

## CHAPTER 165

# ZONING REGULATIONS

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

**165.02 INTENT AND PURPOSE.** This chapter is adopted for the following reasons:

1. To provide the citizens of the City adequate light, pure air, safety from fire and other dangers; to conserve the value of land and buildings; to lessen or avoid congestion of traffic in the public streets; and to promote the public health, safety, comfort, convenience, morals and general welfare;
2. To promote the character and stability of residential, business and manufacturing areas within the City and to promote the orderly and beneficial development of such areas;
3. To preserve the aesthetic quality of the City and also historic and cultural areas;
4. To establish restrictions in order to attain these objectives by adopting a zoning ordinance which will create districts into which the City is divided, and provide for the requirements upon the intensity of the use of land and buildings, off-street parking facilities, the provision for administration and enforcement, the penalties for violation of the ordinance, and the procedure, powers and duties of the Board of Adjustment, Zoning Commission and City Council.

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

**165.04 DEFINITIONS.** For the purpose of this chapter, certain terms and words are hereby defined. The words “used” and “occupied” include the words “intended, designed or arranged to be used or occupied.”

1. “Accessory use or structure” means a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

2. "Adjacent property" means any parcel of land or any portion thereof which is located three hundred (300) feet or less from the boundaries of the property in question. (Said distance is to be measured exclusive of public streets and alleys.)
3. "Administrative Officer" means the individual designated by this chapter to administer the zoning ordinance and who is responsible for the enforcement of the regulations imposed by said ordinance. This person may also be referred to as the "Zoning Administrator."
4. "Agriculture" means the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, apiculture, horticulture, floriculture, viticulture, fish farm and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
5. "Alley" or "lane" means a public or private way not more than thirty (30) feet wide affording generally secondary means of access to abutting property and not intended for general traffic circulation.
6. "Alteration, structural" means any change in the supporting members of the building, such as bearing walls, partitions, columns, beams or girders. The enlargement of the size or height of a building shall be construed to be a structural alteration.
7. "Apartment house" – see "dwelling, multiple."
8. "Automobile salvage yard" – see "junk yard."
9. "Basement" means a story having part but not more than one-half (½) of its height below grade. A basement is counted as a story for the purpose of height regulations.
10. "Billboard," as used in this chapter, includes all structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure is placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
11. "Block" means the property abutting on one side of the street and lying within the two nearest intersecting streets, an unsubdivided acreage or railway right-of-way.
12. "Board of Adjustment" means the Board of Adjustment of the City (See Section 165.20.)
13. "Boarding house" means a building other than a hotel, where for compensation, meals or meals and lodging are provided for three (3) or more persons.
14. "Building" means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
15. "Building, principal" means a building in which the principal use of the lot is conducted.

16. "Building, height of" means the vertical distance from the average natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
17. "Building Official" means the agent so designated by the Council.
18. "Bulk stations" means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
19. "Business or commercial" refers to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit or offices or recreational or amusement enterprises.
20. "Carport" means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purpose of this chapter, a carport attached to a principal building shall be considered part of the principal building and subject to all yard requirements herein.
21. "Cellar" means that portion of a building having more than one-half ( $\frac{1}{2}$ ) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
22. "Clinic" means a building or buildings used by physicians and/or dentists, osteopaths, chiropractors and allied professions for out-patient care of persons requiring such professional services.
23. "Common sewer system" means a central sewer collecting system available to each platted lot and discharging into a treatment plant, the construction and location of which is approved by the appropriate County and/or State agency.
24. "Common water system" means a central water supply system available to each platted lot from one single source approved by the appropriate County and/or State agency.
25. "Conditional use" means a use not in specific conformity with the provisions of this chapter which may be allowed according to enumerated community safeguards.
26. "Confinement feeding operation" means any laying, nursing, farrowing or finishing operation which is conducted within a building or structure with a central waste collection system, for the purpose of raising livestock or poultry for sale.
27. "Court" means an open, unobstructed and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.
28. "Curb level" means the main level of the curb or the established curb grade in front of a lot.
29. "Day nursery" or "nursery school" (public or private) means any private agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight for six (6) or more unrelated children of preschool age, for compensation.
30. "District" means a section or sections of the City within which certain uniform regulations and requirements governing the use of buildings and premises or the height and areas of buildings and premises are uniform.

31. "Dwelling" means any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer or mobile home.
32. "Dwelling, condominium" means a multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others.
33. "Dwelling, multiple" means a residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.
34. "Dwelling, multiple elderly" means a group of residences designed for elderly occupants and having special site development considerations distinct from multiple dwellings occupied by all age groups.
35. "Dwelling, row" means any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.
36. "Dwelling, single-family" means a dwelling designed for occupancy by one family. All single family dwellings for which building permits have been issued after June 24, 1992, shall meeting the following standards:
- A. The principal portion of such building shall have a minimum dimension of not less than twenty-four (24) feet.
  - B. The principal portion of such building shall have a continuous and complete perimeter, load bearing, frost protected and permanent foundation, constructed of materials as required by the Building Code for regular foundation construction. The plans and specifications for construction of all foundations shall be approved by the Zoning Administrator prior to construction of the foundation; the construction of all such foundations shall be supervised and inspected periodically during the course of construction by the Zoning Administrator; and the completed foundation shall be inspected and approved by the Zoning Administrator as being capable of supporting the structure proposed to be built on top of the foundation. No construction on top of the foundation shall take place until the foundation has been inspected and approved by the Zoning Administrator.
  - C. The building shall have for the exterior wall covering either:
    - (1) Wood or masonry finish, or its appearance, and/or
    - (2) Vertical or horizontal grooved siding or lap siding, or its appearance.
  - D. In addition to other penalties and consequences provided in other parts of this Code of Ordinances, the City shall not provide any water service to a single-family dwelling which is constructed after June 24, 1992, if the foundation for the single-family dwelling does not meet the requirements and is not constructed in accordance with the rules and regulations provided in this chapter. If water utility service has been provided to the building site during the period of construction, and the Zoning Administrator determines after construction has been completed that the construction does not meet the requirements of this chapter as to foundations, then the City shall disconnect the water utility service.

37. “Dwelling, two family” means a residence designed for or used exclusively and occupied by two (2) families only, with separate housekeeping and cooking facilities for each.
38. “Dwelling unit” means a room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family, containing bathroom and/or kitchen facilities.
39. “Family” means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over four (4) persons.
40. “Farm” means an area comprising thirty-five (35) or more contiguous acres which is used for agricultural purposes and the growing and production of all farm products thereon, and their storage on the area, or for the raising thereon of poultry or livestock.
41. “Farmstead” means the buildings and adjacent service areas of a farm.
42. “Feed lot” means any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs, or sheep. A commercial feed lot is a feed lot, as defined, according to Poweshiek County Board of Health rules specifications, or in which the livestock on feed are owned by someone other than the owner of the feed lot.
43. “Fill” means the placing, storing, or dumping of any material such as earth, clay, sand, rubble, concrete, or waste of any kind upon the surface of the ground which results in increasing the natural surface elevation.
44. “Flood plain” or “flood-prone area” the area adjoining the river or stream which has been or may be hereafter covered by flood water.
45. “Floodway” means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required, to carry and discharge the flood water or flood flow of any river or stream as defined By the Iowa Department of Natural Resources.
46. “Floor area” means the sum of gross horizontal areas of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings.
47. “Floor area ratio” means the gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.
48. “Foster child care” means care and education of not more than five (5) children unrelated to the residents by blood or adoption.
49. “Frontage” means all the property on one side of a street between two intersecting streets (crossing or terminating ) measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
50. “Garage, private” means an enclosed structure intended for the parking of the private motor vehicles of the families resident upon the premises.
51. “Garage, public” means any building or premises except those used as private or storage garages, used for equipping, refueling, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

52. "Garage, storage" means any building or premises used for housing only of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

53. "Gasoline filling station" means any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles and may include such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, anti-freeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for the rendering of services and making adjustments and replacements to motor vehicles, and the washing, waxing and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repair; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or re-treading of tires.

