoption or amendment of this title, off street parking, paving of parking area, landscaping, screening, and similar site improvements do not conform to the requirements of this title, the deficiencies shall be considered lawful nonconforming characteristics of such use. Said deficiencies shall be brought into conformance whenever the use, lot, or structure with which they are associated is expanded by twenty five percent (25%) or more of building area existing at the time of adoption of this title.

## **6. Administration and Enforcement**

### **Zoning Administrator**

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

### **Building Permit Required**

Building permits must be approved before the beginning of construction, and a certificate of compliance shall be issued within ten (10) days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished upon request to any person having a proprietary, or tenancy interest in the building affected.

### **Certificate of Occupancy**

No land shall be occupied or used, and no buildings hereafter erected or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of occupancy is issued by the Zoning Administrator, stating the building and use comply with the provisions of this chapter and other building and health ordinances of the City. No change of use shall be made in any building, or part thereof, now, or hereafter erected, or structurally altered, unless a certificate of occupancy shall be issued to make a change and unless the changes are in conformity with the provisions of this chapter.



## **Fees**

Any application for action taken under this ordinance shall be submitted along with the required fee, as established by resolution of the City Council. All required fees shall be submitted to the Zoning Administrator. The schedule of fees shall be posted in the office of the Zoning Administrator. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

## **Violations**

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

## **Enforcement Procedure**

Whenever the Zoning Administrator finds that any provision of this ordinance is being violated, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of use of land, buildings, or structures in violation of this ordinance; removal of buildings or structures or additions, alterations, or structural changes in violation of this ordinance; discontinuance of any work being done in violation of this ordinance; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions

## **Penalties**

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$200 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in,

assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

## **7. Zoning Board of Adjustment**

### Zoning Board of Adjustment

- A. Membership: The board shall consist of five (5) members appointed by the city council.
- B. Term Of Office: Members of the board shall be appointed for a term of five (5) years, excepting that when the board shall first be created, one member shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years, and one for a term of one year.
- C. Removal: Board members may be removed for cause by the city council upon written charges and after a public hearing.
- D. Vacancies: Vacancies on the board shall be filled for the unexpired term of any member whose term becomes vacant.

### **General Board Procedures**

- A. Meetings: Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The board may in addition adopt general rules of procedure consistent with the provisions of this title.
- B. Vote Of Board: The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in such title, or to adopt, repeal, or amend any rule of procedure adopted pursuant to this chapter.

### **General Powers**

The board shall have the following powers:

- A. Appeals From Administrative Official: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any ordinance adopted pursuant to Iowa Code chapter 414, as such may be amended from time to time.
- B. Conditional Uses: To hear and decide applications for conditional use permits upon which such board is required to pass under the provisions of this title.
- C. Variances: To authorize upon appeal in specific cases such variance from the bulk regulation provisions of this title, parking and sign requirements of this title as will not be contrary to the public interest, where owing to special conditions a literal enforcement of these provisions will result in unnecessary hardship, and so that the spirit of these provisions shall be observed, and substantial justice done.
- D. Special Exceptions: To hear and decide applications for special exceptions to the terms of this title, in accordance with the general regulations of the zone in which the property is located and specific standards contained herein.

**Appeal from Administrative Official**

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

make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

### **Conditional Use Permit Procedure**

- A. Generally: The zoning board of adjustment may allow as conditional uses only those uses classified as conditional uses in this title. No conditional use shall be allowed in a particular district unless such use is specifically permitted as a conditional use in the regulations for that district and the board shall not act upon any conditional use permit application unless and until the requirements for each conditional use within the specific district in which it is located have been met.
- B. Application:
1. Any person may file an application to use property for one of the conditional uses permitted in the district in which the property is located. All applications for a conditional use permit shall be made upon the official form for such applications which shall be available from the Zoning Administrator.
  2. Review of the application for a conditional use permit may be obtained by delivering the completed application form to the Zoning Administrator together with payment of the required fee.
  3. The board may require the applicant for a conditional use permit to supply any further information beyond that contained in the application where it reasonably considers such information necessary to make the determinations required by this chapter.
- C. Notice and Meeting Requirements: Following receipt of the completed application form the board shall, with due diligence, hold a public meeting to consider the application for a conditional use permit. Notice of the time and place of the public hearing shall be published in the newspaper of general circulation at least seven (7) days and not more than twenty (20) days prior to such hearing. The board shall direct and require verification that notice of the time and place of the meeting has been sent by first class mail to all owners of property within two hundred feet (200') of the property at which the conditional use permit is sought. At the public meeting, all interested parties shall be afforded a reasonable opportunity to appear and express their views on the application, either in person or by agent. A record of such meeting shall be entered into the minutes of the board.