54. "Grade" means the average level of the finished surface of the ground adjacent to the exterior walls of the building.

55. "Grain elevator" means a structure or group of related structures whose purpose is limited to the receiving, processing, storage, drying, and transporting of bulk grain.

56. "Home occupation" means a secondary use carried on entirely within the residence where there is no evidence of such occupation being conducted on the premises by virtue of signs, or displays, or excessive noise, odors, electrical disturbances, or traffic generation, with no more than one part-time nonresident assistant and where not more than one-fourth ( $\frac{1}{4}$ ) of the floor area of any one floor is devoted to such use.

57. "Home office combination" means any use, occupation, business or profession carried on within a residence unit that is not a home occupation.

58. "Hotel" means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house.

59. "Institution" means a building occupied by a non-profit corporation or a non-profit establishment for public use.

60. "Junk or salvage yard" means any area where waste, discarded or salvaged material or equipment are bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled, including house wrecking yards, auto wrecking activities, used lumber yards and places or yards for storage of salvaged building materials and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including pawn shops and establishments for the sale, purchase or storage of used furniture and households equipment, used cars in operable condition, or salvaged materials incidental and necessary to manufacturing operations and not including contractors' storage yards.

61. "Kennel, dog" means any lot on which four or more dogs, six months or older, are kept.

62. "Lodging house" means a building or place where lodging or boarding is provided for compensation for three (3) or more, but not exceeding twenty (20) individuals, not open to transient guests, in contradistinction to hotels open to transients.
63. "Lot," for the purposes of this chapter, 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 are herein required. Such lot shall have frontage on a dedicated or 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, of complete lots of record and portions of lots of records, or of portions of lots of record;
  - D. A parcel of land described by metes and bounds; provided that in no case of division shall any residual lot or parcel be created which does not meet the requirements of this Code of Ordinances.
64. "Lot area" is the total horizontal area within lot lines.
65. "Lot, corner" is a lot abutting upon two (2) or more streets at their intersection.
66. "Lot, depth of" means the mean horizontal distance between the front and rear lot lines.
67. "Lot, double frontage" means a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
68. "Lot, interior" means a lot other than a corner lot.
69. "Lot lines" means the lines bounding a lot.
70. "Lot line, front" means the line separating the lot from the street on which it fronts.
71. "Lot line, rear" means the lot line opposite and most distant from the front lot line.
72. "Lot line, side" means any lot line other than a front or rear lot line.
73. "Lot of record" means a lot which is part of a subdivision, the deed of which is recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
74. "Lot, reversed frontage" means a corner lot, the side street line of which is substantially a continuation of the front line of the first platted lot to its rear.
75. "Lot width" means the width of a lot measured at the building line and at right angles to its depth.
76. "Lumber yard" means a premises on which primarily new lumber and related building materials are sold.
77. "Manufactured home" is defined in Chapter 146 of this Code of Ordinances.
78. "Mobile home" is defined in Chapter 146 of this Code of Ordinances.
79. "Mobile home park" is defined in Chapter 146 of this Code of Ordinances.

80. "Motel," "auto court" or "motor lodge" means a building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with parking facilities conveniently located to each such unit, and may include such accessory facilities such as swimming pool, restaurant, meeting rooms, etc.
81. "Nonconforming use" means the lawful use of any building or land that was established prior to or at the time of passage of the zoning ordinance or amendments thereto which does not conform after the passage of such ordinance or amendments thereto with the use regulations of the district in which it is situated.
82. "Nursing or convalescent home" means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane and other mental cases, inebriate or contagious cases.
83. "Obstruction" means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, junk, solid waste, refuse, fill or other analogous structure or matter in, along, across, or projecting into any floodway which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.
84. "Occupancy permit" means a certificate issued by the administrative office, stating that the building and use comply with the provisions of this chapter.
85. "Office" means a place where chattels or goods, wares and merchandise are not commonly created, sold or exchanged.
86. "Official flood prone area map" means the map on file in the office of the Clerk and which delineates the flood plain within the City.
87. "Official zoning map" means the map on file in the office of the Clerk; this map by this reference is made a part of this chapter.
88. "Parking lot" means a parcel of land devoted to unenclosed parking spaces.
89. "Parking space" means an area of not less than two hundred (200) square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering incidental to parking or vacating such parking space shall not encroach upon any public right-of-way.
90. "Pavement" or "paving" means the pavement structure or the upper surface of a pavement structure or the materials of which the pavement structure is constructed.
91. "Pavement structure" means the combination of subbase, base course and surface course placed on a sub-grade to support the traffic load and distribute it to the road bed.
92. "Porch, unenclosed" means a roofed projection which has no more than fifty percent (50%) of each outside wall area enclosed by a building or siding material other than meshed screens.
93. "Principal use" means the main use of land or structures as distinguished from an accessory use.

94. "Regulatory flood" means a flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur in a particular stream or river. The regulatory flood generally has a frequency of approximately 100 years determined from an analysis of floods on a particular stream and other streams in the same general region.
95. "Regulatory flood protection elevation" means the elevation to which uses regulated by this chapter are required to be elevated or flood-proofed.
96. "Retail store" means an enterprise offering for sale to the ultimate consumer for direct consumption and not for resale.
97. "Right-of-way" means the land area the right to possession of which is secured or reserved by the contracting authority for road purposes.
98. "Road" means all property intended for use by vehicular traffic, dedicated or intended for public or private road, street, alley, highway, freeway or roadway purposes or to public easements thereof.
99. "Road bed" means the area of the roadway between the tops of foreslopes.
100. "Road line" means a dividing line between a lot, tract or parcel of land and a contiguous road.
101. "Roadside" means the area within the right-of-way and outside the shoulder lines of a road bed.
102. "Roadside stand" means a structure used seasonally for the sale of neighborhood agricultural products or other products grown or produced on the premises and so constructed that it might be readily moved.
103. "Rooming house" means a building where a room or rooms are provided for compensation to three (3) or more persons.
104. "Sanitary landfill" means land utilized for disposing of solid wastes in accordance with the rules and regulations of the Poweshiek County Land Fill Commission.
105. "Shop" means a use devoted primarily to the sale of a service or a product or products, but the service is performed or the product to be sold is prepared in its finished form on the premises. Packaging is not to be considered preparation.
106. "Shoulder" means that portion of the road bed contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.
107. "Sign, exterior" means a sign which directs attention to a business, profession, service, product or activity sold or offered upon the premises where such a sign is located. An exterior sign is a sign attached flat against a building or structure, or projecting out from a building or structure or erected upon the roof of a building or structure.
108. "Sign, free standing or post" means any sign erected or affixed in a rigid manner to any pole or post, and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs, or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof.

109. “Sign, illuminated” means a sign designed to give forth artificial light or through transparent or translucent material from a source of light within such sign, including but not limited to neon and exposed lamp signs.
110. “Sign, off-site” means a sign other than an on-site sign.
111. “Sign, on-site” means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.
112. “Stable, private” means a building or structure used or intended to be used for housing horses belonging to the owner of the property for non-commercial purposes.
113. “Stable, public” and “riding academy” means a building or structure used or intended to be used for the housing of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.
114. “Stable, riding club” means a building or structure used or intended to be used for the housing of horses by a group of persons for non-commercial purposes.
115. “Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.
116. “Story, half” means a space under a sloping roof which has the line of intersecting of roof decking and wall face not more than four (4) feet above the top floor level.
117. “Street line” means a dividing line between a lot, tract or parcel of land and a contiguous street.
118. “Street, road, drive or entrance (private)” means all property intended for use by vehicular traffic, but not dedicated to the public or controlled and maintained by a political subdivision.
119. “Street, road, drive or entrance (public)” means all property intended for use by vehicular traffic which has been dedicated to the public or deeded to a political subdivision.
120. “Structural alterations” means any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.
121. “Structure” means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, “structure” includes buildings, mobile homes, billboards and poster panels.
122. “Travel trailer” or “motor home” means a vehicle customarily used for vacation or recreational purposes defined and licensed in accordance with Section 321.1(68) of the *Code of Iowa*.
123. “Truck terminal” means a commercial facility where truck freight is stored, handled and dispatched between various locations by way of different major truck carriers and including facilities for the storage and repair of trucks and trailers while awaiting consignment.
124. “Use” means any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure, or on a tract of land.

125. "Variance" means a legal modification or variation of the provisions of this chapter as applied to a specific piece of property, as distinct from rezoning.

126. "Yard" means an open space on the same lot with a building or structure, unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.

127. "Yard, front" means a yard extending across the full width of the lot and measured between the front lot line and the building.

128. "Yard, rear" means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots and interior lots, the rear yard is at the opposite end of the lot from the front yard.

129. "Yard, side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building.

130. "Zoning Administrator" means the administrative officer designated or appointed by the Council to administer and enforce the regulations contained in this chapter.

131. "Zoning Commission" means the board, commission or group of people appointed by the Council to administer and enforce the regulations contained in this chapter.

132. "Zoning permit" means a permit issued by the enforcing officer authorizing the use of land in the manner and for the purpose specified in the application.

**165.05 CLASSIFICATION.** In order to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas and to regulate and determine the area of yards, courts and other open spaces within and surrounding such buildings, the City is hereby divided into seven (7) classes of districts. The use, height, and area regulations are uniform in each class of district and said districts shall be known as:

A-1	Agricultural District
R-1	Residential District
R-2	Multiple Family Residential District
C-1	Commercial District
C-2	Commercial District
IL	Light Industrial District
IG	General Industry District

**165.06 BOUNDARIES.** The boundaries of these districts are indicated upon the zoning map of the City, which map is made part of this chapter by reference. The zoning map and all the notations, references and other matters shown thereon are as much a part of this chapter as if the notations, references and other matters set forth by said map were all fully described

herein. The said zoning map is on file in the offices of the Clerk at the City Hall<sup>†</sup>. Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules apply:

1. The district boundaries are either street lines or alley lines, unless otherwise shown, and where the districts designated on the map are bounded approximately by street lines or alley lines, the street lines or alley lines shall be construed to be the boundary of the district.
2. In unsubdivided property, the district boundary lines on the zoning map shall be determined by use of the scale appearing on the map.

**165.07 FUTURE ANNEXATION OF TERRITORY.** All territory which may hereafter be annexed to the City shall automatically be classified as lying in the "A-1" Agricultural District until such classification shall have been changed by an amendment to the Zoning Ordinance, as provided by law.

**165.08 GENERAL REGULATIONS.**

1. **Conformance Required.** Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed 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.
2. **Continuing Existing Uses.** The use of a building existing at the time of the enactment of the Zoning Ordinance may be continued even though such use may not conform with the regulations of such ordinance for the district in which it is located.
3. **Nonconforming Uses or Buildings In Any District.**
  - A. **New Construction of Buildings.** Construction of new principal or accessory buildings is not allowed which will be used for or incidental to a use made nonconforming by this chapter.
  - B. **Structural Alterations and Enlargements.** Any building in any district devoted to a use made nonconforming by this chapter may be structurally altered or enlarged in conformity with the lot area, the lot frontage, yard and height requirements of the district in which situated under "principal permitted uses," provided such construction shall be limited to buildings on land owned of record by the owner of the land devoted to the nonconforming use prior to the effective date of the Zoning Ordinance. A nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
  - C. **Discontinuance.** In the event that a nonconforming use of any building or premises is discontinued for a period of one hundred eighty (180) days, the use of the same shall conform thereafter to the uses permitted in the district in which it is located. Change of ownership shall not be construed as discontinuance of a nonconforming use.

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<sup>†</sup>See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.

4. Replacing Damaged Buildings. Any nonconforming building or structure damaged by fire, flood, explosion, war, riot or act of God may be reconstructed or replaced substantially the same as the previous structure even if the replacement violates the provisions of the Zoning Ordinance, provided that the restoration, reconstruction or use is started within one year of such happening, and is built of like or similar materials.

5. Locating Buildings. Every building hereafter erected or structurally altered shall be located on a lot as defined herein and in no case shall there be more than one main building on one lot unless otherwise provided by this chapter.

6. Street Frontage Required. Except as permitted in Section 165.19 of this chapter, no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts on at least one street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street, and there shall be not more than one single-family dwelling for such frontage or easement, except that a common easement of access at least fifty (50) feet wide shall be provided for two or more such single-family dwellings or for one or more two-family or multiple dwellings.

7. Accessory Buildings. No accessory building shall be erected in any required court, or front yard. Accessory buildings shall be distant at least five (5) feet from alley, rear, or side lot lines in any "R-1" District. On a corner lot they shall conform to the setback regulations on the side street. Accessory buildings, except stables, may be erected as part of the principal building, provided all yard requirements for a principal building are complied with. Any accessory building which is not a part of the main building shall not occupy more than thirty percent (30%) of the rear yard and shall not exceed eighteen (18) feet in height; however, this regulation shall not be interpreted to prohibit the construction of a four hundred forty (440) square foot garage on a minimum rear yard.

8. Corner Lots.

A. For corner lots, platted after the effective date of the Zoning Ordinance, frontage may be considered on either street. Setback requirements along both streets shall conform to the front yard requirement of the district in which it is located. No accessory building on said corner lot shall project beyond the setback line of the lots to the rear.

B. For corner lots, platted and of record at the time of the effective date of the Zoning Ordinance, the side yard regulation shall apply to the longer street side of the lot, except in the case of reverse frontage lots. In the case of reverse frontage lots, there shall be a side yard on the longer street side of the corner lot not less than fifty percent (50%) of the setback required on the lots to the rear of such corner lot. No accessory building on said corner lot shall project beyond the setback line of the lot to the rear.

However, this regulation shall not be so interpreted as to reduce the building width of the corner lot platted and of record or as shown by existing contract of purchase at the time of the effective date of the Zoning Ordinance to less than twenty-eight (28) feet or to prohibit the erection of an accessory building.

9. Front Yard. In any "R-1" District, there shall be a minimum front yard required as stated in the yard requirements for that particular district, provided, however, that where lots comprising thirty percent (30%) or more of the frontage

within two hundred (200) feet of either side lot line are developed with buildings at a greater setback, the front yard setback shall be the average of these building setbacks and the minimum setbacks required for the undeveloped lots. In computing the average setback, buildings located on reversed corner lots or entirely on the rear half of lots shall not be counted. The required setback as computed herein need not exceed fifty (50) feet in any case.

10. Required Yards. No lot shall be reduced in area so as to make any yard or any other open space less than the minimum required by this chapter. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other structure. Off-street parking and loading areas may occupy all or part of any required yard or open space except as otherwise specified in this chapter.

11. Traffic Visibility Triangle. No obstructions, such as structures, parking or vegetation, shall be permitted between the heights of two and one-half (2½) and eight (8) feet above the average curb grades, or the street or highway grades at the centerline where there is no curb, within the triangular space formed by any two (2) existing or proposed intersecting street, highway or alley right-of-way lines and a line joining points on such lines located fifteen (15) feet from their intersection. In the case of arterial highways, the distances establishing the traffic visibility triangle shall be increased to fifty (50) feet.

12. Fences, Walls and Continuous Linear Shrubbery. Hedges, for example, are allowed in all yards but they shall not exceed the following height limitations unless otherwise stated, for residential districts:

A. In Front Yards: Not to exceed four (4) feet, except at corner lots where they may not exceed two and one-half (2½) feet.