### **Standards for Granting Conditional Use Permit**

No conditional use permit shall be granted unless the board determines on the basis of specific information presented at the public meeting or contained in the application for such use that each of the following conditions has been satisfied:

- A. The proposed conditional use will comply with all applicable regulations of this title, including lot requirements, bulk regulations, use limitations, and all other standards or conditions contained in the provisions authorizing such use.
- B. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided.
- C. Adequate access roads or entrances and exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.
- D. The use shall not commence until applicant has provided written evidence that all necessary permits and licenses required for the operation of the conditional use have been obtained.
- E. All exterior lighting fixtures are shaded wherever necessary to avoid casting direct light upon any property located in a residential district.
- F. The location and size of the conditional use, the nature and intensity of the activities to be involved or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to the conditional use, shall be such that it will be in harmony with the appropriate and orderly development of the district and neighborhood in which it is located.
- G. The location, nature and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings, and structures.
- H. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public.

### **Conditions and Restrictions on a Conditional Use Permit**

- A. Imposition Of Conditions And Restrictions: In granting a conditional use permit, the board may impose any conditions or restrictions it reasonably considers necessary to ensure full compliance with the standards of section Standards for Granting Conditional Use Permit, of this chapter to reduce or eliminate any detrimental effect of the proposed conditional use permit upon the neighborhood or the district, or to carry out the general purposes and intent of this title.
- B. Modification Of Conditions And Restrictions: Any subsequent change or modification of a condition or restriction imposed by the zoning board of adjustment in granting a conditional use permit must be approved in the same manner and with the same requirements as the original application for a conditional use permit.
- C. Violation Of Conditions And Restrictions: A violation of such conditions and restrictions, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this title.

## **Decision and Records**

The board shall render a written decision on an application for a conditional use permit after the close of the meeting. The decision of the board shall contain specific findings of fact supporting the granting or denial of the conditional use permit and shall clearly set forth any conditions or restrictions imposed. The board shall maintain the record of all actions with respect to applications for conditional use permits and shall notify the city council of their decisions on each application.

### **Period of Validity: Expiration**

- A. No conditional use permit granted by the board shall be valid for a period longer than two (2) years from the date on which the board grants the permit, unless within such two (2) year period:
  - 1. A building permit is obtained, and the erection or alteration of a structure is started, or
  - 2. A certificate of occupancy is obtained, if required, and the use is commenced.
- B. The board may grant a maximum of one extension not exceeding six (6) months, upon written application, without notice of hearing.

## **Variance Procedure**

- A. Application
  - 1. Any person owning property may apply for a variance from the literal enforcement of the bulk regulation provisions including parking and sign requirements of this title for the property or structure involved. All applications for a variance shall be made on the official form for such applications which shall be available from the Zoning Administrator.
  - 2. Review of the application for a variance may be obtained by delivering the completed application form to the planning services department together with payment of the required fee.
  - 3. Prior to its review, the board may require the applicant for a variance to supply any further information beyond that contained in the application where it reasonably considers such information necessary to make the determination.
- B. Notice and Meeting Requirements: Following receipt of a completed application the board shall, with due diligence, consider such application at a public meeting. Notice



of the time and place of the public hearing shall be published in the newspaper of general circulation at least seven (7) days and not more than twenty (20) days prior to such hearing. The board shall direct and require verification that notice of the time and place of the meeting has been sent by first class mail to all owners of property within two hundred feet (200') of the property for which the variance is sought. At the public meeting, all interested parties shall be afforded a reasonable opportunity to appear and express their views on the application, either in person or by agent. A record of such meeting shall be entered into the minutes of the board.