B. In Side and Rear Yards: Not to exceed eight (8) feet in height.

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

14. Pending Applications For Building Permits. Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which approvals and required building permits have been granted before the enactment of this chapter, the construction of which shall have been started prior to the effective date of the Zoning Ordinance and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

15. Vacation. Whenever any street, road, railroad, or other public way is vacated by official action of the Council, the zoning district adjoining each side of such street, road, railroad, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall be subject to all appropriate regulations of the extended districts.

[The next page is 813]

**165.09 A-1 AGRICULTURAL DISTRICT.** The regulations set forth in this section and those contained in Section 165.08 (General Regulations) apply in the A-1 Agricultural District.

1. Purpose. The purpose of the A-1 Agricultural District is to prevent premature development at urban densities of agricultural land which is not served by streets, utilities, and community facilities at the time of designation. The district also permits agricultural activity on land within the corporate limits.

2. Permitted Uses. The following uses are permitted in the A-1 Agricultural District.

A. Principal Permitted Uses.

(1) Agricultural and the usual agricultural buildings and structures, including specialized poultry, pigeon, rabbit, and other animal farms, excluding confinement feeding operations, and the feeding or disposal of community or collected garbage.

(2) One-family dwellings.

(3) Truck gardening, private nurseries, and greenhouses, provided that no permanent dwelling units shall be erected thereon unless the tract contains three (3) or more deeded acres.

(4) Riding stables, public and private; however, any such structures must be located at least one hundred (100) feet from all boundary lines of the property on which it is located.

(5) Grain elevators (non-commercial).

(6) Forest and forestry.

(7) Private feed lots.

(8) Accessory Uses.

a. Accessory buildings and uses customarily incidental to any of the above principal uses.

b. Bulletin boards and signs pertaining to the lease, hire, or sale of a building or premises, or signs pertaining to any material that is mined, grown, or treated within the district, provided however, that such signs will be located upon or immediately adjacent to the building or in the area in which such materials are treated, processed or stored.

c. Private riding stables; however, any such structures must be located at least one hundred (100) feet from all boundary lines of the property on which it is located.

d. The owner of a farm may set aside a plot for one single-family dwelling or one mobile home to be occupied by a member of the immediate family only.

B. Conditional Permitted Uses. The following are also permitted uses subject to the procedure required in Section 165.19(8).

(1) Transmitting stations and towers.

- (2) Veterinary establishments.
- (3) Airports and landing fields.
- (4) Any building or use erected or maintained by any department of the City, Township, County, State or Federal government.
- (5) Cemeteries, both public and private (minimum of 10 acres).
- (6) Circus, carnival or similar transient enterprise.
- (7) Mining and extraction of minerals or raw materials.
- (8) Parks, playgrounds, recreational fields, golf courses and both public and private outdoor recreation facilities.
- (9) Public utility structures and equipment necessary for the operation thereof.
- (10) Home occupations.
- (11) Confinement feeding operations.
- (12) Accessory uses (same as paragraph (A)(8) of this subsection).

3. Height Regulations. Any building hereafter erected or structurally altered may be erected to any height not in conflict with other existing or future ordinances of the City.

4. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements shall be observed, subject to the modified requirements contained in Section 165.19.

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Least Width Any One Side	Rear Yard Depth
Dwelling	3 acres	200 feet	3 acres	30	20	30
Other Permitted Uses		200 feet		50	25	30
Accessory Uses				30	10	10

[The next page is 821]

**165.10 R-1 RESIDENTIAL DISTRICT.** The regulations set forth in this section and those contained in Section 165.08 (General Regulations) apply in the R-1 Residential District.

1. Purpose. The purpose of the R-1 Residential District is to provide a quiet, spacious living neighborhood in which residents are protected from hazards such as fire, nuisances such as noise, odors, vibrations, congestion, and environmental and aesthetic degradation, and uses which are incompatible with the provisions of this chapter for this district.

2. Permitted Uses. The following principal uses are permitted in the R-1 Residential District.

A. Principal Permitted Uses.

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Boarding and lodging houses.
- (4) Accessory Uses.

a. Private garages and hand or garden tool storage buildings.

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

c. One bulletin board or sign not exceeding thirty-five (35) square feet in area, pertaining to the construction, lease, hire or sale of a building or premises and sale of land or lots, which board or sign shall be removed as soon as the premises is leased, hired or sold or construction is completed.

d. Residence. The accessory residential building must be attached to the principal dwelling, or contained within the principal dwelling, or located not more than 20 feet from the principal dwelling. No accessory residential building shall be built until construction of the principal building has started. No accessory residential building shall be used as a residence if the principal building is unused for 6 months or more. An attached accessory residential building shall be not more than 33% of the total floor space of the principal dwelling unit. A detached accessory residential building shall not comprise more than 10% of the total lot area, and shall not exceed 33% of the floor space of the principal residential building. All utilities for an accessory residential building shall originate from and be shared with the principal dwelling. An accessory residential building shall have its own kitchen, bathroom, and sleeping facilities. An accessory residential structure shall be for single family occupancy only. The accessory residential structure shall have a minimum of one off-street parking stall.

*(Ord. 2013-5 – Apr. 14 Supp.)*

B. Conditional Permitted Uses. The following uses are also permitted subject to the procedure required in 165.19(8).

- (1) Home occupations.
- (2) Any building or use erected or maintained by any department of the City, Township, County, State or Federal government.
- (3) Churches and institutions of a religious, philanthropic or charitable character, including public libraries.
- (4) Parks, playgrounds, recreational fields, golf courses and both public and private outdoor recreation facilities.
- (5) Public and parochial schools, elementary and high, and other educational institutions having an established current curriculum the same as ordinarily given in public schools.
- (6) Public utility structures and equipment necessary for the operation thereof.
- (7) Hospitals, day nurseries, nursing and convalescent homes, and clinics, excepting animal hospitals.
- (8) Accessory uses:
  - a. Private garages and hand or garden tool storage buildings.
  - b. Temporary buildings for use incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
  - c. One bulletin board or sign not exceeding thirty-five (35) square feet in area, pertaining to the construction, lease, hire or sale of a building or premises and sale of land or lots, which board or sign shall be removed as soon as the premises is leased, hired or sold or construction is completed.
  - d. Church bulletin boards.
- (9) Three-family dwelling.
- (10) Four-family dwelling.
- (11) Parking lots with hard surface paving used in connection with a church, a school, a park, or a funeral home.

*(Ord. 2012-4 – May 13 Supp.)*

3. Recreational Vehicles. Recreational vehicles shall not be parked or stored within the front yard of a lot in any residential district. Recreational vehicles may be parked or stored within the side yard or rear yard of a residential lot or within an enclosed garage. Recreational vehicles shall not be used for human occupancy in any residential district for more than seventy-two (72) hours. Recreational vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in completely enclosed buildings. "Recreational vehicle" includes trailers.

4. **Height Regulations.** No principal building shall exceed thirty-five (35) feet in height, and no accessory use shall exceed eighteen (18) feet in height, except as provided in Section 165.19.
5. **Lot Area, Lot Frontage and Yard Requirements.** The following minimum requirements shall be observed, subject to the modified requirements contained in Section 165.19.

<b>Use</b>	<b>Lot Area</b>	<b>Lot Width</b>	<b>Lot Area Per Family</b>	<b>Front Yard Depth</b>	<b>Least Width Any One Side</b>	<b>Rear Yard Depth</b>
One-Family Dwelling	9,000 sq. feet	75 feet	9,000 sq. feet	30 feet	5 feet	30 feet
Two-Family Dwelling	8,800 sq. feet	80 feet	4,400 sq. feet	30 feet	5 feet	30 feet
Three-Family Dwelling	7,500 sq. feet	80 feet		30 feet	5 feet	35 feet
Four-Family Dwelling	10,000 sq. feet	80 feet		30 feet	5 feet	35 feet
Other Permitted Uses	9,600 sq. feet	80 feet		30 feet	5 feet	30 feet

[The next page is 827]

**165.11 R-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT.** The regulations set forth in this section and those contained in Section 165.08 (General Regulations) apply in the R-2 Multiple-Family Residential District.

1. Purpose. The purpose of the R-2 Multiple-Family Residential District is to provide areas of high-density housing and transitional uses.
2. Permitted Uses. The following are permitted uses in the R-2 Multiple-Family Residential District.
  - A. Any use permitted in the R-1 Residential District.
  - B. Multiple-family dwellings.
  - C. Funeral homes and mortuaries.
  - D. Commercial and professional offices.
  - E. Accessory Uses.
    - (1) Accessory uses permitted in the “R-1” District.
    - (2) Signs for the above permitted uses as provided.
3. Recreational Vehicles. Recreational vehicles shall not be parked or stored within the front yard of a lot in any residential district. Recreational vehicles may be parked or stored within the side yard or rear yard of a residential lot or within an enclosed garage. Recreational vehicles shall not be used for human occupancy in any residential district for more than seventy-two (72) hours. Recreational vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in completely enclosed buildings. “Recreational vehicle” includes trailers.
4. Height Regulations. No principal building shall exceed a height of forty-five (45) feet, and no accessory structure shall exceed eighteen (18) feet in height, except as provided in Section 165.19.
5. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements shall be observed, subject to the modified requirements contained in Section 165.19.

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Least Width Any One Side	Rear Yard Depth
One-Family Dwelling	6,000 sq. feet	60 feet	6,000 sq. feet	30 feet	5 feet	30 feet
Two-Family Dwelling	8,800 sq. feet	80 feet	4,400 sq. feet	30 feet	5 feet	30 feet
Multiple-Family Dwelling and Other Permitted Uses	10,000 sq. feet	80 feet	*	30 feet	5 feet	35 feet
*2,500 square feet for the first four (4) units plus 1,000 square feet for each additional unit						

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**165.12 C-1 COMMERCIAL DISTRICT.** The regulations set forth in this section and those contained in Section 165.08 (General Regulations) apply in the C-1 Commercial District.

1. Purpose. The purpose of the C-1 Commercial District is to provide for the maintenance of certain elements of the downtown area by permitting higher densities and limited on the street parking near the established commercial core of the City.

2. Permitted Uses. The following are permitted uses in the C-1 Commercial District.

A. Principal Permitted Uses.

- (1) Retail sales establishments.
- (2) Financial institutions.
- (3) Personal and business service establishments.
- (4) Commercial and professional offices.
- (5) Restaurants, cafés, taverns and bars.
- (6) Arcades, pool halls and other similar places of amusement.
- (7) Private clubs and lodges.
- (8) Government offices, post offices and libraries.
- (9) Historic and cultural features and buildings.
- (10) Bus depots.
- (11) Parking lots.
- (12) Parks and recreational areas when publicly owned and operated.
- (13) Clinics.

B. Conditional Permitted Uses. The following are also permitted uses subject to the procedure required in Section 165.19(8).

- (1) Wholesale establishments.
- (2) Warehouses for local wholesale and retail establishments or for personal property, not including industrial warehouses and distribution centers.
- (3) Veterinary hospital and clinics.
- (4) Commercial boarding and breeding kennels
- (5) Multiple family dwellings, plus customary accessory buildings.
- (6) Automobile and other vehicular sales.
- (7) Apartments above the first floor of a commercial use.
- (8) Telephone exchanges, electrical substations and booster substations and similar installations of publicly regulated utilities.

3. Prohibited Uses. The following uses are prohibited in the C-1 Commercial District.

- A. Sale and storage of livestock.
- B. Bulk sale and storage of grain, fertilizer and petroleum products.

4. Height Regulations. No principal building shall exceed a height of forty-five (45) feet, and no accessory structure shall exceed eighteen (18) feet in height, except as provided in Section 165.19.

5. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements shall be observed, subject to the modified requirements contained in Section 165.19.

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Least Width Any One Side	Rear Yard Depth
Principal Permitted Uses	Conform to setback of buildings in the Central Business District.					
When Abutting Residential					20 feet	25 feet
Multiple-Family	Same as specified in "R-2" District					
Hotels and Motels	1 acre	100 feet	NA	40 feet	10 feet	25 feet

[The next page is 841]

**165.13 C-2 COMMERCIAL DISTRICT.** The regulations set forth in this section and those contained in Section 165.08 (General Regulations) apply in the C-2 Commercial District.

1. Purpose. The purpose of the C-2 Commercial District is to provide for low-density business and limited wholesale and other noncommercial uses.

2. Permitted Uses. The following are permitted uses in the C-2 Commercial District.

A. Principal Permitted Uses.

- (1) Retail sales establishments.
- (2) Financial institutions.
- (3) Personal and business service establishments.
- (4) Automotive and equipment service establishments, including gasoline service stations.
- (5) Commercial and professional offices.
- (6) Hotels and motels.
- (7) Restaurants, cafés, taverns and bars.
- (8) Theaters, bowling centers, arcades, pool halls and dance halls.
- (9) Auditoriums and community centers.
- (10) Greenhouses and nurseries.
- (11) Private clubs and lodges.
- (12) Historic and cultural features and buildings.
- (13) Bus depots.
- (14) Veterinary hospitals and clinics.
- (15) Clinics.
- (16) Wholesale establishments.
- (17) Warehouses for local wholesale and retail establishments or for personal property, but not including industrial warehouses and distribution centers.
- (18) Parking lots.
- (19) Parks and recreation areas when publicly owned and operated.

B. Conditional Uses. The following are permitted uses subject to the procedure required in Section 165.19(8).

- (1) Rest homes and nursing homes.
- (2) Hospitals and sanitariums.
- (3) Commercial boarding and breeding kennels.

- (4) Commercial outdoor recreation areas, including golf courses, miniature golf courses, swimming pools and campgrounds.
- (5) Drive-in restaurants.
- (6) Multiple-family dwellings, plus customary accessory buildings.
- (7) Bulk sale and storage of grain, fertilizer and petroleum products.
- (8) Truck terminals.
- (9) Lumber yards.
- (10) Telephone exchanges, electrical substations, booster stations and similar installations of publicly regulated utilities.

3. Prohibited Uses. The following uses are prohibited in the C-2 Commercial District.

A. Sale and storage of livestock.

4. Height Regulations. No building shall exceed a height of forty-five (45) feet, and no accessory structure shall exceed eighteen (18) feet in height, except as provided in Section 165.19.

5. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements shall be observed, subject to the modified requirements contained in Section 165.19.

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Least Width Any One Side	Rear Yard Depth
Principal Permitted Uses	12,000 sq. feet	100 feet	NA	40 feet	10 feet	25 feet
Multiple-Family Dwellings	Same as specified in "R-2" District					
Hotels and Motels	1 acre	100 feet	NA	40 feet	10 feet	25 feet
Accessory Uses					10 feet	5 feet

[The next page is 847]

**165.14 IL LIGHT INDUSTRIAL DISTRICT.** The regulations set forth in this section and those contained in Section 165.08 (General Regulations) apply in the IL Light Industrial District.