C. Requirements for Granting of Variance: The board shall grant a variance only under exceptional circumstances where practical difficulty or unnecessary hardship is so substantial, serious, and compelling that relaxation of the general restrictions ought to be granted. No variance shall be granted unless the applicant shall show, and the board shall find that:

1. The particular property, because of size, shape, topography, or other physical conditions, suffers singular disadvantage, which disadvantage does not apply to other properties in the vicinity; and
2. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
3. This disadvantage does not exist because of conditions created by the owner or previous owners of the property; and
4. Granting the variance requested will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same district; and
5. Granting of the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the intent and purpose of the provision waived.
6. In passing a variance, the board shall not consider prospective financial loss or gain to the applicant.

D. Conditions and Restrictions Attached to Granting of Variance: In granting a variance, the board may impose any conditions or restrictions it reasonably considers necessary to ensure full compliance with the intent and regulations of the provision waived, to reduce or eliminate any detrimental effect of the proposed variance upon the neighborhood or the public welfare, or to carry out the general

purposes and intent of the provision waived. Violation of such conditions and restrictions, when made a part of the terms under which a variance is granted, shall be deemed a violation of this title.

- E. Decisions and Records. The board shall render a written decision on an application for a variance after the close of the meeting. The decision of the board shall contain specific findings of fact supporting the granting or denial of the variance and shall clearly set forth any conditions or restrictions imposed. The board shall maintain complete records of all action with respect to applications for a variance.

### **Special Exceptions**

- A. Special Exceptions: The board of adjustment shall have the power to grant a special exception in the following instances:
1. Any person owning property used solely for residential purposes may apply for a special exception from the literal enforcement of the bulk regulation requirements for the property or structure involved.
  2. To determine the district in which a commercial venture or industry should be located where such commercial venture or industry is not specifically mentioned in this title. Such classification shall be based upon comparison with other similar uses specifically mentioned, and on an evaluation of its operation and effect upon uses within the surrounding district or districts.
- B. Application. All applications for a special exception shall be made on the official form for such applications which shall be available without cost from the Zoning Administrator. The applicant shall be required to supply all pertinent items of information contained on the official application form as a condition to review of such application. Review of the application for a special exception may be obtained by delivering the completed application form to the planning services department together with payment of the required fee. Upon receipt of the completed forms and the required fee, the planning services department shall forthwith transmit a copy of the completed form to the board, retaining the original form as part of the board's permanent records. Prior to its review, the board may require the applicant for a special exception to supply any further information beyond that contained in the application form where it reasonably considers such information necessary to make the determination.

- C. Notice and Meeting Requirements: Following receipt of a completed application the board shall, with due diligence, consider such application at a public meeting. The board shall direct and require verification that the applicant, or their agent has sent notice of the time and place of the meeting by first class mail to all owners of property abutting the property for which the special exception is sought, including property directly across the street. At the public meeting, all interested parties shall be afforded a reasonable opportunity to appear and express their views on the application, either in person or by agent. A record of such meeting shall be entered into the minutes of the board.
- D. Requirements for Granting Special Exception: The board shall grant a special exception when the applicant has shown that the following standards have been met or are not applicable:
1. That the specific proposed exception will not be detrimental to or endanger public health, safety, comfort, or general welfare.
  2. That the specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and will not substantially diminish and impair property values within the neighborhood.
  3. That establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zone in which such property is located.
  4. That adequate utilities, access roads, drainage and other necessary facilities are being provided.
  5. That, except for the specific exception being proposed, any structure shall in all other respects conform to the applicable regulations or standards of the zone in which it is to be located.
- E. Conditions and Restrictions Attached to Granting Special Exception: In granting a special exception, the board may impose any conditions or restrictions it reasonably considers necessary to ensure full compliance with the standards of this title, to reduce or eliminate any detrimental effect of the proposed special exception on the neighborhood or the public welfare, or to carry out the general purpose and intent of this title. Violation of such conditions and restrictions, when made a part of the

terms under which a special exception is granted, shall be deemed a violation of this title.

- F. Decisions and Records. The board shall render a written decision on an application for a special exception after the close of the public meeting. The decision of the board shall contain specific findings of fact supporting the granting or denial of the special exception and shall clearly set forth any conditions or restrictions imposed pursuant to this title. The board shall maintain complete records of all action with respect to applications for a special exception.
- G. Appeal from Board Decision: Appeals from action or decision of the board shall be made in the manner provided by state law.