1. Purpose. The purpose of the IL Light Industrial District is to accommodate light industrial, wholesale and research establishments. Emphasis is placed on providing warehousing and light assembly industries. The light industrial district allows all industrial uses except those that would present danger to residents of the community or generate noise, smoke, traffic or air or water pollution that would create a public or private nuisance. Outdoor storage of raw materials or finished products is allowed, providing that all outdoor storage shall be screened by a site obscuring fence or shrubs when the storage lot is fronting a street or highway and/or is adjacent to residential districts. The fence or shrubs shall be not less than six (6) feet in height, and shall completely obscure the outdoor storage. Residential, commercial and public uses are prohibited.
2. Permitted Uses. The following are permitted uses in the IL Light Industrial District.
  - A. Wholesaling and warehousing.
  - B. Production, processing, servicing, testing, repair or storage of materials, equipment or goods.
  - C. Public or community services.
  - D. Temporary buildings for construction purposes for a period not to exceed the completion date of such construction.
  - E. Agricultural activities, limited to horticulture and nursery.
  - F. Accessory buildings and uses, including off-street parking and loading.
  - G. Outside storage.
3. Prohibited Uses. The following uses are prohibited in the IL Light Industrial District.
  - A. Residential dwellings.
4. Required Conditions. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter or water carried waste.
5. Height Regulations. No principal building shall exceed a height of forty-five (45) feet, and no accessory structure shall exceed eighteen (18) feet in height, except as provided in Section 165.19.
6. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements shall be observed, subject to the modified requirements contained in Section 165.19.

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Least Width Any One Side	Rear Yard Depth
Principal Permitted Uses	12,000 sq. feet	100 feet	NA	30 feet	10 feet	25 feet
Accessory Uses					10 feet	15 feet

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**165.15 IG GENERAL INDUSTRIAL DISTRICT.** The regulations set forth in this section and those contained in Section 165.08 (General Regulations) apply in the IG General Industrial District.

1. Purpose. The purpose of the IG General Industrial District is to accommodate those industrial uses which are not permitted in the IL Light Industrial District. Such industrial undertaking need not be enclosed where the type of undertaking requires that the activities be carried on outside. All production, processing, servicing, testing, repair or storage may take place in enclosed buildings. All outdoor storage shall be screened by a site obscuring fence or shrubs when the zoning lot is fronting a street or highway and/or is adjacent to residential districts. Residential, commercial and public uses are prohibited.

2. Permitted Uses. The following are permitted uses in the IG General Industrial District.

A. Principal Permitted Uses.

- (1) Wholesaling and warehousing.
- (2) Production, processing, servicing, testing, repair or storage of materials, equipment or goods.
- (3) Public or community services.
- (4) Temporary buildings for construction purposes for a period not to exceed the completion date of such construction.
- (5) Agricultural activities, excluding animal husbandry.
- (6) Accessory buildings and uses, including off-street parking and loading.

B. Conditional Uses. The following are also permitted uses subject to the procedure required in Section 165.19(8).

- (1) Stone and gravel pits.
- (2) Slaughter houses and stock yards.
- (3) Distillation of ethanol.
- (4) Acid or chemical manufacture or storage.
- (5) Cement, lime, gypsum or similar material manufacture.
- (6) Explosive manufacture or storage.
- (7) Garbage, offal or dead animal reduction.
- (8) Petroleum refining or storage.
- (9) Rubber goods manufacture.
- (10) Salvage yard or junk yard provided that the premises on which such activity is conducted shall be wholly enclosed within a building, fence or wall, not less than six (6) feet in height, completely obscuring the activity.
- (11) Mining and the extraction of minerals and raw materials.

3. Height Regulations. No principal building shall exceed a height of thirty-five (35) feet, except as provided in Section 165.19.

4. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements shall be observed, subject to the modified requirements contained in Section 165.19.

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Least Width Any One Side	Rear Yard Depth
Principal and Accessory Permitted Uses	20,000 sq. feet	200 feet	NA	25 feet	15 feet	40 feet
When Abutting Residential District				200 feet	200 feet	200 feet
When Abutting C-1, C-2, IL or A-1 District				100 feet	100 feet	100 feet

[The next page is 871]

**165.16 PARKING AND LOADING AREAS AND PARKING LOTS.**

1. Purpose. The purpose of this section is to promote public safety and welfare by reducing the congestion of public streets. Off-street parking and loading space will be provided on individual lots in a quantity related to the use of the property.
2. Scope of This Section. The off-street parking and loading provisions of this chapter shall apply as follows.
  - A. Off-street parking and loading space shall be provided for all buildings and structures erected after the effective date of the Zoning Ordinance.
  - B. Where the intensity of the use of any building, structure or premises is increased, additional parking shall be provided to match the increased intensity of use.
  - C. Where an existing building or structure is converted to a new use, parking shall be provided according to the requirements of the new use.
  - D. Existing parking and loading serving any type of use shall not be reduced below the requirements of this section.
  - E. Off-street parking and loading may be established voluntarily, provided it meets the requirements of this section.
  - F. Where a conforming or legally nonconforming building is destroyed or damaged by fire, explosion, flood or any other manmade or natural catastrophe, no off street parking or loading is required during the process of reconstruction.
  - G. Any application for a zoning permit or for a certificate of zoning compliance shall include therewith a plot plat accurately showing any parking or unloading facilities to be provided in compliance with this section.
  - H. Off-street parking facilities for different buildings, structures, uses or mixed uses may be provided collectively in any nonresidential zoning district, provided that the total number of stalls so located together shall not be less than the sum of the separate requirements of each use.
3. Size of Stall. A required off-street parking stall shall be at least ten (10) feet in width and at least twenty (20) feet in length, exclusive of access drives and aisles, ramps, columns or office work areas. A stall shall have a vertical clearance of at least seven (7) feet.
4. Surfacing. Any open off-street parking area containing more than five (5) parking stalls shall be provided with dust-free surface meeting the standards set by the City.
5. Miscellaneous Provisions.
  - A. Parking is allowed in all required yards except the first thirty (30) feet of a required front yard in residential districts. However, parking is allowed in the first thirty (30) feet of a required front yard in residential districts if the vehicle is parked in a driveway. "Driveway" means a surface designed for vehicle travel from the street to the property beyond the first 30 feet.

B. No parking is allowed in the traffic visibility triangle defined in Section 165.08(11).

C. Commercial vehicles, campers, travel trailers, motor homes, boats, buses, trucks over three-quarters (3/4) ton, and other similar recreational vehicles and apparatus shall not be parked or stored for a length of time greater than twenty-four (24) hours in the first thirty (30) feet of required front yards of residential lots.

D. Major repair and alteration of the commercial and recreational vehicles listed in paragraph C above shall not be conducted in any residential district except within a completely enclosed building, nor shall such repair and alteration be conducted as an occupation in any residential district.

6. Truck Loading and Parking Areas. Off-street areas sufficient for all truck loading and truck storage and parking shall be provided in connection with all buildings and uses delivering and receiving goods, materials, and supplies by truck and those using trucks in their business or operation.

7. Number of Parking Stalls Required.

Use	Number of Parking Stalls Required
A. Single-family dwellings and mobile homes	2 stalls/dwelling
B. Multi-family dwellings and duplexes	1.5 stalls/dwelling unit
C. Hotels and motels (also see "G" and "I" of this subsection)	1 stall/guest room, 1 stall/3 employees
D. Clubs, lodges, sororities, fraternities, dormitories and lodging and boarding houses (also see "G" and "I" of this section)	1 stall/2 beds
E. Service Institutions:	
1. Hospitals.....	1 stall/2 beds and 1 stall/3 employees
2. Sanatoriums, institutions, rest homes and nursing homes.....	1 stall/4 beds and 1 stall/3 employees
F. Medical and dental clinics	6 stalls/doctor
G. Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall/5 permanent seats or 1 stall/100 square feet, whichever is greater
H. Schools	
1. Elementary schools.....	1 stall/employee
2. High schools.....	1 stall/employee and 1 stall/5 students
I. Retail sales and services:	
1. Restaurants, bars and lounges.....	1 stall/50 square feet of gross floor area or 1 stall/6 seats, whichever is greater
2. Financial institutions, business and governmental and professional offices.....	1 stall/300 square feet
3. Funeral homes.....	1 stall/4 seats or 1 stall/100 square feet exclusive of embalming facilities, whichever is greater
4. Bowling alleys (also see "G" of this section).....	5 stalls/lane
5. All other retail sales and services, including shopping centers.....	1 stall/250 square feet of gross floor area
J. Manufacturing and processing plants, laboratories, warehouses and wholesale sales	1 stall/2 employees

**165.17 FILLING STATIONS AND PUBLIC GARAGES.**

1. No gasoline filling station or a commercial customer or employee parking lot for twenty-five (25) or more motor vehicles, or a parking garage or automobile repair shop shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is in another block or an another street which the lot in question does not abut.
2. No gasoline filling station or public garage shall be permitted where any oil draining pit or fuel filling appliance is located within twenty-five (25) feet from any R-1 or R-2 District, except where such appliance or pit is within a building.

**165.18 OUTDOOR ADVERTISING SIGNS AND BILLBOARDS.** In all districts where permitted, billboards shall be set back from the proposed right-of-way line of any State or Federal highway, any major City thoroughfare and from the right-of-way line of any other street or highway, at least as far as the required front yard depth for a principal building in such districts, however, the setback of any outdoor advertising sign or billboard (not including, however, business identification and directional and other incidental signs otherwise permitted under the provisions of this chapter) on corner lots, in the triangle formed by the lines of the streets intersecting at an angle of less than sixty (60) degrees and a line joining parts on such lines one hundred (100) feet distant from their point of intersection, no outdoor advertising sign or billboard shall be permitted. No such sign or billboard shall be permitted which faces the front or side lot line of any lot in any "R" District used for residential purposes within one hundred (100) feet of such lot lines, or which faces any public parkway, public square or entrance to any public park, public or parochial school, church, cemetery or similar institution, within three hundred (300) feet thereof.

**165.19 EXCEPTIONS AND MODIFICATIONS.** The regulations specified in this chapter are subject to the following exceptions and interpretations.

1. Use of Existing Lots of Record. In any district where dwellings are permitted, a single-family dwelling may be located on any lot of official record as of the effective date of the Zoning Ordinance irrespective of its area or width; and in addition, any two-family dwelling may be located on any lot or plot in any R-1 or R-2 Residential District that has a lot width of not less than sixty (60) feet and is of official record as of the effective date of the Zoning Ordinance; provided, however:
  - A. The sum of the side yard widths of any such lot or plot shall not be less than fifteen (15) feet, but in no case less than seven and one-half (7½) feet, for any one side yard.
  - B. The depth of the rear yard of any such lot need not exceed twenty percent (20%) of the depth of the lot, but in no case less than fifteen (15) feet.
  - C. In the case of a lot of record where the above requirements are greater than those of the district in which it is located, the lesser requirement shall apply.
  - D. In the case of building setback lines established on lots of record, as of the effective date of the Zoning Ordinance, such setback lines may apply in lieu of those required by this chapter unless existing adjacent building setbacks are greater than specified on the plat of record, in which case the provisions of Section 165.08 shall apply.

2. Structures Permitted Above Height Limit. The building height limitations of this chapter shall be modified as follows:

A. Chimneys, cooling towers, elevator bulk heads, fire towers, monuments, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, radio or television towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances of the City.

B. Public, semi-public, or public service buildings, hospitals, sanatoriums, or schools, when permitted in a district, may be erected to height not exceeding sixty (60) feet; and churches and temples, when permitted in a district, may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each property line at least one foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.

C. Single-family dwellings and two-family dwellings in the residential dwelling districts may be increased in height by not more than ten (10) feet when two side yards of not less than fifteen (15) feet each are provided, but they shall not exceed three stories in height.

3. Area Requirements. In any district where no public water supply or private water supply serving three or more lots, or public sanitary sewers or a private sanitary sewer treatment system serving three or more lots is accessible, the lot area requirement shall be three acres; however, where there is a public water supply or a private water system serving three or more lots, this requirement shall be ten thousand (10,000) square feet. All other lot requirements of the district in which such lots exist shall apply.

4. Double Frontage Lots. Buildings on through lots and extending through from street to street shall provide the required front yard on both streets.

5. Rear and Side Yards - How Computed. In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, one-half (½) of the alley width may be included as a portion of the rear or side yard as the case may be.

6. Other Exceptions to Yard Requirements. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices, and ornamental features projecting not to exceed twenty-four (24) inches. Residential fences or landscape features such as sculpture or walls may be erected or constructed on property lines provided no such fence in any front yard exceeds two and one-half (2½) feet and eight (8) feet in height in the case of side or rear yards. In the C-1 Commercial District, signs, overhangs, and marquees may extend over street right-of-way lines provided erection of such signs, overhangs, and marquees are constructed in accordance with the provisions of the Iowa State Building Code.

Fences are to be constructed of customarily used materials such as: chain link, wrought iron, aluminum, wood, polyvinyl chloride. Wood fences are to be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay. The following materials are not acceptable for fencing: sheet metal, chicken wire, temporary construction fencing, snow fencing, woven wire commonly used for the penning of livestock, wood pallets. The

property owner shall maintain the fence to prevent rust, corrosion, and deterioration, so as not to become dilapidated or a danger. Any fence existing on October 1, 2017 not in conformance with this ordinance may remain in place, if the fence was built after issuance of a city building permit.

*(Subsection 6 – Ord. 2017-5 – Jan. 18 Supp.)*

7. Porches. An existing open porch may be remodeled or rebuilt to be closed in and become part of the residence.

8. Conditional Permitted Uses. A conditional use permit must be obtained from the Board of Adjustment for any of the following buildings or uses. Conditional use permits can only be issued for the following buildings or uses, and only for locating in districts where permitted by this chapter. Conditional permitted uses are:

- A. Airports and landing fields.
- B. Any building or use erected or maintained by any department of the City, Township, County, State or Federal government.
- C. Cemeteries, both public and private (minimum of 10 acres).
- D. Churches and institutions of a religious, philanthropic, or charitable character.
- E. Circus, carnival, or similar transient enterprise.
- F. Mining and extraction of minerals or raw materials.
- G. Parks, playgrounds, recreational fields, golf courses and both public and private outdoor recreational facilities.
- H. Public and parochial schools, elementary and high school and other educational institutions having an established current curriculum the same as ordinarily given in public schools.
- I. Public utility structures and equipment necessary for the operation thereof.
- J. Home occupations.
- K. Transmitting stations and towers.
- L. Veterinary establishments.
- M. Confinement feeding operations, provided that such use is located not less than one thousand three hundred twenty (1,320) feet from the nearest existing dwelling and that such use is located on a farm as defined by this chapter.
- N. Wholesale establishments.
- O. Warehouse for local wholesale or retail establishments or for personal property, but not including industrial warehouses and distribution centers.
- P. Commercial boarding and breeding kennels.
- Q. Multiple-family dwellings and customary accessory buildings.
- R. Automobile and other vehicular sales.
- S. Apartments above the first floor of a commercial use.

- T. Rest homes and nursing homes.
- U. Hospitals and sanatoriums.
- V. Commercial outdoor recreation areas including golf courses, miniature golf courses, swimming pools and camp grounds.
- W. Drive-in restaurants.
- X. Bulk sale and storage of grain, fertilizer and petroleum products.
- Y. Truck terminals.
- Z. Lumber yards.
- AA. Home office combination.
- BB. Parking lots with hard surface paving. *(Ord. 2012-4 – May 13 Supp.)*

Before the issuance of any conditional permitted use for any of the above buildings or uses, the Board of Adjustment shall refer the proposed application to the City Zoning Commission, which shall be given forty-five (45) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the Zoning Commission has been filed, provided however, that if no report is received from the Zoning Commission within 45 days, it shall be assumed that positive recommendation of the application has been given by the said Commission.

9. Front Yard Requirement. A building may be erected on a lot closer to the front property line than otherwise required by this chapter, except that no building shall be erected on a lot closer to the front property line than the setback of the nearest adjacent existing building.

#### **165.20 BOARD OF ADJUSTMENT.**

1. Appointment and Membership. A Board of Adjustment, to be hereafter referred to as the "Board," is hereby established. The Board shall consist of five (5) members, each to be appointed by the Council for the term of five (5) years. Members shall be removable for cause by appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

2. Rules; Meetings; General Procedure. The Board shall adopt rules of procedure in accordance with the provisions of this chapter. The Board shall elect its own Chairperson, who shall serve as Chairperson for one year. 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 absence of the Chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public and the presence of three members shall constitute a quorum. 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.

3. Jurisdiction; Powers. The Board of Adjustment may in appropriate conditions and safeguards make special exceptions to the terms of this chapter in harmony with its general purpose and in accordance with the rules herein contained and provide that any property owner aggrieved by the action of the Council in the adoption of such regulations and restrictions may petition the said Board of Adjustment direct to modify regulations and restrictions as applied to such property owners. The Board shall have the following powers and duties.

A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this chapter.

B. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done. Special conditions shall include but not be limited to a property owner who can show that his or her property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations the strict application of the terms of this chapter actually prohibits the use of his or her property in a manner reasonably similar to that of other property in the district.

C. To hear and decide the issuance of Conditional Use Permits which the Board of Adjustment is empowered to issue under Section 165.19(8).

D. The Board of Adjustment is specifically authorized to permit the extension of a district where the boundary line of a district divides a lot in a single ownership as shown of record or by existing contract or purchase at the time of the passage of the Zoning Ordinance, but in no case shall extension of the district boundary line exceed forty (40) feet in any direction.

The Board of Adjustment in making an exception to the Zoning Ordinance shall be guided by the general rule that the exceptions shall by their design, construction, and operation adequately safeguard the health, safety, and welfare of the occupants of adjoining and surrounding property; shall not impair an adequate supply of light and air to adjacent property; shall not increase congestion in the public streets; shall not increase public danger of fire and safety; and shall not diminish or impair established property values in surrounding areas.

4. Appeals. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City, affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in the opinion of the Zoning Administrator, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the

Board or by a court of record on application of notice to the Zoning Administrator, and on due cause shown. The Board of Adjustment, giving a reasonable time, shall fix a time, date and place for the hearing upon the appeal and shall publish notice of the public hearing upon the appeal in a paper of general circulation within the City at least seven (7) days, but not more than twenty (20) days before said date of public hearing. The Board shall also notify by mail all property owners included in the proposed appeal and all adjacent property owners as found in the County Assessor's records of the scheduled hearing. The notice of hearing shall be mailed at least ten (10) days prior to the hearing and shall contain a description of the property in question and a description of proposed action. The applicant must place a poster given by the City on the property one week prior to the Board of Adjustment meeting. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay to the Clerk to be credited to the General Fund of the City, the cost of publishing said notice and the administrative costs of said appeal as determined by the Council. In exercising the above-mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper, and to that end shall have the powers of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter; provided, however, the action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and the vote of each member participating therein, has been entered in the minutes. Such resolution, immediately following the Board's final decision, shall be filed in the office of the Clerk, open to the public inspection, and shall be published in the official newspaper of the City. An appeal to the Board of Adjustment shall be accompanied by a fee of one hundred twenty-five dollars (\$125.00).

**165.21 OCCUPANCY PERMITS.** No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Zoning Administrator stating that the building and use comply with the provisions of this chapter and the building and health ordinances of the City. No change of use shall be made in any building or part thereof, new or hereafter erected or structurally altered, without a permit being issued therefor by the Zoning Administrator. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this chapter. Nothing in this section shall prevent the continuance of a nonconforming use as herein authorized, unless a discontinuance is necessary for the safety of life or property. Certificates for occupancy and compliance shall be applied for coincidentally with the application for a building permit, and 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 on request to any person having a proprietary or tenancy interest in the building affected. No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for certificate of occupancy and compliance, and no building or premises shall be occupied until that certificate and permit are issued. A certificate of occupancy shall be required of all nonconforming uses. Application for certificate of occupancy for nonconforming uses shall be filed with the Zoning Administrator within twelve (12) months after the effective date of the Zoning ordinance.

**165.22 SITE PLAN.** Each application for a building permit shall be accompanied by a plan in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size,

shape and location of the building to be erected and such other enforcement of this chapter. A record of application and plats shall be kept in the office of the Zoning Administrator.

**165.23 AMENDMENTS.**

1. Purpose. The purpose of this section is to provide a procedure for changing district boundaries, district regulations, and other textual and map provisions of this chapter. The Council, Zoning Commission or landowner of property proposed may initiate such amendments.
2. Petition for Amendments. A petition for an amendment shall be filed with the Zoning Administrator. The petition shall contain the following information if the amendment will affect only a particular property or properties.
  - A. Name and address of petitioner
  - B. Statement that the petitioner is the owner or authorized agent of the owner of the property for which the change in district boundary or use is proposed.
  - C. Address and description of property.
  - D. An accurate drawing of the site and surrounding area for a distance of at least two hundred (200) feet from each boundary.
  - E. Name and address of adjacent property owners.
  - F. The application shall be accompanied by a filing fee of one hundred twenty-five dollars (\$125.00).
3. Referral to Zoning Commission. The Zoning Administrator shall refer the application for amendment to the Zoning Commission. The petition shall be recorded and filed in the office of the Zoning Administrator. A petition must be filed not less than fifteen (15) days before a Zoning Commission meeting. One week prior to the Zoning Commission meeting the applicant must place a sign given by the City on the property. Owners of adjacent properties shall be notified by writing of the petition. Their failure to receive notice of the petition shall not invalidate the proceedings.
4. Action by the Zoning Commission. Within thirty (30) days of the Zoning Commission meeting when the petition is considered, the Zoning Commission shall transmit in writing to the Council its recommendation for the disposition of the application. The Zoning Commission shall make one of the following recommendations:
  - A. Approval of the amendment as presented by applicant.
  - B. Approval of the amendment with modifications.
  - C. Denial of the amendment.
5. Disposition by the Council. Within thirty (30) days of receipt of the Zoning Commission recommendation, the Council shall place the petition for amendment on its agenda and shall hold at least one public hearing on the proposed amendment. The public hearing shall be recorded and filed in the Office of Clerk. Notice of public hearing shall be published not less than seven (7) or more than twenty (20) days before the public hearing in a newspaper of general circulation in the City. Owners of adjacent property shall also be notified in writing. Their failure to get the notice or

attend the public hearing shall not invalidate the proceedings. The Council shall act on the amendment by:

- A. Approval of the amendment.
- B. Approval of the amendment with modifications.
- C. Denial of the amendment.

Any proposed amendment which fails to receive the approval of the Zoning Commission or has received a filed objection duly signed and acknowledged by the owners of twenty percent (20%) or more of the area to be rezoned, by the owners of twenty percent (20%) or more of the land immediately adjacent to the property extending two hundred (200) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly across the street and extending two hundred (200) feet in either direction, shall not be approved by the Council except by a three-fourths (3/4) vote of the Council members voting. An amendment to the Zoning Ordinance becomes effective upon passage by the Council and publication.

6. Standards. Prior to the Zoning Commission recommending approval, or the Council approving an amendment, each body shall determine that the proposed amendment will meet the following standards:

- A. It will in no way endanger public health, safety, morals, comfort and general welfare.
- B. It will not be injurious to the enjoyment of other property in the immediate vicinity.
- C. It will not impede the orderly development and improvement of property in the City.

**165.24 VIOLATION.** Each day that a violation of this chapter is permitted to exist constitutes a separate offense.

**165.25 ENFORCEMENT.** The Council shall appoint a Zoning Administrator and it shall be the duty of said officer to enforce this chapter. Such administrative officer may be a person holding other public office in the City. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this chapter, the Zoning Administrator, in addition to other remedies shall institute any proper action or proceedings in the name of the City, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, to prevent any illegal act, conduct business or use in or about said premises.



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